



Development Management - Planning Committee

Report of Head of Planning, Engineering and Transportation, Economy and Environment Directorate on 7th June 2018

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Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jun-2018

Plans List Item Number: 1.

Reason for bringing to committee: Major application

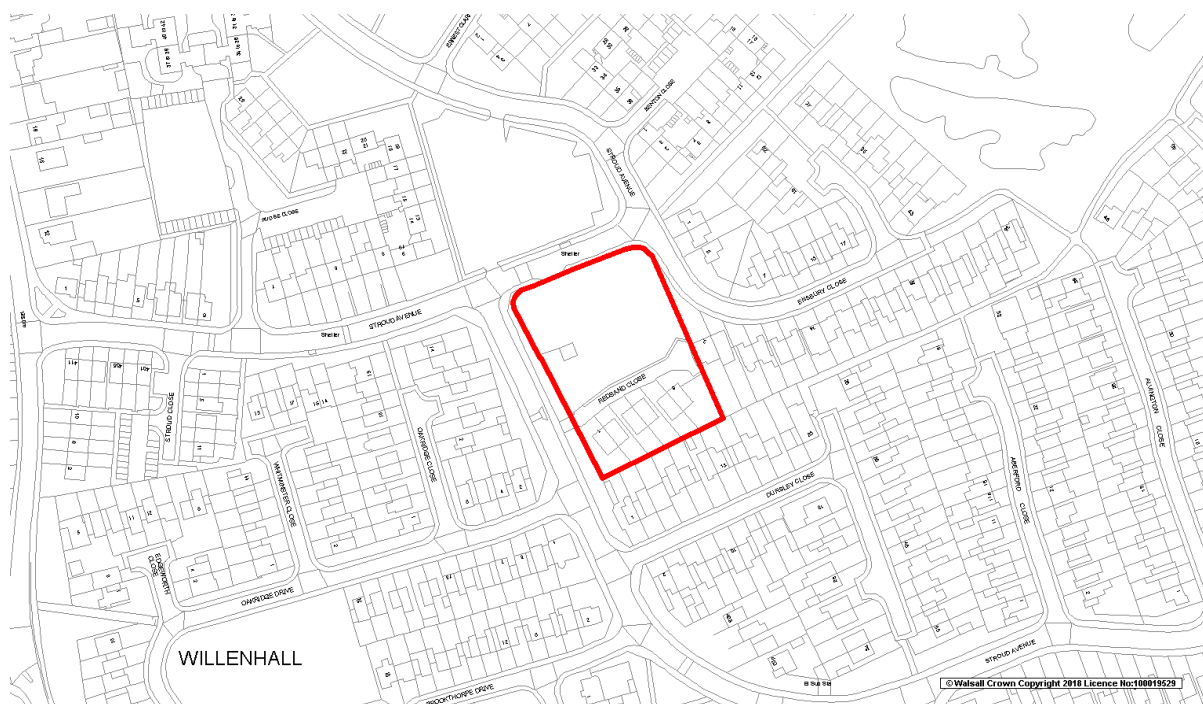
Location: LAND OFF REDSAND CLOSE, (FORMER MEADOW HOUSE, STROUD AVENUE) WALSALL

Proposal: VARIATION OF PLANNING CONDITION 2 OF 15/0221 TO ALTER THE PLANS LIST TO AMEND THE DESIGN OF THE NURSING HOME.

Application Number: 18/0364
Applicant: MACC Care Ltd
Agent: A P Architecture Ltd
Application Type: Full Application: Major
Use Class A1 (Shops)

Case Officer: Devinder Matharu
Ward: Short Heath
Expired Date: 21-Jun-2018
Time Extension Expiry:

Recommendation Summary: Grant permission subject to conditions.



Proposal

The application proposes the variation of planning condition 2 of 15/0221 to alter the plans list to amend the design of the nursing home.

The original proposal submitted under planning reference 15/0221 was for the 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 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 are 23 car parking spaces including 2 disabled spaces, a delivery space and bin and cycle store provision to the eastern frontage of the site.

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 are 44m, 32.4m and 22.6m in length and 11.2m, 17.8m and 12m wide which accommodates a central corridor with rooms on each side. The proposed care home has 72 bedrooms. Other accommodation includes a foyer on the ground floor in the central wing, communal lounges on all three floors, a beauty salon on the ground floor, terrace towards the front of the site fronting Stroud Avenue at first floor, second floor would include a gym, cinema and terrace fronting Stroud Avenue adjacent Ensbury Close. The third floor would include store rooms, a kitchen and laundry rooms and would have velux windows.

The proposed building is 47m wide and 13.2m high with a hipped roof with gable features. A brick and tile construction is proposed with render. The terrace would have glass panels.

The three pairs of proposed semi-detached houses located behind the nursing home and now known as 1 to 6 Redsand Close and have been built and occupied.

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.

These documents were submitted under planning application 15/0021:

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.

Site and Surroundings

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 houses to the south of the site numbers 1 to 6 Redsand Close are two storey semi-detached properties.

The surrounding area comprises predominantly two storey houses and flats. There is a bus stop opposite the site and traffic calming along Stroud Avenue.

Relevant Planning History

15/0221 – 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. Granted subject to conditions 07-Jul-2015.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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**

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.

NPPF Consultation

In March 2018 the Ministry of Housing, Communities and Local Government issued consultation proposals for revisions to the National Planning Policy Framework. The consultation ends on 10 May 2018. The text has been revised to implement policy changes previously consulted upon and further changes to planning policy announced in the Budget 2017. Whilst proposals should be considered in light of this draft consultation at this stage it can be afforded little weight as a material consideration in the determination of the application.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV34: Public Art
- ENV40: Conservation, Protection and Use of Water Resources

- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H5: Housing for People with Special Needs
- T7 - Car Parking
- T8 – Walking
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Consultation Replies

Coal Authority – No objection subject to subject to incorporation of the recommended piled foundations within the development. In addition, we would also expect the incorporation of appropriate gas protection measures within the development to address any risk posed by mine gas migration.

Fire Officer – No objection subject to Water supplies for firefighting should be in accordance with National Guidance Document on the Provision for Fire Fighting.

Local Access Forum – No objection as no public rights of way impacted upon.

Pollution Control – No objection

Police – No objection subject to secure by design.

Representations

Three letters have been received from neighbouring occupier's objecting to the proposal on the following grounds:

- Empty shops on Stroud Avenue and Brown Jug
- Existing shops on Sandbeds Road and no need for more shops
- land ideal for renovation
- land currently an eyesore
- Location of bin store opposite neighbouring property
- Parking issues including: how much parking is required, 21 spaces will be filled up by visitors, already many cars parked on Stroud Avenue near bends, on street parking reduces visibility for buses, extra demands for parking, cavalcade making parking worse, developers should pay for improved parking and traffic management

Determining Issues

- Principle of development
- Layout and Design
- Impact upon neighbouring residential occupier's
- Access and parking
- Planning conditions

Assessment of the Proposal

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.

Residents have stated that the site is an eyesore and idea for renovation. The principle of redevelopment of this site has already been established through the granting of planning permission for a Nursing home on the site under planning reference 15/0221 in accordance with UDP policy H5. There was formerly a care home on the site so the principle of this is already been established. There are no proposals within the scheme to include any retail, as suggested by residents.

Layout and Design

The proposed layout is for the nursing home at the front of the site utilising the existing vehicle access. The western 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 eastern wing is set off the boundary with Ensbury Close and whilst the proposal involves removal of the majority of existing trees on site new tree planting is proposed to compensate for this. 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.

The proposed nursing home is three storeys high with a hipped roof. The existing building which has been demolished was two storeys high with a flat roof which had 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 site is at a lower ground level than adjacent housing in Ensbury Close so will appear as a comparable height to this surrounding housing.

Residents have raised concerns over the location of the proposed bin store. The bin store is located at the front of the site to the eastern side. No details of the cycle or bin store have been provided but these can be secured by way of planning condition. The Highway Officer has advised that the cycle store is secluded with no active surveillance within the site and needs to be relocated closer to the building. It is considered that the position of both the bin and cycle stores are visually prominent and need to be positioned closer to the entrance of the nursing home. Notwithstanding the bin and cycle shelter details, a further plan showing the repositioning of these structures will be secured by condition.

The proposal include two terraces one on eastern wing the first floor facing Stroud Avenue and the other on the second floor on the western wing adjacent Ensbury Close. It is considered that the proposed terraces on the frontage add character and would not unduly harm the amenities of neighbouring residents, in particular those opposite the site in Ensbury Close. The proposed tree planting would provide some screening. Details of the panels to create the terrace can be sought by condition.

Impact upon neighbouring residential occupier's

The approved semi-detached houses to the south of the application site, 1 to 6 Redsand Close are located between 20- 23m away from the rear elevation of the proposed nursing home and despite the shortfall in the habitable room to habitable room separation distances, the houses on Redsand Close are positioned at an angle and an acceptable distance to maintain privacy of these neighbouring occupiers. On balance, the proposed nursing home would not unduly harm the amenities of these neighbouring occupiers to the south of the site. Any shading would occur within the application site and the front of these neighbouring properties, not to harm the amenities of these occupiers, as the rear gardens would still have sunlight throughout the majority of the day.

The nearest house is 2 Ensburry 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 Ensburry 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 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. As part of the original application the developer 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 concluded that 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 was satisfied with this and recommended planning conditions to secure parking and Travel Plan measures.

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 especially for buses. They also state extra demands for parking is making the parking situation worse and that the developer should pay for improved parking and traffic management. For the reasons given above the proposed parking is considered acceptable and will not have a significant impact on the highway network. It is unreasonable to expect any developer to pay for extra parking spaces to accommodate existing parking problems outside of the application site.

Planning Conditions

Whilst planning conditions 3, 4, 5, 11 and 12 have been discharged, the site including the nursing home and the houses to the south of the site where originally one site. The site has now been split, it is considered after consulting with Pollution Control that the original conditions should remain to ensure the nursing home part of the site has been adequately dealt with regards to contamination. It is considered the original planning conditions are replicated as part of the site has been developed and part has not.

Conclusions and Reasons for Decision

The design and layout of the proposed nursing home is considered acceptable and would not unduly harm the character of the area. The proposed nursing home would not unduly harm the amenities of neighbouring residential occupiers in respect of overlooking, loss of privacy and loss of outlook. The proposal would provide adequate parking for the needs of the development. The proposal complies with the

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aims and objectives of the National Planning Policy Framework, Policies CSP2, CSP3, CSP4, DEL1, DEL2, HOU2, TRAN1, TRAN2, TRAN4, TRAN5, ENV1, ENV2, ENV3, ENV5 and ENV8 of the Black Country Core Strategy, saved policies GP2, ENV14, ENV18, ENV23, ENV32, ENV33, ENV34, ENV40, H3, H5, T7, T8, T10, T11 and T13 of the Unitary Development Plan, policies NE1 to NE10 of Conserving Walsall's Natural Environment and Policies DW1 to DW10 of Designing Walsall.

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

Positive and Proactive Working with the Applicant

Approve

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.

Conditions and Reasons

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

Reason: Pursuant to the requirements of Section 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 (AP18009-02/E) received 22-03-18
- Proposed Floor Plans (AP18009-03/E) received 22-03-18
- Proposed Elevations (AP18009-04) received 22-03-18
- 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
- Coal Mining Risk Assessment prepared by Wardell Armstrong (WM11096) dated 19 June 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. Prior to the commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority:

- i. A scheme of intrusive site investigations to address the coal mining legacy on the site to be carried out
- ii. A report and findings arising from the intrusive site investigations
- iii. A Scheme of remedial works to address the coal mining legacy on the site for approval

3b. The development shall be implemented in accordance with the approved scheme of remedial works.

Reason: To ensure the satisfactory development of the site and address the coal mining legacy on the site. The works are required prior to commencement of the development to ensure the site can be made safe and stable for the proposed development.

4. 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.

5a. Prior to the commencement of 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. Care Home living accommodation shall be designed to ensure that the criteria of Health Technical Memorandum 08-01: Acoustics (2013) is achieved.

5b. The development shall not be occupied until such measures have been fully implemented in accordance with the agreed details.

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.

6a. Notwithstanding the position of the cycle and bin store position as shown on drawing number AP18009-02/E entitled proposed site plan submitted on 22 March 2018 and prior to the commencement of development, a revised plan shall be submitted showing the relocation of the bin store and cycle shelter adjacent the entrance to the care home, preferable adjacent car parking space 23 shall be submitted to and approved in writing by the local planning authority.

7a. 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.

7b. 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.

8a. Prior to the commencement of the development, full engineering details of the following minor 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 with Stroud Avenue (to the west of the site), the Ensbury Close junction with Stroud Avenue(to the east of the site) and the Care Home access bellmouth, in positions to be agreed with the Highway Authority.

8b. Prior to the first occupation of the Care Home, the highway works detailed in part a above, 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.

9b. Prior to the commencement of development, full elevation details of the bin and cycle store 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 under parts 6a and 6b above and retained and maintained at all times.

Reason: In the visual amenities of the area and to ensure the bin and cycle store are in easy access of the main entrance of the site and to ensure surveillance of these structures and to encourage sustainable modes of travel, in accordance with UDP policy T13 and Black Country Core Strategy Policy TRAN4.

10a. Prior to the commencement of development, above damp proof course details of the materials to be used to construct the terraces on the first and second floor shall be submitted to and approved in writing by the local planning authority.

10b. The development shall be completed in accordance with the approved details under part 7a above and retained and maintained at all times.

Reason: In the visual amenities of the area

11a. 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.

11b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such.

11c. 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.

12a. Prior to the commencement of development above damp proof level full details of all external facing materials shall be submitted to and agreed in writing by the local planning authority.

12b. 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.

13. 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.

14a. 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.

14b. 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.

15a. 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]

15b. 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].

15c. 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.

16a. 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.

16b. 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'.

16c. 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.

17a. A system that ensures Fats, Oils and Greases cannot enter the drainage system shall be agreed in writing with the Local Planning Authority.

17b. Any agreed drainage system shall be maintained in accordance with manufacturers' instructions.

Reason: To prevent pollution of the drainage systems.

18a. 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.

18b. 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.

19. 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 with 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

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.

Notes for Applicant

Highways

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

2. The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

Fire Officer

Water supplies for firefighting should be in accordance with "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK:

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

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

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

Police

This proposed development is situated on the Short Heath Neighbourhood Policing Team on the Walsall LPU. This beat has experienced over 2806 police reported incidents over the last 12 months. Of these 1530 were recorded crimes. Of the recorded crimes 179 were burglary, 237 were vehicle related, 316 were Assault/ Drug related and 257 robbery/ theft related crimes. Also interesting to note there have been 167 crimes relating to Criminal damage to houses and vehicles and 302 reports of Anti-Social Behaviour.

The area suffers a high proportion of violent crimes and anti-social behaviour.

I would strongly recommend that due to the high overall crime experienced in this area that the developer is made aware of the specifications and guidelines that can help secure this development against future crime and the benefits that can be achieved on this site through adopting the principles of Secure By Design.

Information can be found at

<http://www.securedbydesign.com/pdfs/SBDNewHomes2014.pdf>

I recommend the developer seeks the accreditation on the full scheme.

If secured by Design is not to be achieved in full on this development I would recommend the following as minimum standards.

All ground floor windows and any accessible windows should be fitted with BS EN 356 grade P1A glass this includes French doors and patio doors and should improve the standard of security to the more vulnerable ground floor windows. The frontages and accessible windows of the ground floor rooms need to have defensible planting under them. This can be created by dense low level shrubbery which should be around 1m in depth. This will assist in stopping unauthorised persons gaining access to vulnerable windows and make it more difficult for persons to peer in through window or have access to the locking mechanisms. The defensible space should overlap the whole length of the window at least. Low level dense shrubbery is the preferred method to create this barrier with a mature height of no more than 1m and should be suitable for the light and soil environment at its location. This is extremely important around the development as Anti-Social Behaviour with youth knocking windows can cause elderly residents to be fearful and stressed.

I recommended the developer to be made aware of and fit the PAS 24:2012 doors. Where euro profile cylinder locks are proposed in doors, shutters etc. consideration should be given to the ever increasing trend in lock snapping as a means of forcing entry to a building. To reduce such risk a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification should be used instead of the standard 1 Star cylinder. Also where thumb turn locks are to be installed considerations should be given to the use of the 'BY Pass' method of entry by offenders. There are thumb locks on the market that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks. These should be not only fitted to external doors but to all individual units.

Secured by Design states the safest place to park a vehicle is in a locked driveway in front of the vehicle owner's property. To deter car crime it is important to ensure that all parking places have good natural surveillance and are overlooked by windows from the buildings they serve This appears to be covered by this development as the lobby and side windows overlook the car park.

Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area. I would recommend 2.1m on all rear perimeter fences and should be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. This can include 300mm anti-climb (Criss Cross) trellis topping. The trellis should not be of a robust construction as this will create a climbing aid, rather than create a topping that will break, crack, and create noise if climbed, as intended. Where concrete post and panels are to be used the fence panels need to be tied using galvanised metal straps, so that the panels cannot be lifted by offenders as a means of entry. The fencing needs to be treated wood with guarantee life span of 25yrs. All side entry gates should be the same height (2.1m) and be key lockable from both sides. Their design and construction should not provide climbing aides to offenders. If views are needed then I recommend close weld wire mesh as it is aesthetically pleasing and cannot be seen unless up close looking at it. This would also help in keeping the residents safe who may be suffering slight dementia.

On the communal entry to the site I recommend they are an access control system is fitted. This may be a proximity access control system, a door entry phone system and electronic lock release or a combination of these to discourage casual intrusion by non-residents; this should involve CCTV coverage to the flats. Entrance and exit doors and frames to the site should be of a robust vandal resistant material, with vandal resistant viewing panels. Entrances should be well lit both internally and externally. I recommend that all entrances off the main lobby are access controlled to stop unwanted persons or visitor access to the OAP units if the reception desk is not manned.

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

If a cycle stand is to be supplied for use by visitors, staff or residents if able, I recommend a Secured by Design cycle stand should be installed. The security anchor for the bike must be certified to Sold Secure Silver standard or LPS 1175 issue 7:2010 SR1 and be securely fixed to the concrete foundation in accordance with manufacturers specifications.

The bin store should remain locked when not in use as the West Midlands has suffered from bin store fires.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jun-2018

Plans List Item Number: 2.

Reason for bringing to committee: Major application

Location: LAND AT DAW END SCHOOL, FLOYDS LANE, RUSHALL, WALSALL, WS4 1LF

Proposal: VARIATION OF PLANNING CONDITION 2 TO AMEND THE PLANS LIST, CONDITION 5B REGARDING PHASING, CONDITION 7C HIGHWAY INFRASTRUCTURE WORKS, CONDITION 8A REGARDING PARKING SPACES AND PRIVATE DRIVEWAYS, PARKING AREAS AND ACCESS WAYS AND CONDITION 14A TO AMEND LANDSCAPING AND CONDITON 14B TO AMEND THE WORDING OF THE CONDITION TO INCLUDE THE PHASED DEVELOPMENT OF PLANNING PERMISSION 16/1233

Application Number: 17/1559

Applicant: Seddon Construction Ltd and Accord Housing Association

Agent: Cushman & Wakefield

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

Case Officer: Devinder Matharu

Ward: Rushall-Shelfield

Expired Date: 20-Apr-2018

Time Extension Expiry: 28-Jun-2018

Recommendation Summary: Grant permission subject to conditions.



Proposal

The application proposes the variation of conditions on permission 16/1233 for the erection of 63 dwellings. The proposed changes include condition 2 (approved plans), Condition 5b (phasing of drainage), condition 7c (highway infrastructure works), condition 8a (parking spaces and private driveways and access ways) and condition 14a (landscaping) and condition 14b (to allow phased implementation of landscaping).

The proposed dwellings comprise 29 x 2 bed houses, 10 x 3 bed houses and 24 x 1 and 2 bed flats providing 100% rented tenure to be managed and developed by Accord Housing. Since this permission, a further non-material application to vary the height of the window cills was approved in October 2017.

The agent has submitted a supporting statement as follows:

- Currently conditions limit occupation so that only it only occurs once all aspects of the development are completed. Much of the development is complete and the site infrastructure/landscape components are finished or nearly finished
- Accord Housing have a waiting list and want to start providing residents with completed units as soon as they are available. The units will be ready in phases starting early March. The houses along Floyds Lane will be finished and ready for occupation before parts of the scheme towards the rear of the site.
- An application to vary the conditions to reflect the need to phase the hand over and occupation of the development.
- The remaining aspects of the scheme that need completing will then be finished in order of the phasing, so that part of the development is complete prior to occupation.
- The site will be split into 6 phases with the last works comprising of the apartment block and off site footpath.
- Each phase hand over of dwellings will be subject to checks prior to occupation to ensure that residents fully enjoy their property without detriment to their amenity from works ongoing elsewhere on site.
- The principle of the development remains the same and the construction and finishing process will continue to accord with existing and previously discharged conditions.
- The phasing will be completed in a chronological order allowing the units facing Floyds Lane to be ready for occupation first, with dwellings further into the development brought forward at a later date.
- The materials of the non-adopted shared access road and parking areas to the apartments and houses are to be altered to include tarmac, natural gravel, Eaton charcoal block paving, and contrasting natural paving with charcoal bay, tanked porous paving. The plans list is to be amended with the amended plans referring to these works.
- Drainage associated with highways is already installed as well as most of the private drainage network which serves the houses. There will be some final adjustments to manhole covers and surrounding surfaces are finished to the

- same level. The wording of condition 5b to be amended to include the phased development.
- The adoptable highways are currently installed to base course level. Each phase is completed the kerbs will be installed, footpaths formed to base course and any manholes, service covers, road gullies will be made safe for pedestrians. Works to the offsite public right of way will be completed to coincide with the handover of the apartments on 28-05-18. The wearing course tarmac will be laid to roads and footpaths site wide to also coincide with the handover of the apartments. The wording of condition 7c to be amended to include the phased development.
- Condition 8a to be amended to include the phased development.
- Condition 14a to be amended to incorporate the amended plans showing alterations to the hard landscape.
- Condition 14b to be amended to include the phased development.

Site and Surroundings

The application site is on the southern side of Floyds Lane, a former school site. The works to construct the approved 63 homes is well under way. To the east of the site are residential properties. To the south of the site is Green Belt, to the east Manor Farm Community School and on the opposite side of the road residential properties.

Relevant Planning History

16/1233- Erection of 63 dwellings, revised access and associated infrastructure. Grant subject to conditions 27-Feb-2017

17/1091- Non-material amendment to vary the height of the sills by 150mm. Approved 11 October 2017.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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 4 - Promoting sustainable transport***
- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***
- ***NPPF 11 - Conserving and enhancing the natural environment***
- ***NPPF 12 - Conserving and enhancing the historic 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

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM5: Resource Management and New Development

Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV1: The Boundary of the Green Belt
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T1 - Helping People to Get Around
- T4 - The Highway Network
- T7 - Car Parking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces
- LC6: Sports Pitches
- LC8: Local Community Facilities

Supplementary Planning Document

Conserving Walsall's Natural Environment

- Development with the potential to affect species, habitats or earth heritage features
 - NE1
 - NE2
 - NE3
- Survey standards
 - NE4
- The natural environment and new development
 - NE5
 - NE6
- Development with the potential to affect trees, woodlands and hedgerows
 - NE7
 - NE8
 - NE9
 - NE10

Designing Walsall

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

- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings
- Appendix D identifies privacy and aspect distances between dwellings, garden/amenity dimensions and design considerations. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Open space, sport and recreation

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

Affordable Housing

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

Consultation Replies

Transportation – No objection

Public Rights of Way – No objection

Representations

None

Determining Issues

- Design and visual impact
- Highway and public rights of way issues
- Planning conditions

Assessment of the Proposal

Visual impact and landscape

The proposed minor alterations to the hard standing areas within the development scheme would not unduly detract from the character and setting of the overall housing development. The plans list condition and the landscaping condition can be amended to include the amended plans and the phased development works.

Highway and public rights of way issues

The Highway Officer has no objection to the amended wording of conditions 7c and 8a to accommodate the phased development works in relation to highway infrastructure works and parking areas to be consolidated, hard surfaced and drainage works of vehicle hard standing and parking areas and access ways.

Public Rights of Way have no objection to the proposed variation of conditions. Public rights of way improvements have been incorporated within the S38 and S278 Agreements, as necessary, and a temporary closure order has been implemented in the interests of public safety during the installation of street lighting and re-surfacing works. All public rights of way requirements have therefore been agreed and secured.

Planning conditions

A review of the previous planning conditions attached to 16/1233 has been undertaken to establish which planning conditions have been discharged.

Condition 1 time limit, a new permission would be issued with a new time limit.

Conditions 2, 5b, 7c, 8a, 14a, 14b are to be amended as set out in the officer's report.

Condition 3a, 5a, 7a, 7b, 10, 13a, 14a, 15a, 16a, 18a, 18b, 20, 21, have been discharged.

Condition 4a construction management plan has in principle been approved but the condition cannot be discharged as the construction plan must be adhered to during the whole construction phase.

Conditions 6, 9, 11, 12, 17, 19 cannot be discharged as they are ensuring the development is completed to a satisfactory standard to prevent flooding, provide adequate visibility and sustainable transport modes.

The planning conditions will be amended and renumbered accordingly to take into account the above.

Conclusions and Reasons for Decision

The proposed minor alterations to the hard standing areas within the development scheme would not unduly detract from the character and setting of the overall housing development. Transportation and Public Rights of Way have no objection to

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the amended wording of planning conditions to allow phased occupation of some of the dwellings on site. The proposal meets the aims and objectives of the National Planning Policy Framework, policies CSP2, CSP3, CSP4, DEL1, DEL2, HOU1, HOU2, HOU3, TRAN1, TRAN2, TRAN4, TRAN5, ENV1, ENV2, ENV3, ENV5, ENV6, ENV7, ENV8 and WM5 of the BCCS, saved policies GP2, GP3, ENV1, ENV10, ENV14, ENV17, ENV18, ENV23, ENV32, ENV33, ENV40, H3, T1, T4, T7, T10, T13, LC1, LC6 and LC8 of the UDP, Policies NE1 to NE10 of Conserving Walsall's Natural Environment SPD, policies DW1 to DW10 of Designing Walsall SPD, policies OS1 to OS8 of Open space, sport and recreation SPD and policies AH1 to AH5 of Affordable Housing SPD.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Grant permission subject to conditions.

Conditions and Reasons

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

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

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

- Site Location & Photographs (100) received 02/09/16
- Topographical Survey (101) received 02/09/16
- Site Constraints Plan (102) received 02/09/16
- Site Plan with detail (104 Rev B) received 25/11/16
- Site Plan colour (103 Rev B) received 25/11/16
- Site Sections (105) received 29/09/16
- 2 bed 4 person house type – Plans & Elevations (106) received 02/09/16
- 2 bed 4 person house type (side entrance) – Plans & Elevations (107) received 02/09/16
- 3 bed 5 person house type – Plans & Elevations (108) received 02/09/16
- 3 bed 5 person house type (side entrance) (109) received 02/09/16
- Apartment Block Floor Plans (110) received 02/09/16
- Apartment Block Elevations (111) received 02/09/16
- Street Scene 1 (112) received 29/09/16
- Street Scene 1 (113) received 29/09/16

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- 3D Images – Massing Model (114) received 29/09/16 - Material Specification Sheet (115) received 29/09/16
- Site Layout with Material Allocation Plan (116) received 29/09/16
- General Arrangement (SED0187/GA/001 Rev F) received 29-11-17
- External Levels (P16-082/310) received 29/09/16
- Drainage Layout (P16-082/320) received 29/09/16
- Refuse Vehicle Tracking (P16-082/110A) received 29/09/16
- Design & Access Statement version 01 received 06/09/16
- Planning Statement prepared by Cushman & Wakefield dated September 2016 received 02/09/16
- Affordable Housing Statement received 29/09/16
- Flood Risk Assessment & Drainage Strategy prepared by Rodgers Leask (Rev 1) received 29/09/16
- Geo-Environmental Assessment prepared by Rodgers Leask (Rev A) received 29/09/16
- Tree Survey prepared by BEA Landscape Design Ltd (1666/EH/TR001) received 02/09/16
- Preliminary Ecological Appraisal Report prepared by Indigo Surveyors (16133/E1) received 22/11/16
- Transport Assessment prepared by PTB Transport Planning (T16529) received 02/09/16
- Travel Plan prepared by PTB Transport Planning (T16529) received 02/09/16
- Landscape specification received 21-02-18
- phasing plan external works plan drawing number 15-1411/120 received 18-04-18
- drainage layout drawing number P16-082/320/E received 21-02-18
- hard landscape detailed layout 1 of 4 drawing number SED0187/GA/002/F received 23-11-18
- hard landscape detailed layout 1 of 4 drawing number SED0187/GA/003/F received 23-11-18
- hard landscape detailed layout 1 of 4 drawing number SED0187/GA/004/F received 23-11-18
- hard landscape detailed layout 1 of 4 drawing number SED0187/GA/005/F received 23-11-18

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

3. The phased development shall be carried out in accordance with the Seddon construction method statement and associated indesign drawing number 103 submitted and approved in writing under planning reference 16/1233 on 25 April 2017 and 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.

4. The phased development shall be carried out in accordance with the construction management plan setting out the arrangements for the control of noise, vibration, dust and debris (including site drag-out), and the management of any materials submitted and approved in writing under planning reference 16/1233 on 15 March 2018. The approved construction management plan shall be maintained until the site is completed.

Reason: To protect the amenities of the surrounding occupiers.

5. The phased development shall be carried out in accordance with the drainage details submitted to and approved in writing under planning reference 16/1233 on 5th April 2017. The scheme shall be fully implemented in accordance with the agreed details before each phase of the development is first brought into use and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of storage and disposal of surface water.

6. Finished floor levels should be set at least 150mm above surrounding ground levels.

Reason: To protect the development from flooding.

7. The phased development shall be carried out in accordance with the highway work details submitted to and approved in writing under planning reference 16/1233 on 29th September 2017 and 30 October 2017. Prior to the first occupation of dwellings within each phase of the development, the highway infrastructure works approved under planning reference 16/1233 on 29th September 2017 and 30 October 2017 shall be fully implemented in accordance with the phasing plan and the approved details, 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.

8. Prior to the first occupation of any of the dwellings within each phase of the development, all vehicle hard standing, parking areas and access ways serving that dwelling shall be fully consolidated, hard surfaced, drained so that surface water run-off from these areas does not discharge onto the adoptable or existing highway or any highway drain and brought into use. These areas shall be thereafter 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. The 2.4m x 43m (westerly) and 47m (easterly) visibility splays shown on PTB drawing no. 001 'Proposed Site Access Layout' shall be retained at the access point onto Floyds Lane within which no structure or planting exceeding 600mm in height above carriageway level shall be permitted.

Reason: In accordance with the recorded traffic speeds contained within the PTB Transport Planning Ltd Transport Assessment and in the interest of highway safety.

10. The development shall be completed in accordance with the cycle shelter details submitted and approved in writing under planning reference 16/1233 on 23 May 2018. The cycle shelter shall be retained and used for no other purpose.

Reason: To ensure the cycle shelter is adequate to encourage sustainable modes of travel in accordance BCCS Policy TRAN4.

11. All individual parking space/ driveway access points shall, at all times, provide 2.4m x 3.4m pedestrian visibility splays, within which no planting or structures exceeding 600mm in height above footway levels shall be permitted.

Reason: In the interests of highway safety.

12. Upon first occupation of the development, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained with the PTB Transport Planning Ltd Travel Plan dated 2nd September 2016, shall be 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.

13a. The development shall be completed in accordance with the continuous barrier fence of at least 1.8 metre height between the rear gardens of Plots 31 and 32 and the adjacent car park details submitted to and approved in writing under planning reference 16/1233 on 23 May 2018. The fence shall be continuous to ground level and have a minimum surface mass density of 15kgm⁻².

13b. The developer shall provide written validation to the Local Planning Authority of the fence installation prior to occupancy.

Reason: To protect the amenity of the development.

14a. The phased development shall be carried out in accordance with the landscape details submitted to and approved in writing under planning reference 16/1233 on 22 March 2017 and the hard landscape plans submitted and approved in condition 2 above.

14b. The scheme shall be completed fully in accordance with the approved details, prior to each phase of the development being occupied and retained as such.

14c. 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 and in the interests of safety and security of highways users, and to reduce risk of encroachment onto the highway.

15a. The development shall be completed in accordance with the boundary treatment details submitted to and approved in writing under planning reference 16/1233 on 5th April 2017. The development shall be implemented in accordance with the agreed details thereafter. This condition does not discharge fence type 9 as shown on drawing number 203/A submitted on 22 March 2017, as it is to be approved under S38 and S278.

Reason: To protect the visual amenities of the area.

16. The development shall be completed in accordance with the facing and roofing materials submitted to and approved in writing under planning reference 16/1233 on 15th March 2017.

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

17. 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.

18. The development shall be completed in accordance with the approved ecology details submitted and approved in writing on 8th November 2017.

Reason: To conserve local bird populations.

19. All works shall be undertaken to protect small mammals and all trenches left overnight shall be covered.

Reason: To protect local wildlife.

20. The phased development shall be completed in accordance with the submitted and approved details regarding the upgrade of the Definitive Public Footpath 29 Aldridge, kissing gate to be installed within Definitive Public Footpath 29 Aldridge and how the kissing gate will tie into the proposed boundary treatment approved in writing under planning reference 16/1233 on 23 May 2018. The agreed measures shall be fully implemented and retained thereafter.

Reason: In the interests of safety and security of proposed residents and footpath users.

21. The development shall be completed in accordance with the approved lighting details submitted and approved in writing under planning reference 16/1233 on 31st May 2017 and retained and maintained thereafter.

Reason: In the interests of safety and security of proposed residents and footpath users.

Note for applicant – Highways

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

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

Note for applicant – Severn Trent Water

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

Note for applicant – Flood Risk Officer

The developer should supply information showing arrangements to provide adequate long term maintenance, including an appropriate legal agreement to ensure maintenance in perpetuity, before any approval is granted. It is essential that the responsibility for future maintenance, repairs or improvements to the balancing device is ascertained at an early stage of negotiations. In terms of the recently published Environment Agency climate change advice, depending on the lifetime of the development, we would recommend that the attenuation is designed to accommodate the 1:100 year & 30% cc storm event and understand the flooding implication for the 1:100 year & 40% cc event. It could be that additional mitigation is required and that any proposal should design for exceedance. It is also

recommended that external levels fall away from property to minimise the flood risk from a variety of sources. Any overland flows generated by the proposed development must be carefully controlled; safe avenues of overland flow away from any existing and proposed buildings are advised.

Notes for applicant - Public rights of way

1. No branches or roots from trees and shrubs located within landscaped areas and amenity spaces of the development should encroach onto the adjoining Public Footpath 29 Aldridge. In accordance with the Highways Act 1980, Land owners must ensure that these are maintained on a regular basis and kept clear of the footpath. 2. A permit to work and/or temporary prohibition of traffic may be required prior to commencement of work adjacent to, or within, the adjoining Public Footpath 29 Aldridge. No excavations, scaffolding, hoarding, signage, movement and storage of materials, or other obstructions associated with the proposed development are to be present within, over or underneath this footpath without prior agreement of the highways authority. Prior to commencement the applicant must provide details to highways and apply for any necessary permits.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jun-2018

Plans List Item Number: 3.

Reason for bringing to committee: Major

Location: FORMER BRITISH LION WORKS, FOREST LANE, WALSALL, WS2 7AX

Proposal: DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 18 DWELLINGS (2X2 BED AND 16X3 BED) WITH ASSOCIATED ACCESS ROAD AND PARKING.

Application Number: 17/1240

Applicant: c/o the agent

Agent: Julian Hill

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

Case Officer: Stuart Crossen

Ward: Blakenall

Expired Date: 24-Jan-2018

Time Extension Expiry:

Recommendation Summary: To delegate to the Head of Planning, Engineering & Transportation to grant permission subject to an amended parking plan, conditions including the revision or removal of any conditions listed below, not required following receipt of details acceptable to officers, and consultees; subject to the completion of a Section 106 Agreement to provide for affordable homes (or to demonstrate that contributions are not viable), open space, motorcycle barriers and resurfacing of the public right of way, and details of the future management/maintenance of the canal boundary structure. In the absence of a completed section 106 or amended parking plan delegation is sought for the Head of Planning, Engineering & Transportation to refuse the scheme on this basis.



Proposal

The application is for 16 houses at a former industrial site.

The scheme was originally for 18 houses, however the scheme and layout has now been reduced to improve amenity and access.

The application proposes to use the existing access off Forest Lane to create a mix of terraced houses and semi-detached houses with a mix of driveway parking and shared parking areas.

There are 6 house types proposed as follows:

House type A is a 2.5 storey 3 bedroom house with a ground floor kitchen, living room and toilet, 2 bedrooms on the first floor and another bedroom and the bathroom in the loft with rear velux and front dormer window. Side elevation windows would be secondary or not serve main habitable rooms.

House type A2 is a 2.5 storey 3 bedroom house with a ground floor kitchen, living room and toilet, 2 bedrooms on the first floor and another bedroom and the bathroom in the loft with rear velux and front dormer window. Side elevation windows proposed would be secondary or would not serve main habitable rooms.

House type B is a 3.5 storey 3 bedroom house with a ground floor utility room, living room/kitchen on the first floor, 2 bedrooms and a bathroom on the second floor and another bedroom with ensuite in the loft with rear velux and dormer window and front dormer window. Side elevation windows would be secondary or not serve main habitable rooms.

House type C is a 3 bedroom house with a ground floor kitchen, living room and toilet, 2 bedrooms on the first floor and another bedroom in the loft with rear velux and front dormer windows. Side elevation windows would be secondary or not serve main habitable rooms.

House type D is a 2 bedroom house with a ground floor kitchen/dining room, living room and toilet, 2 bedrooms and a bathroom on the first floor. Side elevation windows would be secondary or not serve main habitable rooms.

House type D2 is a 2 bedroom house with a ground floor kitchen/dining room, living room and toilet, 2 bedrooms and a bathroom on the first floor. Side elevation windows would be secondary or not serve main habitable rooms.

The application includes a phase 1 habitat survey which concludes:

Desk study data and survey work carried out at the Industrial Units off Forest Lane, Walsall, indicate that the proposed development scheme should consider protected species legislation with regard to nesting birds. Consideration should also be given to the protection of the adjacent Wyrley and Essington Canal corridor.

The Design and Access Statement makes the following relevant statements:
Access - The existing building will require demolition, and the existing area of hard standing would be the location of a new site access point.
Layout - The proposal is for a perimeter development, with some dwellings looking into the site, and some looking outward, towards Forest Lane.
Amount - The size of the proposed dwellings are as follows:
2 beds - 67.2sqm. (type D)
3 beds - 91.0sqm. (type A)
3 beds - 115sqm. (type C)
3 beds - 113sqm. (type B, w/garage)

A bin store is proposed near to the junction to the proposed access.

The total development has a net area of 1834.1sqm.

Site and Surroundings

The site is located on the western side of Forest Lane. This part of Forest Lane is approached from a narrow bridge over the railway which has weight restrictions imposed (11 tonnes). There is alternative access available from Dartmouth Avenue. The highway splits in two as it surrounds a large landscaped central reservation which has several mature trees on it. There is also a turning head outside 48/50 Forest Lane on the opposite side of the highway. The Wyrley & Essington Canal and towpath are at the rear of the site and there is a footbridge over the canal to the north of the site. The southern boundary of the site adjoins the boundary of semi-detached houses and a transport haulage yard. There are semi-detached houses opposite the site.

The Definitive map of Public Rights of Way show the site affected by the line of a public footpath (WAL33), between Forest Lane and Hawbush Road over the canal. A new 2 metre wide footway is proposed to link to the canal footbridge and the existing informal link to the canal towpath will be retained.

Relevant Planning History

06/0314/FL/E4 – Demolition of industrial units and erection of 24 apartments with new access driveway and landscaping and relocation of existing footpath linking up to the canal towpath – Granted subject to conditions and a S106 Agreement 20/6/06. The S106 Agreement was to secure contributions towards Education provision (£45K) and refurbishment of the footbridge over the canal (£10K). Both obligations were to be paid on or before occupation of 50% of the dwellings. The proposed building is four storeys high.

10/1090/OL - Outline application for the demolition of existing buildings and construction of new 60 bed extra care accommodation, access and layout only for consideration. GSC 20/11/13

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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 4 - Promoting sustainable transport**
- **NPPF 6 - Delivering a wide choice of high quality homes**
- **NPPF 7 - Requiring good design**
- **NPPF 8 - Promoting healthy communities**
- **NPPF 10 - meeting the challenge of climate change, flooding and coastal change**
- **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**
www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H5: Housing for People with Special Needs
- H6: Nursing Homes and Rest Homes for the Elderly
- H7: Hostels and Houses in Multiple Occupation
- Policy JP7: Use of Land and Buildings in Other Employment Areas
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

- NE1 – Impact Assessment
- NE2 – Protected and Important Species

- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Open space, sport and recreation

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

Affordable Housing

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

Air Quality SPD

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

Consultation Replies

Housing Standards – No objections - requires 25% on site affordable homes.

Public Footpaths Officer – No objections subject to conditions to protect the public right of way.

Fire officer – No objections, notes for applicant regarding fire standards.

Pollution Control - No objections subject to conditions to mitigate for noise, contaminated land and air quality.

Police – No objections

Canal and Rivers Trust – No objection conditions regarding the foundations and construction methodology.

The Coal Authority – No Objection subject to Coal Mining Risk Assessment proposed mitigation measures.

Severn Trent – No objections subject to conditions for drainage.

Inland Waterways Association – No objections

Highways - No objections to the general principle.

Representations

None

Determining Issues

Principle of Residential Development

Amenity

Design and Character of the Area

Public Rights of Way

Canal

Ecology

Pollution Control

Coal Mining

Parking

Section 106 Contributions

Assessment of the Proposal

Principle of residential development

Planning permission was granted for an apartment scheme on this site in June 2006. Although that scheme was for 24 apartments in a four storey block and the proposal is for 16 houses the principle of a residential use is established and the loss of the employment site accepted. It is also considered that redevelopment of this vacant

industrial site will improve the environment for surrounding residents. On this basis residential development is considered acceptable in principle.

Amenity

The separation between houses ensures there would be no significant overbearing impact or loss of light.

An amended plan is being sought to relocate the parking areas closer to the houses they serve. The current location of these spaces (serving 13,14 and 15) is on balance acceptable and will not result in any significant noise or disturbance impacts due to their distances to houses. There would be visual surveillance of these spaces from adjacent proposed houses.

All houses have private amenity space, most meet the Council's minimum standards some are less at 45m².

Design and Character of the Area

The traditional 2.5 storey design with sloping roofs would be a little higher than the surrounding 2 storey houses however the proposal is more in character than the existing derelict industrial buildings and the 0.5 storey element provides some visual surveillance of public space which offsets any detrimental impact to the wider character.

The amended scheme which has reduced the number of houses and improved the layout has resulted in an acceptable scheme which is considered to be a significant betterment to the character of the area.

Public right of way

There are no public rights of way objections to this proposed development, but additional details are required to ensure that the potential impacts on the adjoining public footpath 33 Walsall, greenway and link path are addressed.

There are concerns about the proposed layout with rear amenity space backing on to the public footpath and canal towpath/ green way. The proposed development, fencing and landscaping may impact upon these pedestrian and cycle links and will require careful design to ensure safety and security of both proposed residents and path users. Secure by Design Principles should be applied.

In particular, the rear gardens to plots 10-13 could suffer overlooking due to the height of the footbridge, and may be particularly vulnerable to crime and ASB in an area of reported issues, due to the footbridge level in relation to the proposed dwellings and window heights. Based upon the current proposed layout, additional details for the proposed boundary treatments, to include details of the proposal for retention or replacement of the high brick wall and mesh panel which forms the original factory boundary could provide mitigation.

The public rights of way officer has requested that the houses face onto the towpath and considers that the scheme does not enhance the overlooking of the public right of way and towpath. In this instance the site it is considered that the scheme provides significantly improved visual surveillance of these public spaces than the existing situation and that the layout follows the existing character of the adjoining estate. For these reasons the layout is supported by the case officer.

The Public Rights of Way Officer states that there have been reports of ASB at the junction of the footpath, footbridge and greenway. The re-use of this site combined with the additional visual surveillance represents a positive solution to these existing issues.

Canal

The Trust previously advised that a cross section should be provided identifying the treatment to be used to retain the embankment toe and they have provided conditions which require the detail prior to commencement.

Detailed information for the proposed retaining structure and methodology for the demolition/ construction will be required before a planning permission can be granted. The full details of the type and construction of the retaining wall, including a cross section through this part of the development and drainage proposals, should be submitted prior to the commencement of any works in this part of the site.

The Canal and Rivers trust have asked that the applicant provides a heritage statement because the site is opposite a grade 2 listed aqueduct. The site is actually 20 metres away which combined with the level difference between the canal and application site would mean there would be little impact on the setting of the aqueduct to justify a heritage statement.

Ecology

The Ecology statement provided concludes that the site has very limited Ecology value but that improvement works could take place as part of the scheme.

Of the recommendation made the works to the scrub areas could be conditioned to take place outside of the bird breeding season unless an ecologist is present, a condition can be added to use fencing to protect the canal corridor and a landscaping scheme can be requested to ensure that native plant species can be planted in the rear gardens.

Pollution Control

The Documents included an Asbestos Survey. It is recommended that if asbestos has not been removed from the site since the 2010 Application was submitted, then a new report is undertaken and asbestos removed in accordance with National Legislation, before any demolition works commence. A condition has not been requested so this can be added as a note to applicant.

As there is going to be substantial demolition and construction works, a Working Plan needs to be agreed in writing, with the Local Planning Authority, to minimise disruption to local residents and infrastructure, roads and footpaths from noise, dust, debris, waste etc.

The Documents also included a Ground Investigation, which was undertaken by Spillman Associates in August 2005, Ref J05068/01. Although Pollution Control has no current access to this Document, it will require updating to reflect current guidance and legislation. If industrial activities have taken place on the site, since the Ground Investigation was undertaken, then additional investigatory works may be required.

Pollution Control recommend a noise survey which reflects current best practice and Standards. The noise survey will need to consider current guidance, British Standard BS8233:2014, BS4141:2014, and Professional Practice Guidance on Planning and Noise (ProPG) May 2017. To the south of the site, there is a Commercial/Haulage activity, as some of the existing walls between the haulage yard and the proposed residential premises may be demolished, acoustic boundary treatment between the two usages needs to be considered as part of the noise survey.

Walsall Council has adopted the Black Country Air Quality Supplementary Planning Document (SPD). Pollution Control is of the opinion that the application falls under the Type 1 category, therefore the Applicant needs to consider installing electric vehicle charging points and low NOx boilers.

Coal Mining

A Coal mining risk assessment has been submitted to the Coal Authority.

Based on a review of appropriate sources of coal mining and geological information, the report identifies that coal mining legacy poses a medium risk to the application site due to the presence of recorded workings in the Deep & Shallow Coal seam (c.36m bgl) beneath the west of the site and possible further unrecorded workings in the Deep & Shallow Coal and in the Gubbin and Ball Ironstone and associated coal seams.

Accordingly, the Report makes appropriate recommendations for the carrying out of intrusive ground investigations in the form of boreholes in order to investigate ground conditions, the depth and condition of the identified coal and ironstone seams of interest, and to inform any necessary remedial measures required.

The Coal Authority concurs with the recommendations for site investigations and appropriate mitigation.

Parking

The parking spaces to Plot 13 and to a certain degree Plots 14 and 15 are remote. For convenience and security reasons residents of these plots are likely to park on street outside their house. Whilst this would not necessarily present a significant

highway problem at this particular location, it is an issue with the layout an amendment has been requested prior to a decision being issued.

The application looks to replace an existing disused factory with a residential development consisting of 16 x two and three bedroom dwellings. 22 parking spaces are proposed which equates to 138%. UDP T13 parking policy for 16 2/3 bedroom dwellings is 32 spaces.

Taking into account the likely parking demand for the existing commercial premises of about 1800sqm GFA requiring 24 spaces under UDP Policy T13 with significantly fewer spaces actually available, and on street parking being available if needs be, on balance the Highway Authority considers the parking level is acceptable.

Section 106 Agreement

The following contributions are required for this scheme:

Boundary to Public Right of Way

Boundary treatments are not maintained as part of the highway but must either be transferred to the new owners of the dwellings or incorporated within the site maintenance strategy. Details are to be submitted, agreed and retained in accordance with the agreed arrangements thereafter which can be secured by a section 106 agreement.

Improvements are required to the link path which adjoins the application site, adjacent to the site boundary at plots 10-13, which should include motorcycle barriers and resurfacing. This path is also to be included within the site lighting survey. This is to accommodate the additional footfall associated with the development and in the interests of safety and security of proposed residents and path users, in accordance with policy LC5 and can be secured through the section 106 agreement.

Open Space

The open space contribution for this development would be £31,510.00 which can be secured through a section 106 agreement, unless the scheme is unviable which would need to be proven to the District Valuer.

Canal

Details have been requested by the Canal and Rivers Trust for the future maintenance / management for the retaining structure. These details would need to be part of a section 106 agreement to ensure ongoing maintenance.

Affordable Housing

In accordance with Policy HOU3 of the BCCS, 25% of the development should be provided as affordable housing. The Housing Standards officer seek 4 units – 2 x 2 bed and 2 x 3 bed. 1 of the 2 beds would be shared ownership, and other 3 would be social rent. Alternatively all 4 can be social rent. This is also subject to the viability of the scheme would need to be proven to the District Valuer.

Conclusions and Reasons for Decision

Conditions requiring construction methodology and boundary treatment detail in relation to the canal and public rights of way and be conditioned and mitigated for and would accord with UDP policy ENV.

The case officer considers in this instance there is a case for a slight reduction in amenity standards in order to ensure the viability of the site and where amenity reductions do not impact on existing occupants the weight of this determining issue is less than the overall viability. The distance to neighbouring houses, its siting and location is considered acceptable and would not result in any significant loss of amenity to neighbouring residents by way of loss of light or overlooking and accords with UDP policy GP2 and Designing Walsall SPD.

The 2.5 storey design with traditional sloping roofs is acceptable and compatible with the character of the area in accordance with UDP policy ENV32.

The remote parking areas can be addressed through amendments which the agent is currently undertaking. Without acceptable amendments to the layout the current scheme cannot be supported and would be contrary to policies GP2 and ENV32 in particular. If suitable amendments cannot be achieved delegation is sought for Officers to refuse on this basis.

The scheme would if approved increase footfall to the adjacent public footpath which requires enhancement and protection from unauthorised use by motorcycles which can be secured through a legal agreement which would comply with UDP policy T8.

The scheme is considered to minimise any impact on the canal and is considered an improvement. To ensure that the development is acceptable in accordance with UDP policies ENV23 conditions recommended by Canal & Rivers Trust can be attached to planning permission.

The submitted Ecology Report raises no objections and conditions to control the timing of works to minimise the impact on birds during the bird nesting season, to provide satisfactory landscaping and enhancements; all represent a significant improvement to the sites previous use and current condition in accordance with UDP policy ENV23.

The mitigation measures proposed by Pollution Control Officers regarding potential ground contamination are considered acceptable to protect human health, can be secured by condition and would comply with UDP policy ENV14.

The proposed noise survey requested by Pollution Control Officers are considered acceptable to mitigate for potential noise amenity impacts on the occupiers of the development, can be secured by condition and comply with UDP policies GP2 and ENV10.

In accordance with the Air Quality SPD the proposed requirement for electric car charging points by Pollution Control Officers is considered acceptable and can be attached as a condition. This requirement complies with UDP policies GP2 and ENV10

The applicants Coal Mining Risk Assessment has been deemed acceptable by The Coal Authority who have suggested past Coal Mining mitigation measures which ensures the scheme is acceptable in this regard and complies with policies GP2 and ENV10.

In traffic terms the proposed residential development of the site will remove an element of commercial traffic movements from the street if the site came back into use and on balance the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with the NPPF in this respect.

Provided an affordable housing contribution is made in accordance with the Affordable Housing SPD (or the scheme is confirmed as not being viable by the District Valuer in accordance with the submitted viability assessment) and as part of a section 106 agreement motorcycle barriers and resurfacing of the public right of way, and details of the future management/maintenance of the canal boundary structure the scheme is acceptable and complies with policy.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the relationship between houses, parking and bin layout amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

To delegate to the Head of Planning, Engineering & Transportation to grant permission subject to an amended parking plan, conditions including the revision or removal of any conditions listed below, not required following receipt of details acceptable to officers, and consultees; subject to the completion of a Section 106 Agreement to provide for affordable homes (or to demonstrate that contributions are not viable), open space, motorcycle barriers and resurfacing of the public right of way, and details of the future management/maintenance of the canal boundary structure. In the absence of a completed section 106 or amended parking plan delegation is sought for the Head of Planning, Engineering & Transportation to refuse the scheme on this basis.

Conditions and Reasons or Reasons for Refusal

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) This development shall not be carried out other than in conformity with the following plans and documents: -
Location plan and block plan drawing number (Zeb1043/P/001) received 20/03/18
Existing site plan and section (Zeb1043/P/005) received 20/03/18
Proposed site plan (Zeb1043/P/005) received 03/05/18
House Type A2 (Zeb1043/P/014) received 20/03/18
House Type A (Zeb1043/P/015) received 20/03/18
House Type B (Zeb1043/P/016) received 20/03/18
House Type C (Zeb1043/P/017) received 13/09/18
House Type D (Zeb1043/P/018) received 13/09/18
House Type D2 (Zeb1043/P/018) received 20/03/18
Existing and proposed site (Zeb1043/P/020) received 20/03/18

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

3a) Prior to built development commencing a new or updated site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

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

3c) 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)

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

3e) 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 c) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

3d) 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 the development or any Demolition, Engineering, and Construction activities, a Construction Methodology Statement shall be submitted in writing to and approved by the Local Planning Authority. The Construction Methodology shall include the following details:

1. The location of parking and turning facilities for site operatives and construction deliveries.
2. Details of the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development;
3. Measures to control the emission of dust and dirt during construction;
4. Details of protective measures (both physical measures and sensitive working practises) to avoid impacts during construction;
5. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons);
6. Details of persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation
 - iii) Installation of physical protection measures during construction;
 - iv) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
 - v) Provision of training and information about the importance of Environment Protection measures to all construction personnel on site.
7. Full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.
8. A site survey to identify any potentially hazardous materials shall be carried out and a Method Statement shall be submitted to the local planning authority detailing actions and time scale to be taken to prevent localised contamination.
9. Full details of the proposed retaining structure to the existing canal embankment shall. This detail shall provide cross sections (existing and proposed); drainage measures associated with the retaining structure; provision of a path to enable inspections of the embankment and future maintenance / management regimes for the retaining structure.
10. Details of all proposed earthmoving, demolition and construction works (including foundation details) within 20 metres of the toe of the adjacent Wyrley & Essington Canal embankment (including any works to the embankment itself and construction of any retaining walls or structures), including identification of potential adverse impacts on the canal embankment arising from such works and the proposed means of mitigating any such impacts.

4b) All agreed measures shall be fully implemented and maintained throughout the duration of demolition operations and construction activities.

Reasons: To safeguard the amenities of the area and to comply with BCCS policy ENV4 and UDP policies GP2 and ENV10.

5) The site area shall be secured throughout the development with a perimeter fence to prevent any incursion of machinery, equipment or personnel onto the corridor of the adjacent Wyrley and Essington Canal.

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

6a) There shall be no clearance of suitable vegetation should be undertaken during the bird-nesting season (1st March to 31st August inclusive).

6b) Where this is not practicable, any potential nesting habitat to be removed should first be checked no more than three days in advance of vegetation clearance by a qualified ecologist in order to determine the location of any active nests.

6c) Any active nests identified would then need to be cordoned off (minimum 5m buffer) and protected until the end of the nesting season or until the birds have fledged.

Reason: In the interests of protected birds and to comply with UDP policy ENV23

7a) Prior to works undertaken above dampcourse level details for an Acoustic Survey shall be submitted in writing and approved by the Local Planning Authority (see Note).

7b) Acoustic Mitigation measures to ensure future residents have a good acoustic environment shall be submitted to and agreed in writing with the Local Planning Authority.

7c) The agreed Acoustic Mitigation measures shall be fully implemented and a Validation Statement shall be submitted in writing to the Local Planning Authority that confirms the installation of the measures.

Reason: To safeguard the amenities of occupiers and to comply with UDP policy GP2.

8a) Prior to the first occupation of any dwelling on the development, all access ways and parking spaces serving that dwelling shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

8b) These areas shall thereafter be retained and used for no other purpose.

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

9) Prior to the first occupation of Plots 13 to 16, the section of existing dropped kerb footway crossing on Forest Lane, made redundant as a result of the development layout, shall be reinstated back to full kerb height to the specification of and shall be in accordance with all statutory requirements.

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

10a) Prior to occupation full details shall be provided for boundary treatments, to include:

- details of the proposal for retention or replacement of the high brick wall and mesh panel which forms the original factory boundary
- a cross section, showing the proposed development, window heights and boundary treatments in relation to the footpath and footbridge height.

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

Reason: To safeguard the occupiers of the houses and to comply with UDP policy GP2 and ENV32

11a) Prior to occupation details of electric charging points to serve each property shall be submitted to and approved by the Local Planning Authority.

11b) The agreed measures shall be fully implemented, a written validation statement shall be submitted to the Local Planning Authority prior to occupancy and the works retained thereafter.

Reason: In the interests of air quality, public health and to comply with UDP policy GP2

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, C and D of Part 1 Schedule 2 of the said Order shall be carried out to the dwelling hereby approved.

Reason: To protect the character and amenities of the area, in the interests of ground gas protection and to comply with policies GP2 and ENV32 of Walsall's Unitary Development Plan.

13a) Prior to occupation a landscape scheme shall be submitted to and approved in writing by the local planning authority. The landscaping shall include native species identified in the Extended Phase 1 Habitat Survey.

13b) The development shall be implemented fully in accordance with the approved scheme prior to the end of the first planting season.

13c) All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period, any trees shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same size and same species as that originally required to be planted,

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

14) There shall be no demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), on any Sunday, Bank Holiday or Public Holiday*, or between the hours of 18.00 to 08.00; or after 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 local amenity and to comply with UDP policy GP2

Notes for Applicant

Police

The applicant may wish to consider crime prevention and home security advice contained within SBD New Homes.

Please see http://www.securedbydesign.com/wpcontent/uploads/2017/06/Secured_by_Design_Homes_2016_V2.pdf

Any dead end greater than 20 m in length should have an appropriate turning facility for a pump appliance

Suitable water supplies for firefighting should be provided. This shall be subject to consultation with West Midlands Fire Service once a Water Scheme plan has been produced and approved by the relevant Water Company.

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

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 +A1:2013 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes

installed for the purposes of ground gas and or groundwater before installation of same.

CL2

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

CL3

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

Acoustics

Relevant acoustic guidance and documents:

ProPG: Planning & Noise – New Residential Development

Planning Practice Guidance – Noise

BS8233: 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings,

BS4142: 2014 – Methods for Rating and Assessing Industrial and Commercial Noise

WHO Night Noise Guidelines

BS7445: 2003 – Description and Measurement of Environmental Noise

Noise Policy Statement England

Pollution Control cannot verify that the agreed acoustic mitigation measures have been or will be installed as per manufacturer's instructions. It is recommended that such confirmation be obtained from a suitable third party, such as a Building Control Inspector or the acoustic performance verified by a person or organisation certified for the purposes of sound insulation testing by either by the Association of Noise Consultant (ANC) or the United Kingdom Accreditation Service (UKAS).

Air Quality SPD

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

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

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

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

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

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

Asbestos

The Documents included an Asbestos Survey. It is recommended that if asbestos has not been removed from the site since the 2010 Application was submitted, then a new report is undertaken and asbestos removed in accordance with National Legislation, before any demolition works commence.

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for the dropped kerb reinstatement works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

Canal

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 Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

Coal

The submitted Report identifies that unrecorded mine entries could potentially be present within the application site. We therefore take this opportunity to highlight that should any previously unrecorded mine entry be encountered during development, appropriate treatment will be required i.e. filling and capping. This may also necessitate revisions to the site layout.

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jun-2018

Plans List Item Number: 4.

Reason for bringing to committee: Major application

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

Proposal: VARIATION OF CONDITIONS 2 AND 8 ON PLANNING APPLICATION 15/0061/FL - TO AMEND THE LAYOUT OF PLOTS 13 AND 14, DELETE PLOT 15 AND AMEND PARKING LAYOUT AND AMEND THE PROPOSED FACING MATERIALS.

Application Number: 18/0006

Applicant: Aspire Enterprises UK Ltd

Agent: Mr Peter Hunt

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

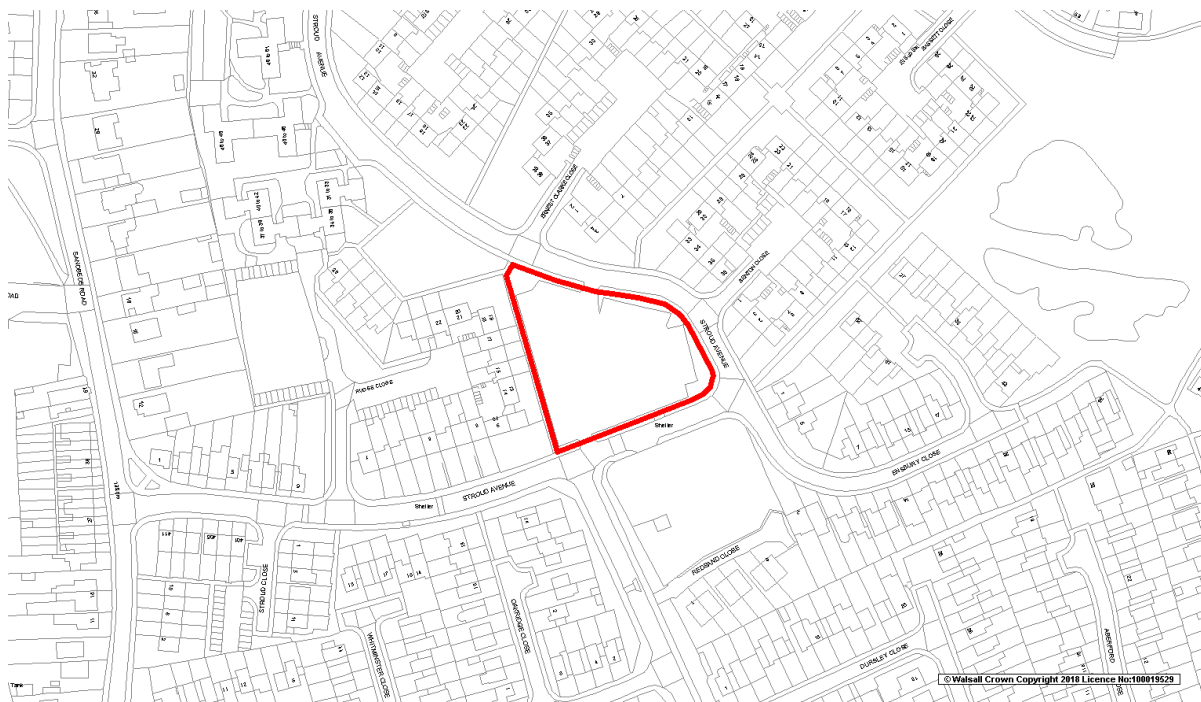
Case Officer: Barbara Toy

Ward: Short Heath

Expired Date: 09-Apr-2018

Time Extension Expiry:

Recommendation Summary: Grant permission subject to conditions.



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Proposal

The proposal seeks a variation of conditions 2 and 8 on planning permission 15/0061/FL to amend the layout of plots 13 and 14, delete plot 15 and amend the parking layout and to amend proposed facing materials. The original proposal was for erection “residential development comprising 15 houses and 15 flats (affects the setting of public rights of way WILL 40 and 41)” on the site of the former Cavalcade PH, Stroud Avenue.

The proposed residential development now comprises a part two/part three storey apartment block with 15 apartments and 14 houses comprising 10 semi-detached and 4 detached houses (instead of 15 houses comprising 12 semi-detached and 3 detached).

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 are eight new houses fronting the north side of Stroud Avenue and four houses fronting a new access from the north of Stroud Avenue and two houses fronting a new access from the south of Stroud Avenue. These six houses in the centre of the site run in line but there is no through access for vehicles. There are 12 parking spaces within the northern access and 17 spaces plus a bin store for the apartments located within the southern access.

Each of the proposed houses on the northern side of Stroud Avenue has a driveway at the side of the dwelling that provides for two parking spaces except for plot 8 which has one space. Parking for the remaining plots is within the shared 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.

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 proposed amendments to the layout are to accommodate a sewer easement that runs along the boundary with the public right of way in Rudge Close. Three dwellings were originally proposed facing the south side of Stroud (plots 13-15) but due to the sewer easement plots 13 and 14 have been rotated through 90 degrees to face the new access and plot 15 has been omitted. The car parking area for the flats has also been reconfigured so that it extends along the Stroud Avenue frontage where plots 13-15 were previously.

The other proposed amendment is for a change to the facing materials from those approved under the discharge of condition 8 of 15/0061/FL. This includes brickwork and render, stone cills, white upvc windows, coloured composite doors, concrete roof tiles. The brick type is proposed to change from Weinerberger/Baggeridge Buff Best and Brookmill Blend to Ibstock Wellbeck Autumn Antique. Also plot 12 is no longer proposed to be rendered but will be brickwork.

Condition 2 of 15/0061/FL reads:

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).

Condition 8 of 15/0061/FL reads:

8a. 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.

8b. 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.

All pre-commencement conditions have been discharged on the earlier permission.

A Report on Mining Investigation & Stabilisation Works and Supplementary Report on Ground Investigation have been provided. These address made ground and coal mining legacy issues and make recommendations regarding foundations.

Site and Surroundings

The site is on a prominent junction with three sides facing Stroud Avenue. It is a broadly flat site and there is a row of cherry trees along the rear boundary of the site

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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. Opposite the site on a former Meadow House care home permission has been part implemented for redevelopment as a nursing home and new houses (reference 15/0221/FL). The new houses have been constructed but not the care home although there is a current application 18/0364 to construct the care home with minor amendments. There is a bus stop adjacent to the site.

Relevant Planning History

15/0061/FL - Residential development comprising 15 houses and 15 flats (affects the setting of public rights of way WILL 40 and 41) – GSC 14/04/16.

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.

10/0702/FL - 13 two and three bed affordable houses, 10 one-bed supported living apartments and an 8 bedroom physical disability unit – GSC 15/03/11.

Meadow House

18/0364 - Variation of planning condition 2 of 15/0221 to alter the plans list to amend the design of the nursing home – Not yet determined.

16/0236 – Section 73 to vary existing consent 15/0221 to increased depth of proposed single storey projections to 6 new dwellings – GSC 08/07/16.

15/0221/FL - 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 – GSC 07/07/15.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

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- 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 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.

NPPF Consultation

In March 2018 the Ministry of Housing, Communities and Local Government issued consultation proposals for revisions to the National Planning Policy Framework. The consultation ends on 10 May 2018. The text has been revised to implement policy changes previously consulted upon and further changes to planning policy announced in the Budget 2017. Whilst proposals should be considered in light of this draft consultation at this stage it can be afforded little weight as a material consideration in the determination of the application.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- TRAN2: Managing Transport Impacts of New Development

- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T1 - Helping People to Get Around
- T4 - The Highway Network
- T5 - Highway Improvements
- T7 - Car Parking
- T8 – Walking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces

Supplementary Planning Document

Designing Walsall

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

Open space, sport and recreation

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

Affordable Housing

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

Air Quality SPD

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

Consultation Replies

Coal Authority – No objections. The site falls within the defined Development High Risk Area. The variation does not affect coal related conditions. Condition 3a-3f on permission 15/0061/FL have previously been discharged by the Coal Authority. On account of the above, and on the basis that the amended layout does not affect any of the coal mining legacy features identified on the site, The Coal Authority therefore raises no objections to the proposed variations and the previous condition relating to land instability need not be repeated on any re-issued consent.

Police – No objections.

Pollution Control – No objections.

Severn Trent Water – No objections subject to a condition to secure drainage details. Also a note to applicant regarding the multiple public sewers crossing the site.

Transportation – No objections subject to conditions to secure access and parking, footway crossings, cycle shelter, alterations to traffic calming measures and prevention of creation of a through road. The proposal includes 200% parking for the houses and 100% parking for the apartments plus 2 disabled parking bays. The site is considered to be in a relatively sustainable location within reasonable walking distance of High Road and Brackendale Local Centre, a range of community facilities and frequent bus services. Census data from 2011 shows only 15% of households in the immediate locality have two cars. On this basis the level of parking provision is considered acceptable. Alterations to the existing traffic calming measures on Stroud Avenue are required to accommodate the development and reduce speeds around the bend. On balance the Highway Authority considers the development is acceptable and will not have severe transportation implications and is in line with paragraph 32 of the NPPF, subject to the suggested revisions and conditions.

Representations

Two letters of objection summarised as follows:

- Road safety concerns
- Current fencing around site restricts visibility around the tight bend in the highway
- Oncoming traffic in middle of road around tight bend
- Vehicles mounting pavement to pass parked vehicles causes a pedestrian safety issue
- Consider double yellow lines to prevent parking on the tight bend
- Damage has been caused to parked vehicles
- Concern about block of flats on the tight bend

Determining Issues

Determining issues on the earlier permission 15/0061/FL included the following:

- Principle of Residential Development
- Layout and Design
- Relationship to Surrounding Occupiers
- Access and Parking
- Provision for Affordable Housing and Urban Open Space
- Local Finance Considerations

Of these, the following determining issues require reassessment as part of the proposed amendments are as follows:

- Layout and Design
- Relationship to Surrounding Occupiers
- Access and Parking

Of further consideration:

- Conditions

Assessment of the Proposal

Layout and Design

The layout has changed as three plots originally proposed to face the southern side of Stroud Avenue opposite the former Meadow House site have been rotated through 90 degrees to avoid a sewer easement. One of the three plots has also been omitted and car parking area reconfigured to extend along this southern Stroud Avenue frontage making use of the space where plots 13-15 were previously. Whilst it is regrettable that there will be no housing with a direct frontage to Stroud Avenue to provide surveillance of the street, there will still be activity on the car park and, subject to appropriate boundary treatment, the street scene will not be harmed to such an extent as to warrant refusal of the application. The proposed bin store for the apartments is also set back with screening either side.

The gable and side garden boundary of plot 14 will face the street at a distance of approximately 11m away from Stroud Avenue with the shared parking area in between.

The design of the houses is the same as those previously approved on the site. The Coal Mining legacy issues have been addressed and conditions need not be repeated to deal with this issue.

Relationship to Surrounding Occupiers

The changes to rotate plots 13 and 14 through 90 degrees are not any closer to the Rudge Close properties than the properties approved on plots 9-12 so will have no greater impact on the amenities of existing occupiers. There remains a separation of at least 22m between facing elevations which is considered adequate to maintain privacy and outlook.

The repositioning of the car parking area will have no greater impact on the amenities of adjoining occupiers than the earlier use of the site as a public house car park. The nearest parking space is approximately 13m away from the flats at 11 and 12 Rudge Close.

Access and Parking

The proposed access serving the south side of Stroud Avenue is in the same position as that previously approved. Although the parking layout has been amended there remains adequate space for parking for the flats and houses. The Transportation officer is satisfied that there is ample parking for the development considering this is a sustainable location within reasonable walking distance of High Road and Brackendale Local Centre, a range of community facilities and frequent bus services. Also considering that Census data from 2011 shows only 15% of households in the immediate locality have two cars.

Conditions are proposed to secure access and parking, footway crossings, a cycle shelter, alterations to traffic calming measures and prevention of creation of a through road. Alterations to the existing traffic calming measures on Stroud Avenue are required to accommodate the development and reduce speeds around the bend. On balance, the Highway Authority considers the development is acceptable and will not have severe transportation implications.

Neighbours are concerned about pedestrian and road safety in the area, lack of visibility at the bend in the road which is restricted by site fencing, damage caused to vehicles and potential for parking restrictions in the area. The proposed amendments utilise the approved access and remove three individual dropped crossings along the southern part of Stroud Avenue thus reducing the potential for vehicle conflict along this part of Stroud Avenue. The remainder of the proposals are unchanged so the position of the flats at the bend in the road and vehicle movements around the junction have not changed in this respect and are considered appropriate subject to amendments of the existing traffic calming measures and dropped crossings. The proposed development does not affect pedestrian safety as the access and parking areas is designed to accommodate appropriate visibility. Consideration of parking restrictions (double yellow lines) is a matter for highways enforcement to consider.

Other issues previously considered

Principle of Residential Development

The principle of residential development of the site has been established in granting permission 15/0061/FL.

Provision for Affordable Housing and Urban Open Space

The earlier application demonstrated that the viability of the development was such that the scheme would not be viable if contributions for affordable housing and urban open space were sought. The District Valuer concurred with this. The current application proposes one less dwelling thus having a greater impact on viability.

Local Finance Considerations

The development originally proposed 30 new homes and the amendment proposes 29 new homes. Consideration has already been made of the potential for New Homes Bonus monies that might be available.

Conditions

All of the pre-commencement conditions on the earlier permission have been discharged so as the current application effectively means re-issue of the permission the conditions have been amended accordingly to reflect this.

Conclusions and Reasons for Decision

The layout change is considered to be minimal and do not significantly harm the character or appearance of the development yet address the sewer easement and coal-mining legacy on the site. The repositioning of the dwellings and parking areas does not have any greater impact on surrounding neighbours privacy, outlook or amenity. The access is the same as that previously approved albeit with the adjustment to the parking layout and is sufficient to accommodate the needs of the future occupiers. There will be no severe transportation implications because of the changes. The principle of residential development is already established and viability assessed to determine that the development can not accommodate provision for affordable housing and open space. Potential for New Homes Bonus has already been considered. Conditions have been updated to reflect where they have been addressed under the earlier permission.

On this basis the proposal is considered to comply with policies CSP4, DEL1 and HOU2 of the BCCS and saved UDP policies GP2, ENV32, T13 and Supplementary Planning Document Designing Walsall.

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.

Conditions and Reasons

1. The development must be begun not later than 14 April 2019.

Reason: To ensure the timely development of the site pursuant to the requirements of Section 91 of the Town & Country Planning Act, 1990.

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

- Location Plan (683-04) received 15/01/15
- Proposed Site Plan (302-A) received 17/01/18
- Proposed Street Scene (202) received 17/01/18
- Schedule of Facing Materials received 17/01/18
- 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
- Report on Mining Investigation and Stabilisation Works (J16043/01 Rev A) received 17/01/18
- Report on Supplementary Ground Investigation (J16043/02) received 17/01/18

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

3a. The development shall be implemented in accordance with the site investigation, ground contamination survey and assessment of ground gas reports approved and discharged under permission 15/0061/FL on 20th January 2017. (see Note for Applicant CL1 & CL2).

3b. Prior to the first occupation of the development 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 shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2).

3c. Prior to the first occupation of the development the remedial measures as set out in the Remediation Statement required by part (b) of this condition shall be fully implemented in accordance with the agreed timetable.

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

3e. Prior to the first occupation of the development a validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL3).

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

4a. The development shall be implemented in accordance with the noise survey approved and discharged under permission 15/0061/FL on 20th January 2017.

4b. Prior to the first occupation of the development the noise mitigation measures approved and discharged under permission 15/0061/FL on 14th February 2017 shall be fully implemented.

4c. Prior to the first occupation of the development 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 future occupiers.

5a. The development shall be implemented in accordance with the drainage details for the disposal of both surface water and foul sewage as approved and discharged under permission 15/0061/FL on 24th January 2017 before the first occupation of the development.

5b. The development shall be maintained in accordance with the approved details thereafter.

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

6a. The development shall be implemented in accordance with the Construction Methodology Plan shown on drawing 683/30 approved and discharged under permission 15/0061/FL on 20th January 2017.

6b. The Construction Methodology Plan 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. The development shall be implemented in accordance with the agreed external facing materials schedule submitted on 17th January 2018.

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

8. The development shall be implemented and maintained in accordance with the boundary treatments agreed approved and discharged under permission 15/0061/FL on 20th January 2017 prior to the first occupation of the development and maintained 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.

11a. Prior to the first occupation of the apartment block, the car parking area shall be fully consolidated, hard surfaced and drained so that surface water from the area does not discharge onto the public highway or into any highway drain, together with the clear demarcation of all parking spaces. Two spaces shall be allocated for disabled users and demarcated accordingly.

11b. Prior to the first occupation of the development a new vehicle footway crossing serving the car park access point shall be installed in accordance with Council's footway crossing specification SD11/8 dated January 2008 together with the reinstatement back to full kerb height of the existing redundant dropped kerb serving the former car park opposite the road junction. All works 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 first occupation of the apartment block the cycle shelter approved and discharged under permission 15/0061/FL on 20th January 2017 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 modes of travel, in accordance with UDP policy T13 and Black Country Core Strategy Policy TRAN4.

13a. Prior to the first occupation of the development, 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 of the speed cushions outside Plot 3 away from the dropped kerb access point together with the provision of a new traffic calming feature outside the apartment block in between the bend near to Benton Close, the position and design of which to be agreed in writing with the local planning authority in consultation with the highway authority.

13b. Prior to the first occupation of the development, the traffic calming works approved under part (a) of this condition shall be fully implemented in accordance with the approved details.

Reason: To ensure the safe and satisfactory operation of the access points and in respect of Plots 1 to 8 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 through the development between the shared access road and the apartment block car park and appropriate physical measures shall be in place 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.

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15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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, 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

Noise

Paragraph 123 National Planning Policy Framework:

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; and
- identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Noise surveys may need to adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation point, and may also need to take account of changes in noise levels on account of height above ground floor level to account for noise exposure at sensitive receptor points. Additionally, a noise survey may have to take into consideration changes in noise climate between normal weekdays, and weekends, effects of holiday periods, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys may be required to corroborate a single noise survey.

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

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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. Assessment of certain industrial and commercial noise impacts can be undertaken having reference to British Standard BS 4142 'Method for Rating industrial noise affecting mixed residential and industrial areas'.

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

In addition to the above in the light of new guidance for acoustic surveys and mitigation affecting residential developments, the Applicant will be required to undertake an acoustic assessment with due consideration of Professional Practice Guidance on Planning and Noise for New Residential Development, ProPG, by the Institute of Acoustics (IOA), Chartered Institute of Environmental Health (CIEH) and Association of Noise Consultants (ANC).

[Professional Practice Guidance on Planning and Noise for New Residential Development, ProPG, is available from the websites of the Institute of Acoustics (IOA), Chartered Institute of Environmental Health (CIEH), and/or the Association of Noise Consultants (ANC).]

Severn Trent

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

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within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jun-2018

Plans List Item Number: 5.

Reason for bringing to committee: Call in by Councillor S Coughlan on grounds of delicate judgement.

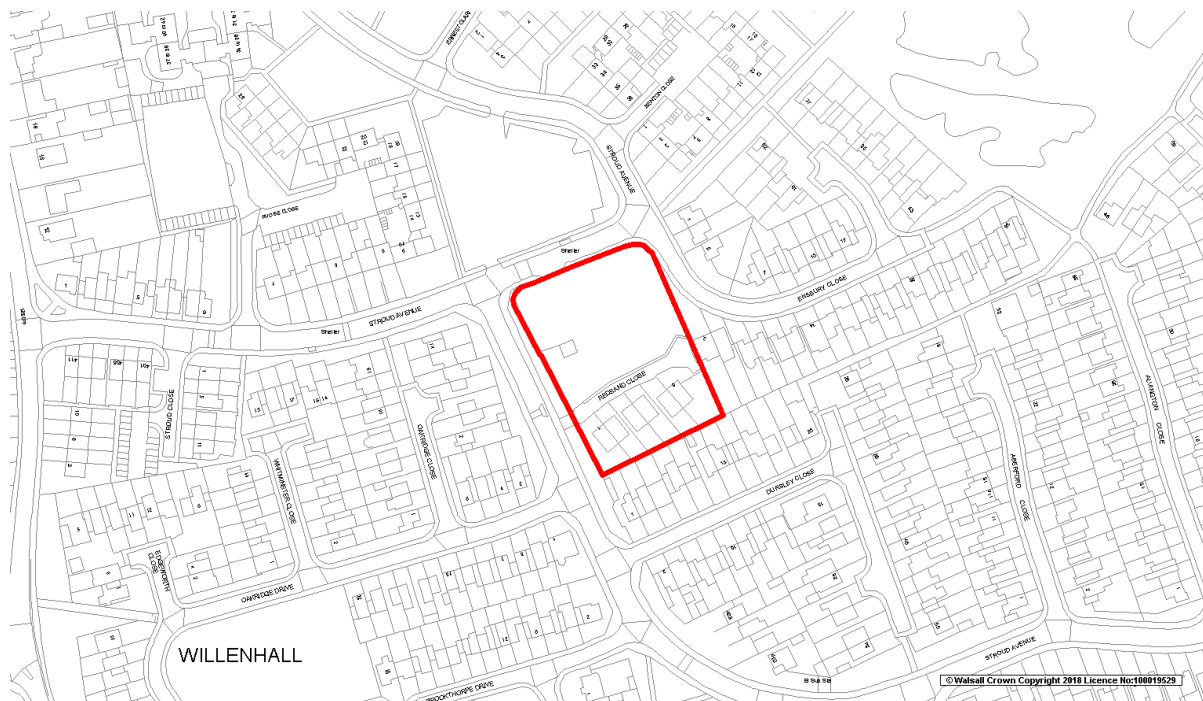
Location: KEAN BUILDING AND FIRE PROTECTION SERVICES LTD, 39-43 TEMPLE BAR, WILLENHALL, WV13 1SQ

Proposal: FIRST FLOOR SIDE AND REAR EXTENSION

Application Number: 16/1215
Applicant: Mr Keith Park
Agent: Mr Thomas O'Neill
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Willenhall South
Expired Date: 26-Oct-2016
Time Extension Expiry:

Recommendation Summary: Refuse



Committee Update

At March 2nd planning committee 2017 members resolved that planning application number 16/1215 be deferred for two cycles to enable the applicants to undertake a full survey of the protected lime tree to obtain information regarding the tree roots and provide foundation details.

The requested tree report was received on the 5th May 2017 which missed the two cycle target and additional time was required for the Tree Officer to consider the report.

There are a number of discrepancies with the tree report which is detailed later in this report. Officers have shared those concerns and had expected the report to be amended or a new one to be submitted. No further details or amendments have been received and the agent is unwilling to agree an extension of time so for these reasons the application should be determined on the basis of what has currently been submitted.

The applicant has installed larger windows to the front existing ground floor side extension which requires planning permission. This matter has been reported to the Planning Enforcement Team and will be considered separately.

Additional Relevant Policies

NPPF Consultation

In March 2018 the Ministry of Housing, Communities and Local Government issued consultation proposals for revisions to the National Planning Policy Framework. The consultation ends on 10 May 2018. The text has been revised to implement policy changes previously consulted upon and further changes to planning policy announced in the Budget 2017. Whilst proposals should be considered in light of this draft consultation at this stage it can be afforded little weight as a material consideration in the determination of the application.

New Consultation Replies

Tree Officer – Raises inaccuracies with the submitted tree survey.

New Representations

None

Determining Issues

The following determining issues are unchanged from the previous report:

- Design and Character of the Area
- Amenity of Neighbours
- Parking

The following determining issue is updated:

- Protected Trees

Assessment of the Proposal

Protected Trees

With respect to the submitted tree report the tree officer has raised the following comments:

On Page 3 (overview) of the submitted report, paragraph 4 states “There is a significant difference in ground level between properties (approx. 2m).”

The site photos demonstrate that this is not the case. The tree is situated on ground that is consistent with the level of the Kean site with a (1.3m high brick built wall with rounded blue coping stones and a 1.5m timber extension on top) located on the boundary. It cannot therefore be stated that “... it is not reasonable to expect that roots will reach anywhere past retaining wall.” The boundary wall is likely to have shallow foundations (given its age) and it is highly probable that the roots of the tree have crossed the boundary into the Kean site. To clarify this, it may therefore be prudent, rather than purely as a precaution as stated in the Report, to hand excavate a trench adjacent to the boundary wall on the applicant’s side to determine their extent.

Page 3, paragraph 6 (Tree Details table) – the stem has been estimated at 600mm diameter which is consistent with the Report. An estimate was used as the amount of vegetation around the base of the tree made accurate measuring of the diameter impossible. This gives the tree an approximate age of 70-80 years old and means that, given Lime trees have an estimated life expectancy of 200-300 years, the tree has at least 130 years left (assuming good conditions). The Report appears to have significantly underestimated this.

In addition, the Report states that the “removal of lowest limbs overhanging no 39-43 Temple bar” is necessary for the purpose of the proposed [development] works. However, this recommendation is non-specific and doesn’t suggest how many limbs will be removed or to what height above ground level as required by the current British Standard for Tree Work (3998:2010)

Page 3, paragraph 7, and Page 4, paragraphs 1,2 and 3 – the Council agrees that the tree appears in good condition with no visible faults or defects. However, sounding of the stem with a nylon hammer was not undertaken due to thick vegetation, as mentioned earlier in my comments, and in the Report (Page 3, paragraph 7). The tree has a slight lean towards the Kean site although this was probably due to the presence of another large Lime tree to the south, now removed. This has no consequence for the tree’s current or future health and should not be given any weight on the decision making process.

There is also a large pruning wound at approximately 3.5m above ground level over the tree owners site. It is unknown when this was undertaken although it may have occurred during the course of removing the adjacent Lime tree somewhere between

2006 and 2009. However, the wound shows good woundwood growth around the edge indicating a tree of good vigour.

Page 4, paragraph 4 – Suggests that the tree has a regularly shaped crown which is unusual for this type of species. It also suggests the tree is stressed due to the large pruning wound and limited access to water. The Council's inspection of the tree showed a tree with good extension growth, good leaf colour and size, with good coverage throughout the crown. As mentioned earlier, this indicates a tree of good health and condition, although the minor amount of deadwood present is consistent with the species.

Page 4, paragraph 7 (Work proposed) – indicates that a "...few minor branches in diameter not larger than approx. 10cm" would have to be removed to allow the extension to the building. While it is agreed that a few branches would have to be removed, they are considerably larger than 10cm and, given the proximity to the main stem, form part of the major structure of the crown, and a significant part of the visual 'balance' of the crown (see Pic 1 below). Removing large limbs from a tree does not follow best practice for many reasons:

- i. the large wound created will remain open to colonisation by decay causing organisms for many years. This in turn compromises the structural integrity of the stem and increases the risk of failure in adverse weather conditions.
- ii. the limbs of a tree dissipate the forces experienced during adverse weather conditions and removing them increases the risk of failure at the pruning point.
- iii. removing the limbs would leave a severely unbalanced tree visually, which in turn significantly reduces its amenity value.
- iv. the limbs above the area of the removed limbs are at greater risk of failure as the protection afforded by the larger lower limbs has been removed. This continues higher up the crown as more limbs are lost and will eventually leave the tree in such a condition that an application to fell the tree, due to its unusual shape and form (and visual unattractiveness) will be submitted which may be difficult to defend.

The Report justifies this work based on the "... extensive de-limbing done in past on opposite side of tree ..." which was not evident on site.

Page 5, paragraph 1 – makes recommendations in the event of the tree dying for replacement planting.

The tree does not form part of the "development site" and is not the responsibility of the applicant. It is in third party ownership and the Council has no power or authority to stipulate, force or order any third party property owner to undertake works to the tree. It is situated so close to the application site that it must be considered and is a material consideration in the application process. The Council could be held liable for any damage caused to persons or property as a result of granting consent for detrimental works, either above or below ground.

To summarise, the Report appears contradictory in its findings and has not taken into account all the relevant factors involved in assessing the construction of a building in close proximity to a tree

Tree Picture 1 – showing the branch structure and visual symmetry of the crown.

Tree Picture 2 – showing the extent of the proposed extension and the effect on the tree.

Tree Picture 3 – showing a representative view of the full width extension and the effect on the tree.

Tree Picture 4 - showing a representative view of the half width extension and the effect on the tree.

Updated Positive and Proactive Working with the Applicant

Officers have shared the concerns detailed in this report of the submitted tree report hoping that the Agent might choose to resolve the discrepancies. However no information is forthcoming and the Agent has refused to sign a further extension of time, so on this basis the application should be determined on the submitted information.

Recommendation

Refuse

Reasons for Refusal

1. The proposed first floor extension would be in the area where the protected Lime Tree crown overhangs the site and would result in the removal of a significant amount of leaf bearing material, and the creation of large wounds in order to allow the construction of the extension and to maintain sufficient clearance between the crown and the building. The proposal would result in significant detrimental impact to the long-term health and condition of the tree considered likely to result in premature decline. For these reasons the proposal is contrary to the National Planning Policy Framework in particular paragraph 118, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2, ENV18 and ENV32, and the Supplementary Planning Document, Conserving Walsall's Natural Environment policies NE7 and NE8.
2. The loss of the protected Lime Tree would result in the proposed 6.5 metre high predominantly blank side elevation, within 1 metre of the shared boundary to number 44, having an unacceptable overbearing impact on the rear garden area of this house. For these reasons the proposal is contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policy ENV32, and the Supplementary Planning Document, Designing Walsall DW3.

Original Report Including Supplementary Updates

The application relates to existing commercial premises in Temple Bar, Willenhall. The application proposes to replace an existing single storey side projection to an office with a two storey extension to provide 102m² additional office space.

There are residential properties that bound the site in Leveson Street, Thompson Street and Templars Walk, to the east in Temple Bar is Jackdaw manufacturing and commercial properties are on the opposite side of the road. The site is approximately 160m to the north of Willenhall District Centre.

The proposal includes a flat roof and would mirror the existing design, windows are proposed on the front and rear elevations to the offices with a single side window to serve a corridor. The key measurements are:

14.8 metres deep

7.8m wide (the width of the existing side projection)

The same depth as the main building

6.5 metres high (the same as the existing building)

There is a protected lime tree along the boundary to number 44 Temple Bar the neighbouring house to the proposal. The protected tree is within the boundary of number 44 and the canopy spreads over half the width of the existing building. The proposal would be 1 metre from the shared boundary which is defined by a 1.5 metre high wall and 500mm fence above. The proposal would extend 7 metres along the shared boundary.

The frontage has space to park 13 cars.

Relevant Planning History

BC51864P single storey extension to production area – GSC 29/06/98. Evidence on file demonstrates that the previous owner negotiated an amended design with the tree officer to move the existing single storey extension further away from the protected Lime tree and the design of the foundations was a shallow reinforced concrete ground beam to protect the tree.

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:

- ***NPPF 1 - Building a strong, competitive economy***
- ***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

- CSP1: The Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- EMP1: Providing for Economic Growth
- EMP3: Local Quality Employment Areas
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design

- ENV35: Appearance of Commercial Buildings
- JP7: Use of Land and Buildings in Other Employment Areas
- JP8: Bad Neighbour Industrial Uses
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

- Development with the potential to affect species, habitats or earth heritage features
 - NE1
 - NE2
 - NE3
- Survey standards
 - NE4
- The natural environment and new development
 - NE5
 - NE6
- Development with the potential to affect trees, woodlands and hedgerows
 - NE7
 - NE8
 - NE9
 - NE10

Designing Walsall

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

Consultations

Highways – No objection subject to parking area being hard surfaced and drained.

Trees – Objections on the grounds of the potential loss of a protected tree

Pollution Control – No objections

Environmental Health – No objections

Public Participation Responses

The neighbour at number 44 has objected on the grounds the proposed would cause overlooking.

Determining Issues

- Design and Character of the Area
- Amenity of Neighbours
- Protected Trees
- Parking

Observations

Design and Character of the Area

The design with flat roof would integrate well with the original building. Provided the development does not impact on the protected tree (considered below) there would be little detrimental impact on the character of the area.

Amenity of Neighbours

The proposed two storey extension would be 1 metre from the shared garden boundary to number 44 to the North. This relationship is acceptable in so far as there would not be a significant loss of light to the garden area or windows of number 44. However the excessive height and close proximity of the proposed extension would result in an overbearing impact having a significant impact on the amenities of the occupier of number 44. It is recognised that the protected tree screens the blank wall from number 44, but the close proximity of the extension to the tree could result in the loss of the tree so this potential mitigation cannot be relied upon.

The extension would be 12 metres away from the rear windows of number 44. The front facing windows would not directly face these windows and it is considered would not result in overlooking to this nearest house.

Protected Trees

There is a mature Lime tree in the rear garden of 44 Temple Bar, which is protected by TPO 8 of 1985, the crown of which considerably overhangs the application site. The Tree Officer considers that it appears in good condition although this is based on a visual inspection from the front of the application site only. No visible faults or defects were noted and leaf colour, leaf size and extension growth all appeared normal for the species. It is prominent in the locality and is easily viewed from several locations around the application site. It fulfils all the criteria for inclusion in a Tree Preservation Order and its formal protection is justified.

The proposal indicates a first floor extension in the area where the crown overhangs the site. It extends to the south boundary in line with the ground floor and would result in the removal of a significant amount of leaf bearing material, and the creation of large wounds in order to allow the construction of the extension and to maintain sufficient clearance between the crown and the building. This is significantly detrimental to the long-term health and condition of the tree and may result in premature decline. The loss of the tree is considered unacceptable and although solutions have been suggested such as a reduced size extension no amendments have been provided.

The tree is not in the applicant's ownership or control. If approved the applicant would have the right to reduce the canopy to facilitate the extension and potentially damage roots whilst improving the foundations. These works could result in the tree falling and causing damage or injury which would make the Council liable for compensation and possibly the applicant.

Notwithstanding the above concerns, if members are minded to approve the scheme, officers recommend that the applicant enters a section 106 agreement with the Council for a replacement tree.

Parking

The development looks to extend the premises by adding a further 100sqm of office space on the first floor taking the gross floor area to 550 sqm.

In terms of UDP T13 parking policy the extension requires an additional 4 parking spaces based upon 1 space per 30sqm. No additional parking is proposed over and above the existing 13 marked spaces. However, there is adequate space within the car parking area to park additional vehicles in a managed arrangement if required and there are double yellow parking restrictions along both sides of Temple Bar to control indiscriminate parking on the highway.

On balance, the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32.

Recommendation

Refuse

1. The proposed first floor extension would be in the area where the protected Lime Tree crown overhangs the site and would result in the removal of a significant amount of leaf bearing material, and the creation of large wounds in order to allow the construction of the extension and to maintain sufficient clearance between the crown and the building. The proposal would result in significant detrimental impact to the long-term health and condition of the tree considered likely to result in premature decline. For these reasons the proposal is contrary to the National Planning Policy Framework in particular paragraph 118, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2, ENV18 and ENV32, and the Supplementary Planning Document, Conserving Walsall's Natural Environment policies NE7 and NE8.
2. The loss of the protected Lime Tree would result in the proposed 6.5 metre high predominantly blank side elevation, within 1 metre of the shared boundary to number 44, having an unacceptable overbearing impact on the rear garden area of this house. For these reasons the proposal is contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policy ENV32, and the Supplementary Planning Document, Designing Walsall DW3.

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jun-2018

Plans List Item Number: 6.

Reason for bringing to committee: Appeal received against non-determination of the application. To determine how the committee would have determined the application

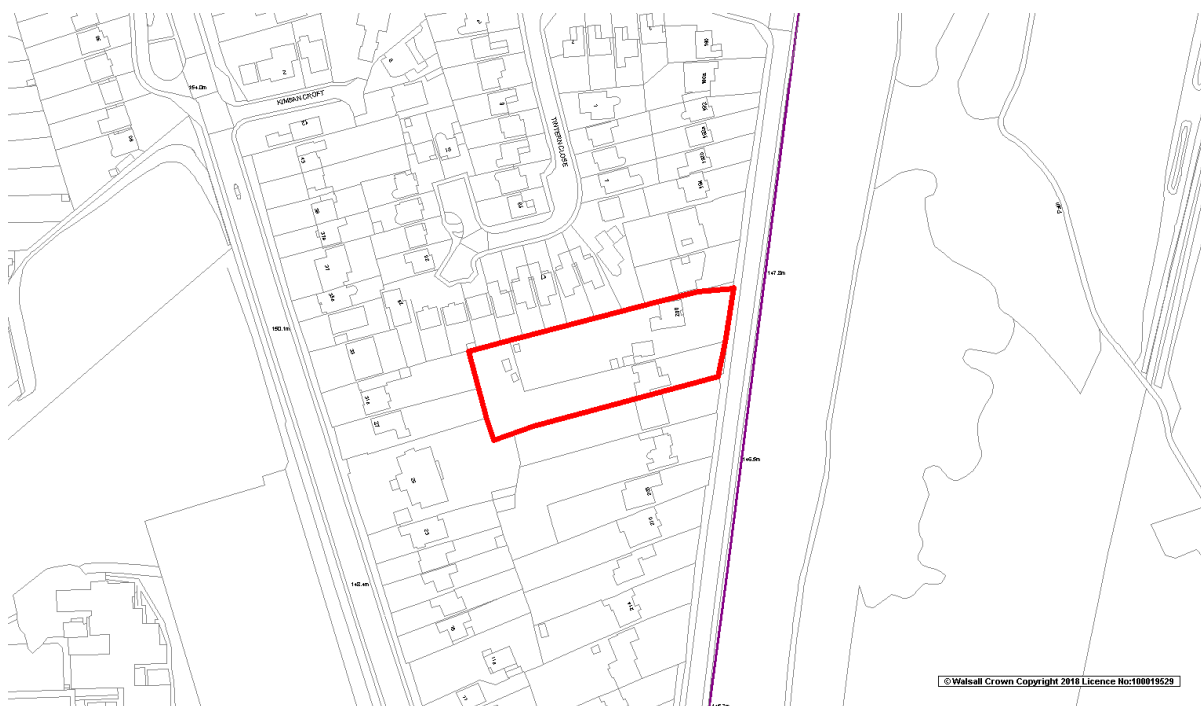
Location: 200-202, THORNHILL ROAD, STREETLY, SUTTON COLDFIELD, B74 2EP

Proposal: DEMOLITION OF EXISTING BUNGALOW AT 200 AND ERECTION OF 4 DETACHED HOUSES.

Application Number: 17/1152
Applicant: Mr Jason Massey
Agent: Cerda Planning Limited
Application Type: Full Application

Case Officer: Devinder Matharu
Ward: Streetly
Expired Date: 07-Nov-2017
Time Extension Expiry:

Recommendation Summary: To seek a Committee resolution on how they would have determined the application were the determination within their authority rather than the Planning Inspectorate.



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Current Status

There is a current appeal against non-determination of the application. Officers are seeking a Committee resolution on how they would have determined the application were the determination within their authority rather than the Planning Inspectorate. The resolution will be forwarded to the Planning Inspectorate and form part of the appeal documents.

Proposal

The proposal is for demolition of a bungalow 200 Thornhill Road, retention of 202 Thornhill Road with new garage to the rear plus erection of four detached dwellings. There is one dwelling proposed facing Thornhill Road and three dwellings in the former rear garden land.

Plot 1 – “L” shaped with projecting front section set back 11m from Thornhill Road. Six bedrooms with accommodation over three floors including the loft. Attached double garage. 8.5m high. Garden approximately 161m².

Plot 2 - Two storey four bedroom house at the rear of Plot 1 with projecting gables front and rear and dormer windows at first floor front and rear. Integral garage and car port. 9m high not including chimney. Garden approximately 154m².

Plot 3 – Five bedroom property located at the rear of the site with accommodation over three floors including loft. Projecting gables at front and rear and projecting bay window to front first floor. Integral double garage. 8.8m high. Garden approximately 192m².

Plot 4 - Five bedroom property located at the rear of the site with accommodation over three floors including loft. Projecting gables to front and rear. Integral double garage. 8.8m high. Garden approximately 241m².

The design includes gables, bay windows, brick and tile construction with cladding and some mock Tudor effect and feature brickwork to frontage.

The site area is 0.39 hectares.

The application is accompanied by the following:

- Design & Access Statement
- Planning Statement
- Preliminary Ecological Appraisal
- Tree Survey & Arboricultural Impact

Site and Surroundings

The site is in a predominantly residential area opposite Sutton Park. There is a variety of larger dwellings within mature gardens in spacious plots on this part of Thornhill Road. There are protected trees throughout the site and dense shrubs and hedges around the perimeter and towards the front and rear of the plot. Surrounding

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properties in Tintern Close are between 1.3m and 1.5m higher ground level than the proposed plots.

Relevant Planning History

Site

05/2277/FL/E3 - Demolition of existing bungalow and proposed erection of 9 residential units new access associated and landscaping proposals – Refused 14/02/06. Five reasons broadly relating to; (1) cramped layout out of character with surrounding development and poor environment for future occupiers, (2) overlooking and loss of privacy to surrounding occupiers, (3) failure to demonstrate protected trees would remain unaffected, (4) no evidence to demonstrate protected species would be unaffected and (5) inadequate access unable to accommodate passing traffic or turning for large vehicles.

06/1432/FL/E12 - Demolition of existing detached bungalow at 200 Thornhill Road and proposed erection of 6 residential units, new access associated works and landscaping proposals – Refused 10/10/06.

08/0207/FL - Demolition of Numbers 200, 202, and 204 Thornhill Road for the Erection of 7 Residential Units, New Access, Associated Works and Landscaping – Refused 10/04/08. Four reasons broadly relating to; (1) inadequate information to accurately assess the proposals, (2) cramped form of development out of character with the established pattern of surrounding development and poor residential environment, (3) overbearing visual impact on surrounding occupiers and (4) insufficient evidence to demonstrate protected species would not be affected.

200 Thornhill Road

BC34564P - Outline-Bungalow with Garage & Detached Garage – Refused 04/02/92.

202 Thornhill Road

12/0961/FL - Single storey front and rear extensions and roof alterations – GSC 05/10/12.

14/1349/TR - T1 Horse Chestnut tree - To crown raise over the highway to give 5.5m clearance and to crown raise to give 3.5m clearance over garden – Granted 09/10/14.

15/0793/TR - To fell two Birch trees in the rear garden – Granted 29/07/15.

182/186 Thornhill Road

08/0421/FL - Demolition of 182-186 Thornhill Road and erection of 7 no.5 bedroom detached dwelling houses – Refused 01/05/08. Five reasons broadly relating to (1) unacceptable tandem backland development out of character and forward of building line; (2) scale and massing of dwellings cramped form; (3) overlooking and overshadowing neighbouring properties, (4) insufficient evidence to demonstrate protected species not harmed and (5) no compensatory planting to justify loss of trees and hedges. Appeal dismissed 08/10/08.

TPO's 5/2006, 9/2006 and 7/2008 covers several individual trees across the site.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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 6 - Delivering a wide choice of high quality homes**
- **NPPF 7 - Requiring good design**
- **NPPF 9 - Protecting Green Belt Land**
- **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.

NPPF Consultation

In March 2018 the Ministry of Housing, Communities and Local Government issued consultation proposals for revisions to the National Planning Policy Framework. The consultation ends on 10 May 2018. The text has been revised to implement policy

changes previously consulted upon and further changes to planning policy announced in the Budget 2017. Whilst proposals should be considered in light of this draft consultation at this stage it can be afforded little weight as a material consideration in the determination of the application.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality
- WM5: Resource Management and New Development

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T4 - The Highway Network
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

Natural England – No objection In respect of statutory nature conservation sites. Standing advice in relation to protected species is applicable. The Sutton Park SSSI is not a constraint to development. The LPA should consider the impact on local sites consider green infrastructure and biodiversity enhancements and SSSI impact zones.

Pollution – No objection in principle. A working plan to control local environmental impacts and measures to be implemented to comply with the Black Country Air Quality SPD can be secured by conditions.

Severn Trent Water – No objections and as the proposal has minimal impact on the public sewerage system no drainage condition is required.

Transportation – No objections subject to conditions to secure a drawing that demonstrates how a refuse vehicle can access the site, consideration of a shared surface highway, consideration of whether the access is private or adopted, securing the access and parking areas. There is garaging and parking for at least three cars for each plot which accords with saved UDP policy T13. The access onto Thornhill Road affords the required visibility in both directions in excess of that required for 30mph road. The Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32.

Tree Officer – Objects to current layout as it will have a detrimental impact on the long-term health and condition of a protected Horse Chestnut tree to the front of the site. It is a high amenity value tree and its retention is most desirable. The location and position of Plot 3 will result in the loss of significant screening between the site and adjacent properties and result in pressure placed on the Council to allow severe pruning two protected trees. In summary objections are as follows:

- The impact of the proposed footpath and access drive to 200 Thornhill Road on the protected Horse Chestnut tree.
- The removal of H5 as it provides a high level of screening and lower level amenity value to the front of the site.
- The loss of screening and visual amenity through the removal of H7, with a reduction in the scope for replacement planting.
- The impact of the proximity of Plot 3 to T8 and T9, both protected trees. This is likely to lead to the Council being placed under pressure to allow severe pruning in order to reduce the amount of shading to the property.

Representations

There are 38 letters of objection (including additional letters on revised plans from some households) summarised as follows with officers comments in italics:

- Loss of property value (*not a material planning consideration*)
- Failure to overcome earlier reasons for refusal and dismissal at appeal
- Fourth application at the site
- Not allocated in the emerging SAD for housing
- Contrary to Council policies
- Ignores pre-application advice given
- Poor design that fails to improve the quality of the area or ecology
- Layout does not respect surrounding area and is out of character
- Cramped development
- Shouldn't be altered to apartments at a later date (*this would require planning permission*)
- Tandem backland development
- Dwellings disproportionate to plot sizes and too large for area

- Doesn't respect street pattern or proportions of surrounding area
- Out of keeping with street scene
- Awkward plot division layout
- Proximity between plots out of keeping
- Changing the character of the area
- If it goes ahead neighbours may as well make a similar application (*not a material planning consideration*)
- What future proposals for housing may there be?
- Impact on provision of schools and other amenities in the area
- Fear of crime from new escape routes from existing gardens
- Potential noise complaints from future occupiers from noise from adjoining gardens and garden buildings (including trials bike testing)
- Noise and pollution from proximity of new roadway to adjoining properties
- Increased air noise and light pollution
- Difference in levels between gardens and need for screening
- Overdevelopment, too high density housing
- Increased noise and dust during construction
- Hours of construction should be restricted
- Exacerbate access issues and congestion in Thornhill Road particularly by construction traffic
- Highway safety issues as Thornhill Road is busy and congested
- Overspill parking in Thornhill Road
- Highway safety where new access joins Thornhill Road
- Topography of highway in Thornhill Road reduces visibility
- Additional congestion and pollution from increased traffic
- Results in three exits in 100 yards (*91.4 metres*)
- New access introduces further highway safety concerns
- Video evidence of busy Thornhill Road provided
- Consider traffic calming measures in Thornhill Road
- Narrow and inadequate access
- Access in a congested area close to a park and school route
- Restricted access for emergency vehicles
- Pedestrian safety concerns
- Are there any proposals for street lighting?
- Increase pressure on drainage infrastructure
- Adverse visual impact on the character of the neighbourhood
- Garden grabbing
- Overlooking neighbouring properties and gardens
- Rooms in roof increases potential overlooking
- Some rooms labelled study could be used as bedrooms
- Loss of privacy to neighbouring properties
- Breaches 45 degree code in respect of neighbours
- Levels differences between existing and proposed dwellings allow serious overlooking and loss of privacy
- Loss of open views (*not a material planning consideration*)
- Photos of current garden views provided
- Overshadowing
- Loss of daylight/sunlight to adjoining plots
- Seek clarification as to what constitutes loss of light

- Mass, bulk and proximity to adjoining properties obtrusive
- Proximity and scale in relation to adjoining properties harmful to amenities
- Uncharacteristic buildings results in poor outlook and loss of privacy
- Potential to undermine adjacent retaining walls
- Removal of trees (some already removed) detrimental to amenity and habitats
- Who will maintain boundaries?
- Conifer hedge is 4m high not 5.5m high
- Compensatory planting in adjacent gardens should be undertaken
- Buildings replace protected trees
- If approved screen planting should be retained
- Incremental loss of landscaping to be replaced with hard standings
- Impact of construction and development on root protection of protected trees adjoining the site
- Loss of wildlife and potential protected species and their habitats
- Adverse impact on the setting of Sutton Park SSSI
- Street lighting may affect foraging or commuting of protected species (e.g. bats)
- Query accuracy of application form responses i.e. qu. 24 site can be seen from a public road
- Unable to accurately scale drawings to assess the full impact including levels and sections (*all drawings are scaled*)
- Drawings show neighbouring garden as level where it is not
- Inaccuracy of measurements on drawings
- Lack of consultation by the developer
- Lack of information on levels/sections/drainage
- Article 8 of Human Rights Act not respected
- Invite officers to visit neighbouring properties
- Development only profits developers with no regard to neighbours
- Applicant has built houses nearby and caused traffic congestion and ignored working hours restrictions (*not a material planning consideration for the current application*)
- No one will buy houses on such a small plot for the estimated price (*not a material planning consideration*)

Determining Issues

- Principle of Development
- Layout and Design
- Residential Amenity
- Access and Parking
- Trees and Ecology
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The NPPF states housing applications should be considered in the context of the presumption in favour of sustainable development. The principle of making use of

previously developed sites in sustainable areas is acceptable provided this does not harm the character of the area. In this case, whilst redevelopment of the plot frontage may be acceptable in principle the introduction of new dwellings at the rear on the former garden land in tandem to the frontage housing is out of keeping with the immediate surroundings. Garden land is not defined as brownfield land and is considered not to be an effective use of land.

There are three elements to sustainable development, economic, social and environmental. For economic: the need to ensure that sufficient land of the right type is available in the right places and at the right time; for social: providing the supply of housing required to meet the needs of present and future generations and environmental: contributing to protecting and enhancing our natural, built and historic environment. In Walsall, the five year requirement of housing supply is currently being met through the allocation of housing land and granting of planning permission (which is significantly brownfield land). However, even though this housing need is being met some housing development on windfall sites is supported provided it meets the requirements in respect of sustainable development. On this basis, the proposal is contrary to the economic and social role as defined in the NPPF.

The proposal is in a sustainable location but is not a sustainable form of development if it fails to consider the environmental role - protecting and enhancing our natural, built and historic environment.

The site is not allocated in the emerging Site Allocation Document (SAD) specifically but would be classed as a windfall site and consideration given appropriately.

Whilst objectors have commented that the proposals fail to overcome previous reasons for refusal and appeal decisions, the latest of these was in 2008, nearly 10 years ago. In the circumstances, although similar considerations need to be made the appeal decisions cannot be relied upon given the passage of time and need to consider current policies.

The level of new housing proposed does not trigger the need for provision for education, open space or affordable housing nor healthcare provision despite neighbour concerns that the proposals would put pressure on these services.

The site is opposite Sutton Park a Grade II Listed Park and Garden. Whilst it would have an impact on the setting of Sutton Park by introducing a new access, the site is not visible from Sutton Park given the level of existing screening to the park so it is considered that this would not be sufficient to warrant refusal of permission.

The principle of the development of the rear gardens in a backland layout is considered does not make a positive contribution to the quality of the environment and is out of keeping with the area due to the cramped layout compared to the surrounding area. This is contrary to saved UDP policies GP2 and ENV32.

Whilst pre-application advice was sought and identified what supporting documents would be required to determine the application the officer advice on layout were not addressed. Future proposals for the land are not part of this determination despite neighbour's concerns.

Layout and Design

The layout identifies all four plots would be served from a new access road between 202 and plot 1. Whilst a new dwelling on the frontage facing Thornhill Road may be acceptable the introduction of the backland houses in close proximity to the site boundaries and within smaller plots by comparison appears cramped and is not in keeping with the character of surrounding dwellings. This is contrary to saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

Plots 2-4 at the rear are very close to retained trees and hedges and the layout is likely to result in pressure to remove this green infrastructure in the future that would cause further detriment to the character and appearance of the area contrary to saved UDP policies GP2, ENV18 and ENV32.

Plot 1 is staggered forward of the existing dwelling at 202 Thornhill Road but does bridge the gap to the adjacent dwelling 198 Thornhill Road. The design of plot 1 incorporates facing elevations to the side that address both Thornhill Road and the proposed access.

The density of the development is 10 dwellings per hectare (dph). Houses further south along this part of Thornhill Road have densities of almost 9 dph which is not dissimilar. It is more the point that the development is in tandem with frontage housing that is out of keeping with the area.

In regards to drainage infrastructure, this would be a matter for building regulations to address.

Residential Amenity

The layout has been designed to achieve space and separation distances between existing and proposed dwellings in accordance with SPD Designing Walsall. For example, there is over 14m between the gable of plot 3 and facing elevation of 21 Tintern Close and over 45m between the rear facing elevations of plots 3 and 4 dwellings at the rear 27 and 31A Chester Road. Nevertheless there is still a shortfall between plots 2 and 3 within the site which face each other over a distance of 18.5m instead of the required 24m. This is considered detrimental to the amenities of future occupiers in terms of outlook and privacy contrary to saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

Of concern to neighbours is the difference in levels between the existing dwellings in Tintern Close and the site as the former are between 1.3m and 1.5m higher than the site. This will result in the proposed new dwellings being obtrusive to the outlook of existing occupiers despite the distances achieved given the scale and massing of the proposed new dwellings and proximity to the boundary. In addition, as there is less than 2m between the proposed new dwellings and existing conifer hedge along this boundary this could result in removal of the hedge, which would further expose the

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new dwellings to views from surrounding neighbours. Alternative screening would be likely to be more obtrusive. This is out of keeping with the current character of the area. The provision of a third storey in the roof is of concern to neighbours as the impression of overlooking their homes and gardens is increased and makes the proposed dwellings appear more obtrusive from neighbouring properties. Given these factors the combination of the proximity of dwellings to the boundary, lack of assurance that the conifer hedge will remain and occupation of the third floor of the dwellings this gives the impression of overlooking that will be detrimental to the neighbours amenities.

Existing residents are concerned about potential noise and disturbance and light and air pollution from both the construction activities and future occupation of the site by new residents, for example comings and goings of vehicles using the access. One residents is concerned that new occupiers will constrain use of their own property in terms of noise. Construction activities could be controlled by conditions but as the proposed layout and proximity of the dwellings to the boundaries with existing properties it is inevitable that there would be an element of disturbance. there could be

The positioning of the proposed dwelling on plot 1 does not comply with the Council's 45 degree code in respect of the habitable room windows at the rear of 198 Thornhill Road. Although the existing bungalow at 200 breaches the code the replacement of a single storey dwelling with a significant two storey property would have a greater impact on the outlook, daylight and privacy, particularly as plot 1 lies to the south of 198. In the circumstances the proposals are detrimental to the amenities of this occupier in terms of loss of outlook and daylight.

The potential to undermine retaining walls of adjoining occupiers is a Civil matter rather than a material planning consideration. The responsibility for maintaining boundaries is also a civil matter not a material planning consideration.

Access and Parking

The layout introduces a new access between 202 and the new dwelling on plot 1. This is designed to an adoptable highway standard with 2m wide footways on either side of the carriageway.

The Transportation officer has no objections to the proposals subject to provision of a drawing to demonstrate that refuse vehicles can access the site but as there is a turning head included this is likely to be achievable.

Each plot has garage space plus driveway to accommodate at least 4 vehicles which complies with saved UDP policy T13.

The access onto Thornhill Road affords the required visibility in both directions in excess of that required for 30mph road despite residents' concerns for highway and pedestrian safety on the already congested highway and concerns about the proximity to other highway junctions and topography in Thornhill Road restricting visibility. In the circumstances, no traffic calming measures are considered necessary as a consequence of the proposals and the design of the access is

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considered adequate to accommodate the anticipated traffic levels from the development. If the proposals were acceptable in principle a condition to require a construction management plan to control construction traffic could be imposed.

On the basis of the above the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32.

The likelihood of overspill parking in surrounding streets is a matter for highways enforcement to consider as and when any problem occurs. The proposed development provides for sufficient off-street parking to cater for future residents. Similarly, additional pollution from future occupiers vehicles are not sufficient to warrant refusal of the proposals on this basis.

Street lighting will be a matter for consideration as part of any highways adoption agreements.

Trees and Ecology

The Tree Officer objects to the proposals. There are protected trees throughout the site including a protected Horse Chestnut tree at the front that is of high amenity value. The proposed new footpath and access driveway is likely to have an adverse impact on the Horse Chestnut tree. The root protection area of the Horse Chestnut is a different shape than the tree survey indicates and the new driveway would occupy 51% of the total root protection area (130m²). No details of the method of “no dig” construction below the tree canopies has been provided. This does not protect the tree and is contrary to saved UDP policy ENV18.

The Tree Officer also has concerns regarding the removal of trees H5 and H7 (Cypress) which are of lower amenity value but provide a screening function with a reduction in the scope for replacement planting.

The position of plot 3 is in close proximity to protected trees T8 and T9 (Sycamores) and the canopy of the trees will overhang a significant proportion of the garden and cause shading to the dwelling. This is likely to lead to the Council being placed under pressure to allow severe pruning in order to reduce the amount of shading to the property. The loss of screening between the site and adjacent properties is also not supported. This is contrary to saved policies GP2, ENV18 and ENV32 of the UDP.

Neighbours' have objected to loss of trees, potential impact of construction on protected trees in adjacent gardens, loss of screening between existing and proposed dwellings, replacing trees with buildings and hard standings, requirement for compensatory planting. These concerns are shared with the Tree Officer and whilst measures can be put in place to protect retained trees through construction it is inevitable with the buildings so close to protected trees that there will be pressure for removal of such trees in the future.

One neighbour states the conifer hedge is 4m high not 5.5m high and would mean the plots would be more visible from surrounding properties. Relationship to surrounding properties is discussed above under residential amenity.

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The potential loss of trees could affect wildlife habitats and objectors are concerned about potential loss of protected species, adverse impacts on the setting of Sutton Park SSSI and potential for new street lighting to affect foraging or commuting bats. The Sutton Park SSSI is on the opposite side of Thornhill Road intersected by the highway. The development of the site is not expected to have an adverse impact on the SSSI and Natural England has confirmed that the SSSI is not a constraint to the development.

The ecological Survey highlights that in order to protect breeding birds works should be undertaken outside the breeding season, there is no further survey work required as no roosting bats were found but linear features should be maintained where possible and sensitive lighting employed during and post construction to protect bats foraging and commuting. These measures could be secured by condition if the proposals were supportable in principle.

Local Finance Considerations

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

This application proposes 4 new homes.

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

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

Other matters raised through consultation

Loss of open views is not a material planning consideration.

Despite some queries relating to the answers on the application form the officer has been able to review the site and surroundings and assess the proposals sufficiently to be able to determine the application and all required drawings have been provided.

Consultation by a developer with nearby residents and developers profit in a case such as this are not matters for consideration in the balance of determining the application.

Future marketing of the proposed houses is not a material planning consideration. If a developer does not comply with any conditions imposed this is a matter for planning enforcement team.

The consideration of the proposals by the LPA has taken into account Article 8 of the Human Rights Act.

Conclusions and Reasons for Decision

The principle of the development of the rear gardens in a backland layout is considered does not make a positive contribution to the quality of the environment and is out of keeping with the area due to the cramped layout compared to the surrounding area. This is contrary to saved UDP policies GP2 and ENV32. It is also contrary to the economic and environmental role of sustainable development highlighted in the NPPF.

The layout introduces houses in a backland position in close proximity to the site boundaries and larger houses in smaller plots that appears cramped and is not in keeping with the character of surrounding dwellings. This is contrary to saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

The position of plots 2-4 close to the boundaries of the site is likely to result in pressure to remove this green infrastructure in the future that would cause further detriment to the character and appearance of the area contrary to saved UDP policies GP2, ENV18 and ENV32.

Whilst the layout has been designed to achieve space and separation distances between existing and proposed dwellings in accordance with SPD Designing Walsall there is still a shortfall between plots 2 and 3 within the site which face each other over a distance of 18.5m instead of the required 24m. This is considered detrimental to the amenities of future occupiers in terms of outlook and privacy contrary to saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

The proximity of dwellings to the boundary with existing dwellings in Tintern Close, lack of assurance that the conifer hedge will remain and occupation of the third floor of the dwellings gives the impression of overlooking that will be detrimental to the neighbours' amenities contrary to saved UDP policies GP2 and ENV32. Plot 1 does not comply with the Council's 45 degree code in respect of the habitable room windows at the rear of 198 Thornhill Road. And in the circumstances the proposals are detrimental to the amenities of this occupier in terms of loss of outlook and daylight also contrary to saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

The position of the access is designed to an adoptable highway standard and provides adequate visibility so the development is not anticipated to have severe transport implications and is acceptable to the Transportation officer. There is also adequate parking to serve the development.

The layout of the access is likely to have an adverse impact on the protected Horse Chestnut tree at the front of the site. The proximity of plot 3 to protected trees T8 and T9 (Sycamores) will overhang a significant proportion of the garden and cause shading to the dwelling. This is likely to lead to requests for severe pruning in order to reduce the amount of shading to the property. The loss of screening between the

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site and adjacent properties is not supported and contrary to saved policies GP2, ENV18 and ENV32 of the UDP and SPD Conserving Walsall's Natural Environment.

The development of the site is not expected to have an adverse impact on the Sutton Park SSSI and Natural England has confirmed that the SSSI is not a constraint to the development.

Protected species are not a constraint to the development and measures for their protection could be encompassed in conditions were the application being recommended for approval.

This application proposes 4 new homes and the New Homes Bonus this would generate is a matter for consideration.

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

Positive and Proactive Working with the Applicant

The applicant has engaged in pre-application advice and during the course of the application amendments have been suggested by officers to address concerns in relation to the layout and impact on the character of the area and surrounding amenity including loss of trees. However, the amended drawings do not fully address concerns and in the circumstances, officers are unable to support the proposals and recommend that Committee do not support the proposals and notify the Planning Inspectorate accordingly.

Recommendation

To seek a Committee resolution on how they would have determined the application were the determination within their authority rather than the Planning Inspectorate.

Reasons for Refusal

1. The principle of the development does not comply with the economic and environmental sustainability role identified within the NPPF as there is no identified need for further housing and it does not protect or enhance the natural environment in which it is located. Furthermore the development of the rear gardens in a backland layout is considered does not make a positive contribution to the quality of the environment and is out of keeping with the area due to the cramped layout and plot ratio compared to those in the surrounding area. This is contrary to saved policies GP2 and ENV32 of Walsall Unitary Development Plan.
2. The proposed layout of plots 2-4 at the rear of the site are very close to retained trees and hedges and the layout is likely to result in pressure to remove this green infrastructure in the future that would create a detrimental impact on the character and appearance of the area contrary to saved UDP policies GP2, ENV18 and ENV32.

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3. The shortfall in distance separation between plots 2 and 3 coupled with the scale and massing of the proposed dwellings would have a detrimental impact on the residential amenities of future occupiers in terms of outlook and privacy and is contrary to saved UDP policies GP2 and ENV32 and SPD Designing Walsall. Furthermore the proximity of the proposed dwellings to the boundaries with properties in Tintern Close, lack of assurance that the conifer hedge will be retained and occupation of the third floor which gives the impression of greater overlooking is detrimental to the amenities of adjoining occupiers contrary to saved UDP policies GP2, and ENV32 and SPD Designing Walsall.
4. The proposed dwelling on plot 1 does not comply with the Council's 45 degree code and as such would have a detrimental impact on the outlook and daylight from the habitable room windows in the rear elevations of 198 Thornhill Road detrimental to residential amenities of the occupiers contrary to policy GP2 and ENV32 and SPD Designing Walsall.
5. The proposed development would have an adverse impact on the long-term health and condition of the protected Horse Chestnut tree at the front of the site by the location of the access. The proximity of plot 3 to the two protected Sycamores at the rear of the site would cause shading and likely lead to pressure for their removal in the future leading to loss of screening detrimental to the visual amenities of the area and residential amenities of surrounding occupiers. For these reasons the proposals do not ensure the protection and positive management of existing trees and has an adverse effect on them and on the local character of the area contrary to saved UDP policies GP2, ENV18 and ENV32 and SPD Conserving Walsall's Natural Environment.

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jun-2018

Plans List Item Number: 7.

Reason for bringing to committee: Called in By Councillor Follows

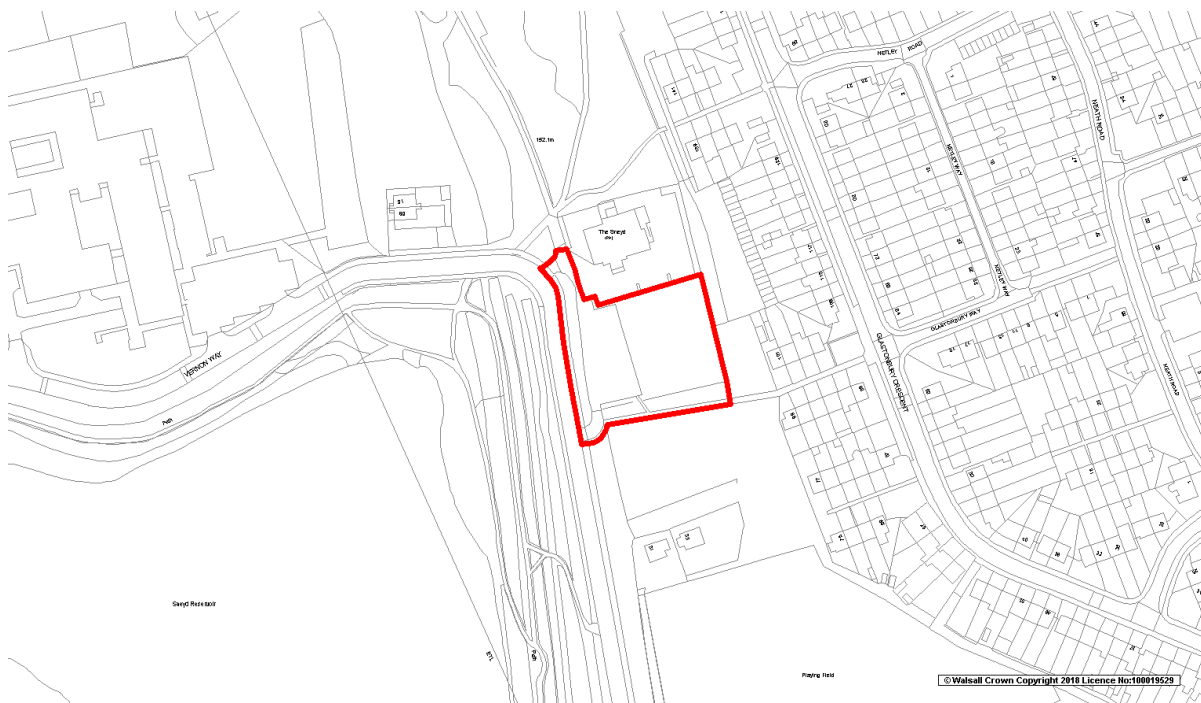
Location: THE SNEYD, 67, VERNON WAY, BLOXWICH, WALSALL, WS3 2LU

Proposal: PROPOSED RE-DEVELOPMENT OF EXISTING FORMER CAR PARK TO PUBLIC HOUSE TO CONSIST OF THE ERECTION OF 4 NO. 5 BEDROOM DWELLINGS, INSTALLATION OF PUBLIC GREENWAY ROUTE, IMPROVEMENTS TO EXISTING BOUNDARY TREATMENTS AND LANDSCAPE WORKS.

Application Number: 17/0979
Applicant: Parbinder Kang
Agent: Jaspreet Bal
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Bloxwich West
Expired Date: 20-Sep-2017
Time Extension Expiry: 29-Mar-2018

Recommendation Summary: Refuse



Status

Councillor Follows has called the application in to Committee as it is considered that it is in the public interest to tidy a derelict site that is a nuisance to local residents.

Members resolved at March 22nd Planning Committee that planning application number 17/0979 be deferred for officers to discuss reasons for approval.

An Ecology Report was submitted on the 3rd May 2018 which made the following recommendations:

- Bird and bat boxes should be installed in the buildings.
- Only cowled low lux lighting should be used on site.
- Appropriate precautionary measures are recommended, in case badgers enter the working areas at night.
- To ensure no newts, other amphibians or reptiles are harmed as a result of this development, it is recommended appropriate precautions should be taken during development;
- All retained hedges and trees should be treated in accordance British Standard BS5837 (2012) Trees in Relation to Design, Demolition and Construction – Recommendations, to ensure require adequate root protection fencing.
- Bird breeding season is between mid March and mid August, although certain species can breed outside these months and if breeding birds are found then work should cease and the advice of an ecologist sought. If clearance is undertaken within the bird breeding season then all site features should preferably be checked immediately prior to clearance by a suitably qualified ecologist.
- Following the built development there will be opportunities for enhancement of the site's ecological value by on site landscaping measures designed to encourage wildlife into the site, including native planting, bird and bat boxes on built structures.

An arboriculture assessment has also been submitted which has graded the majority of trees on site as being low quality. It proposes to retain the London Plane and recommends mitigation measures.

Additional Relevant Policies

NPPF Consultation

In March 2018 the Ministry of Housing, Communities and Local Government issued consultation proposals for revisions to the National Planning Policy Framework. The consultation ends on 10 May 2018. The text has been revised to implement policy changes previously consulted upon and further changes to planning policy announced in the Budget 2017. Whilst proposals should be considered in light of this draft consultation at this stage it can be afforded little weight as a material consideration in the determination of the application.

New Consultation Replies

None – The tree officer will provide comments prior to planning committee.

New Representations

None

Determining Issues

The following determining issues are unchanged from the previous report:

- Principle of residential development and impact on the openness of the Green Belt
- Character and appearance of the surrounding area
- Residential amenity
- Tree Protection
- Access and parking
- Greenway Provision
- Coal mining

Following receipt of an Ecological Report the following determining issue is updated:

- Site of special scientific interest

Assessment of the Proposal

Site of special scientific interest

The Ecological Survey provides details of mitigation for potential loss of habitats as set out in the beginning of the report. ENV23 seeks habitat creation, enhancement and the implementation of other appropriate measures to encourage the conservation of wildlife.

The submitted report recognises the potential harm that the development would have on the SLINC and the countryside character of the area and for these reasons is considered to re-enforce officers concerns that the development would be detrimental to the Sneyd Reservoir SINC. In the absence of any detailed landscape proposals and enhancements the refusal reasons remain the same.

Updated Positive and Proactive Working with the Applicant

Officers have written to the Agent to explain their concerns with the scheme and have offered the opportunity for further information and/or for discussions to take place.

At the time of writing this report the case officer had an extension of time until the 14th June 2018. In the absence of an extended agreement until after the July committee it is considered that the application should be determined on the submitted details.

Recommendation

Refuse

Reasons for Refusal

1. The development due to its location and layout would result in significant harm to the openness of the Green Belt being visually prominent from houses along Glastonbury Crescent in particular to which very special circumstances have not been justified to outweigh any harm to the openness of the Green Belt. For these reasons the proposal would be contrary to the aims and objectives of the National Planning Framework in particular policies 56, 58, 60, 61, 64, 79, 80, 87, 88 and 89, The Black Country Core Strategy policy CSP2, Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV2 and ENV32.

2. The design of the proposal would not integrate with the existing built development due to the higher proposed density which would be at odds with the surrounding built development along Vernon Way, contrary to the expectations of BCCS policy HOU2. For these reasons the proposal would be contrary to the aims and objectives of the National Planning Framework in particular policies 56, 58, 60, 61, 64, 79, 87, 88 and 89, The Black Country Core Strategy, policies CSP4, HOU2 and ENV3, and Walsall's Saved Unitary Development Plan policies, in particular GP2, and ENV32.

3. The application lacks sufficient ecology information to be able to assess the character of the proposed development and its impact on the openness of the Green Belt as follows:

- ecological value of some of the existing features.
- Any proposed effective retention of existing features.
- Any proposed landscape measures.

For these reasons the proposal would be contrary to the aims and objectives of the National Planning Framework in particular policies 56, 58, 60, 61, 64, 79, 87, 88, 89, 109, 111, 118, 123 The Black Country Core Strategy, policy ENV1 and Walsall's Saved Unitary Development Plan policies, in particular ENV23, ENV32, and ENV33 and The Supplementary Planning Document Conserving Walsall's Natural Environment'.

4. In the absence of an arboricultural report to consider the impact of the proposed development on the protected Maple tree, it is considered that the proposed development is contrary to saved UDP policy ENV18: Existing Woodlands, Trees and Hedgerows

5. The proposal fails to include details of the proposed funding, management and maintenance of the greenway contrary to UDP policy LC5 (c) of Walsall's Saved Unitary Development Plan.

Original Report Including Supplementary Updates

The application proposes to use an overspill parking area of an existing public house and replace it with 4 detached houses. A single access point is proposed in the centre of the site with the road extending in front of the proposed houses.

The houses would be two storey traditional hipped roof designs with the loft space used for extra room. Each house would have a projecting front gable and the key measurements are:

- 9 metres wide
- 14.6 metres maximum depth
- 5 metres high to the eaves
- 7.6 metres high

Each house would have:

- Entrance Hall
- Single Garage
- Living Room
- WC
- Kitchen/Dining
- Utility
- 5no. Bedrooms, 2 with En-suite
- Family Bathroom
- Storage

Plots 1 and 4 would have two car parking spaces to the front, plots 2 and 3 have a single space and there are 4 non allocated spaces at the front of the site opposite plots 1 and 4.

Site and Surroundings

The site is situated on the eastern side of Vernon Way near to the bend in the road. The site comprises a modern purpose built vacant public house and car park. The building is part single storey, part two storey with its main entrance on the southern elevation and has planning permission for the conversion into a house. The car park is the location for the proposed 4 houses.

The site is within the Green Belt with public open space to the north and north west, and an isolated pair of semi-detached houses further to the west. Immediately to the north is the former pub, but this does not form part of the site boundary, there are two further isolated houses to the south. To the west on the opposite side of Vernon Way is the Sneyd Reservoir SINC. A vacant unused garage court to houses in Glastonbury Crescent sits to the west of the site.

A design and access statement has been submitted which provided the following key comments:

The current condition of the site is not befitting for a 'Green Belt' site. The derelict and remote nature of the site has provided a neglected site which has been subject to dumping grounds, fly tipping and ASB occurring regularly on the site.

The proposal will encourage and propose openness and elements of public green spaces that will improve connectivity and visual permeability through and around the site. Existing links will be improved to encourage public activity along the greenway.

The locations of the dwellings have been set back toward the eastern edge of the site deliberately to create a focal point to the existing Maple Tree within the site.

In accordance with the Local Authority' vision for the proposed greenway which runs along the western edge of the site (within the former car park area), we have proposed a greenway runs along Vernon Way and connects into the landscape to the north.

Refuse collection will be in the form of wheelie bin collection in accordance with the Local Authority Waste Management Strategy. Residents will place wheelie bins along the footpath to the front edge of each plot for collection by refuse vehicle.

Relevant Planning History

BC24756P, extensions and alterations to pub, flat and car park, GSC 24-04-89

BC28324P, Demolition of existing pub and erection of new pub, flat and car park, GSC 04-04-90

BC28325P, outline for residential development, refused 04-04-90

BC32178P, display of illuminated signs, GSC 19-02-91

17/0152 - First floor extension and change of use of vacant pub to 6 bed dwelling. GSC 12-Apr-2017

Relevant Policies

National Planning Policy Framework (NPPF)

Key provisions of the NPPF relevant in this case:

- **NPPF 4 - Promoting sustainable transport**
- **NPPF 6 - Delivering a wide choice of high quality homes**
- **NPPF 7 - Requiring good design**
- **NPPF 9 - Protecting Green Belt Land**
- **NPPF 10 - Meeting the challenge of climate change, flooding and coastal change**

- **NPPF 11 - Conserving and enhancing the natural environment**
- **NPPF 12 - Conserving and enhancing the historic environment**

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Unitary Development Plan

- GP2: Environmental Protection
- ENV1: The Boundary of the Green Belt
- ENV2: Control of Development in the Green Belt
- ENV3: Detailed Evaluation of Proposals within the Green Belt
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV15: Forest of Mercia
- ENV16: Black Country Urban Forest
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- LC5: Greenways

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

- NE1 – Impact Assessment
- NE2 – Protected and Important Species

- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

Strategic Planning Policy – Objection, very special circumstances not demonstrated.

The Coal Authority – No objection subject to conditions for further intrusive site investigation condition.

Transportation – No objections subject to conditions for hard surfacing, footway crossing and dropped kerbs.

Severn Trent – No objections

Public Rights of Way – Details of boundaries, boundary treatment and motorcycle barriers are required.

Representations

None

Determining Issues

- Principle of residential development and impact on the openness of the Green Belt
- Character and appearance of the surrounding area
- Residential amenity
- Tree Protection
- Access and parking
- Greenway Provision
- Coal mining
- Site of special scientific interest

Assessment of the Proposal

Principle of development and impact on the openness of the Green Belt

Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Paragraph 80 of the NPPF sets out the five purposes of the Green Belt, these being:

- to check the unrestricted sprawl of large built-up areas;

The Green Belt here forms a clear boundary to the Mossley Estate

- to prevent neighbouring towns merging into one another;

The Green Belt here separates Bloxwich from New Invention but is only 500m wide, including the motorway corridor, so is highly sensitive to development that might reduce this gap

- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 states that inappropriate development should not be approved except in very special circumstances.

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with a limited list of exceptions. One of these is limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it (as set out in NPPF paragraph 80) than the existing development.

The proposal is to construct 4 new dwellings on the former garden to the pub. As the site is currently not developed, the proposal would have a greater impact on openness of the greenbelt and therefore is in direct conflict with Paragraph 89 of the NPPF and also saved Policy GP2: Environmental Protection of the UDP as it would

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represent inappropriate development only acceptable if very special circumstances can be proved.

Very special circumstances are, by definition, circumstances that are unusual or which happen rarely. Issues of flytipping and anti-social behaviour whilst undesirable, are not considered to be classified as very special. The majority of existing buildings in the Green Belt are isolated and the converted public house is not particularly remote or different to many other properties on the edge of the urban area. Indeed, there are two other dwellings to the south of the application site on Vernon Way which have been in place for a number of years which have not seen development within their grounds to address the concerns highlighted.

With regard to the reasons put forward by the Councillor, matters of fly-tipping and anti-social behaviour are associated with the visual appearance of the area. Whilst these concerns are noted, the principle of the Green Belt allocation is to focus the location of development into sustainable locations notably within the built up area and to encourage regeneration. It is not a policy which seeks to preserve the attractiveness or character of a location for example like an Area of Natural Beauty or a Conservation Area and accordingly little weight can be given to the arguments in favour of improving the appearance of the site when considering harm to the Green Belt. The key consideration in this instance is the harm to the openness and whilst fly-tipping is a transitory problem which can be addressed through other legislation to address any short-term harm, the creation of four new dwellings will result in a permanent intrusion to the landscape which will be detrimental to the openness of the Green Belt.

The question of impact on views is not material to the question of whether a proposal is inappropriate in the Green Belt. A development does not even have to be visible to harm openness. There has been recent case law (High Court [R (Boot) v Elmbridge Borough Council [2017] where it was held (in the case of a new sports stadium in the Green Belt) that a development cannot “preserve” the openness of the Green Belt when it causes harm to openness. In this instance the site would be visually prominent being next to a public right of way.

On balance, it is considered that it is not possible to demonstrate very special circumstances in this case, even taking account of the grounds suggested and that such a scheme would not meet any of the exceptions set out in paragraph 89 of the NPPF. Accordingly, no material planning weight can be applied to the proposed very special circumstances. These concerns have been shared with the agent.

Character and appearance of the surrounding area.

The NPPF says that decisions should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the, built environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character. Policies CSP4, 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.

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The character of the application site is predominantly defined by the existing pub and open space. The public house has been converted into a large single house, however this was a conversion and its appearance or harm to the openness of the Green Belt is not significantly different to the previous pub. This single large property does not define the character of the area which is more rural than urban in form.

Although the proposal would in part be seen against the existing development in Glastonbury Crescent to the rear, the prevailing character is the rural character of Vernon Way. The existing density of Glastonbury Crescent is 47dph, the density of the proposal is 18dph. Although BCCS Policy HOU2 refers to achieving a minimum density of 35dph this is subject to instances where higher densities would prejudice historic character and local distinctiveness. In this instance it is considered the immediate character of Vernon way is defined by free standing properties including the public house, the two dwellings to the south and the property to the west and not clusters of houses which collectively have a density of approximately 1 dwelling per hectare. A higher density would therefore be considered to be inappropriate in this instance.

Residential amenity

The proposed dwellings are approximately 25.0m away from the side elevation of 101 Glastonbury Crescent and approximately 44.0m away from the rear elevation of 109 to 119 Glastonbury Crescent to the rear. The northern plot is also 19.0m away from the public house.

Taking into account the standards in the Council's adopted Design SPD, it is considered that the proposed dwellings will not have an impact on neighbouring amenity levels.

Tree Protection

It is noted that there is a protected London Plane ref 27/2008 to the front of the site. The applicants are proposing to incorporate this into the development, and an arboricultural assessment has now been undertaken. Mitigation measures are proposed and replacement planting, however no landscape details have been provided.

Pollution Control

Pollution Control requires the applicant to undertake appropriate investigation in order to assess the extent of any ground contamination at the site and inform of any remedial measures that may be required.

Concerning air quality, Walsall Council has recently adopted a Supplementary Planning Document (SPD) setting out guidance on minimising air quality impacts, in particular the requirements for promotion of alternative travel choices. As part of Section 5, 'Minimising Unacceptable Air Quality Impacts through Mitigation and Compensation', the SPD states that 'as a minimum, new developments should include the provision of electric vehicle charging points' (Type 1). To allow future residents a readily available infrastructure to switch to environmentally sustainable transport in the future and having regards to the SPD, it is recommended that the

Applicant make provision for future electric vehicle charging points. This could be conditioned if the scheme were to be approved.

Conditions could also be used to control construction impacts upon neighbouring residential premises and the highway and are therefore recommended and could be attached if the application was acceptable in all other respects.

Access and parking

Highways Officers have raised no objections but require further details and cross sections of the proposed road and parking areas. It is considered that this information could be conditioned and any required changes would not raise any new material considerations due to the relationship between the development and surrounding development.

The proposed shared drive and parking spaces provide sufficient space to serve the development.

Greenway Provision

The application has raised a number of questions about the relationship between the proposal and the Greenway.

In principal though, the provision on a dedicated strip of land to the front of the site is welcomed in accordance with UDP policy LC5. The route though is severed by the proposed access into the site and, as it runs parallel to the existing pavement, is not considered to offer a substantial benefit to users of the Greenway. Whilst details of boundary treatment, motorcycles barriers and other engineering details could be dealt with by condition provided the application was acceptable in all other respects, the applicant has not provided details of measures to address part (c) of policy LC5 which seeks to ensure appropriate maintenance arrangements are in place. Accordingly, little or no weight can be given to this aspect of the development.

Coal Mining

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition would require prior to the commencement of development:

- * The submission of a scheme of intrusive site investigations for approval;
- * The undertaking of that scheme of intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for approval; and
- * Implementation of those remedial works.

Site of special scientific interest

The land immediately to the east of the site across Vernon Way is identified as the Sneyd Reservoir SIN in the UDP. Policies ENV23: Nature Conservation and New Development and ENV33: Landscape Design requires a landscape plan to be approved prior to determination by virtue of the following locational criteria set out in policy ENV23.

- VIII. Within or adjacent to Local Nature Reserves, Sites of Special Scientific Interest, Sites of Importance of Nature Conservation, parks, cemeteries or public open spaces.
- IX. Within or adjacent to Green Belt, agricultural or open land.

Because changes to the character of the area and the visual impact on the Green Belt are considered to be of significant importance, it is felt that these matters should not be conditioned as they cannot be assessed as part of the application. So that the development minimises any potential impact on the character of the area landscaping is a material consideration and the application fails to demonstrate that the existing countryside character of the area would be retained.

Other matters

The case officer notes the call in reason and would like to clarify that the Council has enforcement powers to minimise any public nuisance at the site and that such issues do not constitute very special circumstances.

Officers have received a complaint with regards to the untidiness and appearance of the site. We have assessed the impacts and consider that there is a detrimental impact on the amenity of the area and the site is in breach of planning control. We have written to the owners to invite voluntary undertake works to tidy up the site and address the breach. If this is not successful then officers would seek to issue a formal notice under S215 to address the condition of the land.

Conclusions and Reasons for Decision

The proposal is contrary to paragraph 89 of the NPPF which regards such development as inappropriate. For the reasons outlined in the assessment the applicant has not provided very special circumstances and is a reason to refuse the application.

The proposed design, scale, density and mass is at odds with the character of the existing development in the area and is contrary to policy HOU2 of the UDP and a reason to refuse the application.

The level of amenity for occupants and its location 18 metres from the converted Public house is sufficient that all residents would receive adequate levels of light and that there would not be an overbearing impact.

Conditions can be attached to incorporate the mitigation and replacement planting proposed in the Arboriculture statement in accordance with Policy ENV18: Existing Woodlands, Trees and Hedgerows.

The access and parking subject to conditions as recommended would ensure satisfactory levels of parking and access for occupants and accords with UDP policies T7 and T13. Although the suggestion of a greenway to the front of the site is welcomed, the absence of any maintenance arrangements results in a conflict with Policy LC5 and therefore little or no weight can be attributed to this aspect of the development.

Conditions can be attached to mitigate for past ground mining works to safeguard the amenities of the area and to comply with UDP policy ENV14.

The potential domestic landscaping would be at odds with the existing open countryside character of the application site and no habitat improvements have been proposed as part of a landscaping plan contrary to the requirements of UDP policy ENV23 and is a reason to refuse the application. The absence of information on the impact on the protected Maple is also noted.

On balance therefore, it is considered that whilst there are some matters in support of the development notably, the delivery of four dwellings, these are significantly outweighed by the harm to the openness to the Green Belt that would be caused by the development for which no material planning grounds have been presented to establish very special circumstances as required by paragraph 89 of the NPPF.

Positive and Proactive Working with the Applicant

The agent has received pre-application advice and has been made aware of the Council's position on the principle of the development, no further justification of very special circumstances has been provided. As there is little if any potential to amend this scheme satisfactorily no further survey work or information has been requested or is required to make a decision.

Recommendation

Refuse

Conditions and Reasons or Reasons for Refusal

1. The development due to its location and layout would result in significant harm to the openness of the Green Belt being visually prominent from houses along Glastonbury Crescent in particular to which very special circumstances have not been justified to outweigh any harm to the openness of the Green Belt. For these reasons the proposal would be contrary to the aims and objectives of the National Planning Framework in particular policies 56, 58, 60, 61, 64, 79, 80, 87, 88 and 89, The Black Country Core Strategy policy CSP2, Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV2 and ENV32.

2. The design of the proposal would not integrate with the existing built development due to the higher proposed density which would be at odds with the surrounding built development along Vernon Way, contrary to the expectations of BCCS policy HOU2. For these reasons the proposal would be contrary to the aims and objectives of the National Planning Framework in particular policies 56, 58, 60, 61, 64, 79, 87, 88 and 89, The Black Country Core Strategy, policies CSP4, HOU2 and ENV3, and Walsall's Saved Unitary Development Plan policies, in particular GP2, and ENV32.

3. The application lacks sufficient ecology information to be able to assess the character of the proposed development and its impact on the openness of the Green Belt as follows:

- ecological value of some of the existing features.
- Any proposed effective retention of existing features.
- Any proposed landscape measures.

For these reasons the proposal would be contrary to the aims and objectives of the National Planning Framework in particular policies 56, 58, 60, 61, 64, 79, 87, 88, 89, 109, 111, 118, 123 The Black Country Core Strategy, policy ENV1 and Walsall's Saved Unitary Development Plan policies, in particular ENV23, ENV32, and ENV33 and The Supplementary Planning Document Conserving Walsall's Natural Environment'.

4. The proposal fails to include details of the proposed funding, management and maintenance of the greenway contrary to UDP policy LC5 (c) of Walsall's Saved Unitary Development Plan.

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jun-2018

Plans List Item Number: 8.

Reason for bringing to committee: Significant community interest

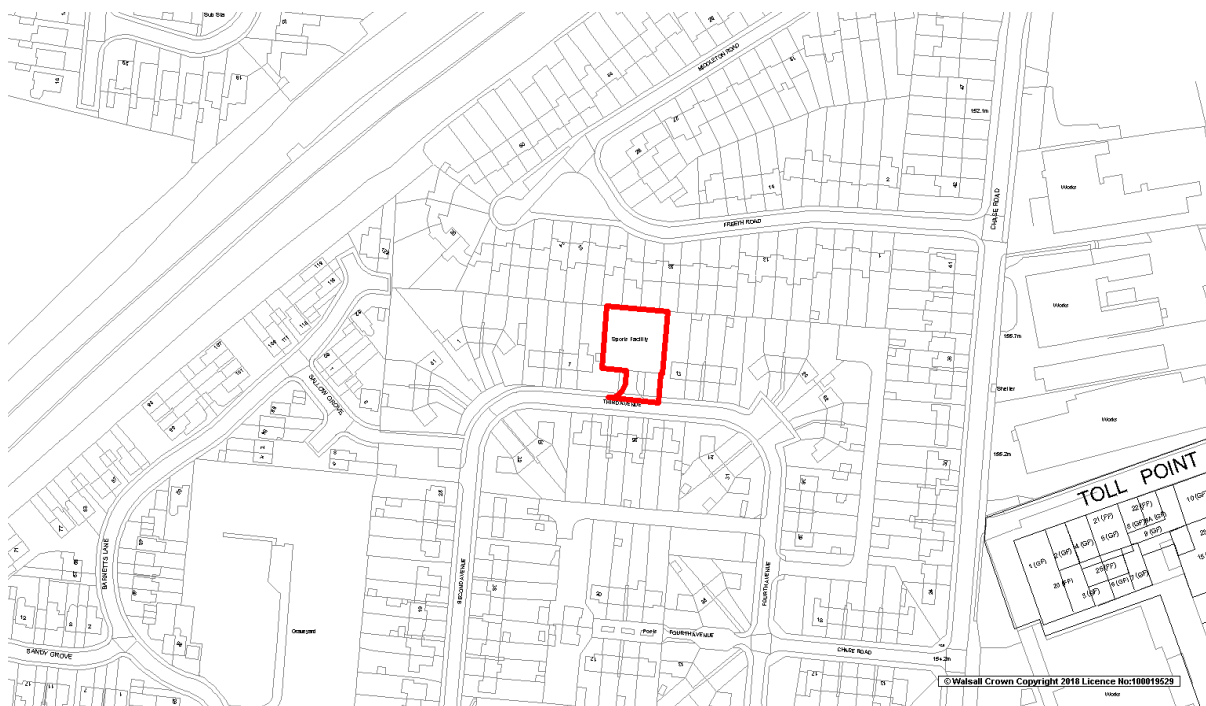
Location: LAND BETWEEN 8 AND 13, THIRD AVENUE, BROWNHILLS

Proposal: ERECTION OF 3 DWELLINGS, TWO STOREYS HIGH INCLUDING PARKING.

Application Number: 17/1618
Applicant: Watmos Community Homes
Agent: The Design Buro
Application Type: Full Application

Case Officer: Devinder Matharu
Ward: Brownhills
Expired Date: 23-Mar-2018
Time Extension Expiry: 08-Jun-2018

Recommendation Summary: Delegate to the Head of Planning, Transportation and Engineering to grant permission subject to planning conditions subject to no new material planning considerations being put forward as a result of re-consultation on amended plans



Proposal

The applications proposes the erection of 3 dwellings, two storeys high including parking.

The houses would be in a terraced row with plots 1 and 2 being 11.3m wide, 8.8m in length, 4.3m to the eaves and 6.4m to the pitch. These plots would be set back 10.8m from the back of the public highway and would accommodate two off road parking spaces for each plot in front of the plots. These plots would have a rear amenity area of 87 square metres and a rear garden length of 15.3m. Plot 3 would be 6.2m wide, and 8.8m in length, 4.3m to the eaves and 6.5m to the pitch. This plot would be set back 9.7m from the back of the public highway and would accommodate two off road parking spaces in front of the plot. This plot would have a rear amenity area of 87 square metres and a rear garden length of 16.5m.

There are 2 parking spaces per plot and the drawing indicates provision for EV charging for each.

A strip of land to the west of plot 1 measuring 26m in length and 7m wide is retained as open space with no access from the three houses.

The application would involve the removal of part of the front garden and boundary fencing to number 13 to accommodate the proposed development.

The agent has confirmed:

- The vacant area left over by the omission of plot one is proposed to be left as 'open space' and the boundary line to property no.8 Third Avenue, which consist of an existing 1.8 timber fence, is to be retained.

A Design and Access Statement has been submitted which addresses the proposal and the loss of the playing ground.

Site and Surroundings

The application site is currently a sports ground located in between numbers 8 and 13 Third Avenue, on the northern side of Third Avenue. The site is gated and fenced off and has a net which provides a cover over the entire sports ground. Access to the sports ground is via a vehicular access with grass verges either side. The grass verge and land in front of the application site to the west is owned by number 8 Third Avenue where as the grass verge and part of the front garden of number 13 Third Avenue is owned by Watmos. The boundary with the application site and the land to the front of the site that is owned by 8 Third Avenue is secured by a 1.8m high wall with conifers in front of the wall within the front garden of this property.

The site boundaries with neighbouring properties is a 1.8m high close board fence.

The properties along Third Avenue are terraced properties grouped together in rows of 4 or 6. The properties are two storey and rendered. Some of the properties have off road parking whereas others utilise on street parking.

Numbers 8 and 13 Third Avenue are set off the boundary with the application site by approximately 3.7m.

Numbers 23 to 29 (odd) Freeth Road are located towards the rear (north) of the applications site. Number 29 is staggered in its position to number 27 so that it sits further forward in the street scene along Freeth Road with numbers 23 to 27 sitting further back. The rear of the properties are also staggered with numbers 23 to 27 sitting further back than number 29.

Number 27 Freeth Avenue has a rear conservatory.

The area is residential in nature.

The application site is 1.11km from the edge of Brownhills District Centre.

Relevant Planning History

BC55731P- Construction of children's 'ball court' area with 3m high fencing/ railings. Grant Permission Subject to Conditions 1998.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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 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.

NPPF Consultation

In March 2018 the Ministry of Housing, Communities and Local Government issued consultation proposals for revisions to the National Planning Policy Framework. The consultation ends on 10 May 2018. The text has been revised to implement policy changes previously consulted upon and further changes to planning policy announced in the Budget 2017. Whilst proposals should be considered in light of this draft consultation at this stage it can be afforded little weight as a material consideration in the determination of the application.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Saved Unitary Development Plan

- GP2: Environmental Protection

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- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T4 - The Highway Network
- T5: Highway Improvements
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- PC1: Urban open space
- LC3: Children's Play Area

Supplementary Planning Document Conserving Walsall's Natural Environment

Survey standards

- NE4 – Survey Standards

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Air Quality SPD

- ***Section 5 – Mitigation and Compensation:***
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures

- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Consultation Replies

Arboricultural Officer – No objection

Cadent Gas – No objection subject to note for applicant.

Fire Officer – No objection subject to water supplies being in accordance with national guidance.

Police – No objection subject to secure by design.

Pollution Control - No objection subject to planning condition to secure electrical charging points.

Severn Trent Water – No objection subject to drainage condition.

Sport England - No objection.

Representations

Five letters of objection from three residents have been received objecting to the proposal on the following grounds:

- Address of site is incorrect
- Plans issues including third party land included in application site and the plans do not correctly shown the street scene and trees and wall fronting the site by plot 1.
- Proximity of proposed houses to neighbouring properties
- Consider windows on side elevation to avoid overlooking
- Overlooking of garden and property
- Loss of privacy
- Drainage concerns including drain pipes running into neighbouring land and problems with drainage in the future
- Trees on third party land in front of site not shown
- De-value of property – *not a material planning consideration in this case.*

Determining Issues

- Principle of development
- Design and Character of the area
- Impact upon neighbouring occupier's
- Impact upon trees
- Access and parking
- Local Finance Considerations

Assessment of the Proposal

Principle of development

The application site is within a residential area and within walking distance of Brownhills District Centre albeit over the maximum as defined 7.51 of the UDP for small residential development. However, this is not too dissimilar to the surrounding houses and considered to be consistent with guidance in the NPPF, BCCS and UDP.

Policy H1 of the BCCS seeks to provide 63,000 houses over a plan period of 2006-2026. Walsall's is currently meeting its trajectory 5 year housing supply as set out in the BCCS. Any new housing sites are classed a windfall site as set out in Policy H3 of the UDP and supported provided they meet the following criteria set out in the report below. Policy ENV14 of the UDP seeks to support the reuse of previously developed sites. The proposal to redevelop the site with three new homes is considered to be an effective use of the land.

Sport England have no objection to the proposal and the agent has submitted a plan showing other open space within walking distance from the application site. On balance, the proposal to provide housing on the site would be considered acceptable.

Design and Character of the area

The proposed houses are considered to be simple in design. Amended plans have been sought to show the proposed dwellings with hipped roofs, so that they match the design and style of the neighbouring and existing properties in the street scene. The proposed canopies above the front door would be similar to canopies along Third Avenue. The neighbouring properties along this section of Third Avenue are in rows of four dwellings with hipped roofs. The proposed development whilst having gable roofs would not unduly harm the character of the area sufficient to warrant refusal of the scheme.

The agent has submitted amended plans which excludes any third party land which is not within the applicant's ownership and shows all trees adjacent the application site.

The submitted plan shows that the proposed development between plots 2 and 3 fail to comply with the 45 degree code by 0.5m at the rear and 0.1m at the front. It is considered that overall this would not unduly harm the amenities of the proposed occupiers, as the properties are new and would be let/sold as seen.

Neighbouring occupiers have raised concerns over drainage and drain pipes running into third party land. Severn Trent Water have requested drainage details, which would be submitted for approval in consultation with them. Furthermore, drainage issues are matters for Building Control stage under Building Regulations.

The proposed boundary treatments of a 1.8m high close fence between existing and proposed neighbouring occupiers is considered acceptable. A 0.9m high lap fence is to be erected towards the front of plot 3. No details of the design or the lap fence

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towards the front of plot 3 have been provided, this can be secured by way of planning condition.

The scheme looks to provide an electric charging point in front of each of the dwellings. No details of this have been provided but these can be secured by way of planning condition.

On balance, the design and layout are considered acceptable.

Impact upon neighbouring occupiers

The proposed development meets the Residential Standards as set out in the Council's Designing Walsall SPD with regards to the 24m habitable room to habitable room separation distance. On this basis, it is considered that the proposal would not unduly harm the amenities of neighbouring amenities in respect of overlooking or loss of privacy.

The proposed houses have no side facing windows and neither to the immediate neighbouring occupier's numbers 8 and 13, as such the proposal is considered acceptable as it would not have a significant impact upon existing or proposed neighbouring amenities. Neighbouring objectors have stated that side windows should be considered. Side facing windows for main habitable rooms would not be acceptable in this case, as it would result in loss of outlook and loss of amenity for proposed occupiers.

A 1.8m high close board fence at the rear and sides of the proposed houses adjacent the adjacent neighbouring occupiers Third Avenue and Freeth Road and between the proposed houses would prevent any direct overlooking and privacy between the existing and proposed houses, protecting the amenities of both existing and proposed occupiers.

On balance, the proposed development would not unduly result in loss of privacy, overlooking or loss of outlook.

Impact upon trees

The Arboricultural Officer has no objection to the proposal as the only trees on site comprise of two Cypress at the front of the site and several Thorn and Cypress situated outside of the site adjacent the north boundary. The trees outside of the site remain unaffected by the proposed development. The proposed site plan indicates the two Cypress trees on site as retained. There are no objections whether these are retained or not as they are of low arboricultural value and would not merit the protection of a TPO.

On balance, the proposal is considered acceptable as it would not affect existing trees adjacent the site.

Access and parking

The application to construct 3 x three bedroom dwellings on the site for a former garage court, more recently a playground and would provide 2 car parking spaces per dwelling in accords with UDP policy T13.

The Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with the NPPF in this respect.

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 three new homes.

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

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

Conclusions and Reasons for Decision

On balance, the proposal for new housing on the site is acceptable. The design and layout is acceptable and the proposed development would not unduly result in loss of privacy, overlooking or loss of outlook of neighbouring properties/occupiers. Furthermore, there would be no highway safety implications. The proposal meets the aims and objectives of the National Planning Policy Framework, Policies CSP4, HOU2, ENV2, ENV3 and ENV8 of the Black Country Core Strategy, Saved Policies GP2, ENV11, ENV14, ENV17, ENV32, ENV33, ENV40, T4, T5, T7, T8 and T13 of the Unitary Development Plan, Policies DW1, DW2, DW3, DW4, DW5, DW6, DW8, DW9, DW10 of Designing Walsall, Conserving Walsall's Natural Environment and the Air Quality Supplementary Planning Documents.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Delegate to the Head of Planning, Transportation and Engineering to grant permission subject to planning conditions subject to no new material planning considerations being put forward as a result of re-consultation on amended plans.

Conditions and Reasons

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

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

2. The proposed development hereby approved, shall not be carried out other than in accordance with the following approved plans and documents:

- Location plan submitted 11-04-18
- Third Avenue – Site 2 proposed site plan drawing number 1310-DB-XX-ZZ-DR-A-012/P1.6 submitted on 04-05-18
- Floor plan frontages options proposed floor plan 3 bed house drawing number 1310-DB-XX-ZZ-DR-A-039/P1.2 submitted on 04-05-18
- Floor plan frontages options proposed floor plan 3 bed house drawing number 1310-DB-XX-ZZ-DR-A-038/P1.2 submitted on 04-05-18
- Street scene elevations site 2 Third Avenue drawing number 1310-DB-XX-ZZ-DR-A-015/P1.4 submitted on 04-05-18
- Third Avenue site 2 proposed elevations drawing number 1310-DB-XX-ZZ-DR-A-032/P1.4 submitted on 04-05-18
- Proposed timber fence detail 1310-DB-XX-ZZ-DR-A-036/P1.1 submitted on 15-01-18
- Design And Access Statement submitted 01-12-17
- Planning Statement submitted 01-12-17

Reason: To define the permission.

2a. Prior to the commencement of this development, full infrastructure details for electric vehicle charging facilities for the electric charging points shown on Third Avenue – Site 2 proposed site plan drawing number 1310-DB-XX-ZZ-DR-A-012/P1.6 submitted on 04-05-18 shall be submitted and approved in writing by the Local Planning Authority that provides.

2b. The development shall be completed in accordance with the approved details before the development is first brought into use and retained and maintained at all times.

Reason: To conserve and enhance the natural environment.

3a. Prior to the commencement of the development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority.

3b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

4a. Prior to the commencement of the development above damp proof course, details of facing materials and roofing materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be completed in accordance with the approved materials and retained and maintained at all times.

Reason: In the visual amenities of the area.4a. Prior to the commencement of the development above damp proof course, details of the 0.9m high lap fence as shown on drawing number Third Avenue – Site 2 proposed site plan drawing number 1310-DB-XX-ZZ-DR-A-012/P1.6 submitted on 04-05-18 shall be submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be completed in accordance with the approved fencing details and retained and maintained at all times.

Reason: In the visual amenities of the area

5a. Prior to the first occupation of any dwelling on the development, the parking area serving that dwelling shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

5b. The area shall thereafter be retained and used for no other purpose.

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

6. Prior to the first occupation of any dwelling on the development, the existing redundant bellmouth access point shall be removed and replaced with a new section of public footway including dropped kerb vehicle footway crossings to align with the new driveway access points. The works shall be installed in accordance with the Council's highway specifications, full details of which shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements

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

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 no such works shall take place outside the hours of 08.00 to 18.00 Monday to Fridays and 08.00 to 14.00 on Saturdays. No

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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: In order to safeguard the amenities of the surrounding occupiers.

Notes for Applicant: Highways

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

2. The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

Notes for Applicant: Cadent Gas

An assessment has been carried out with respect to Cadent Gas Ltd, National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus. For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action. Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location. It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near

Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations. This assessment solely relates to Cadent

Gas Ltd, National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) and apparatus. This assessment does NOT include:

I Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts

activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.

I Gas service pipes and related apparatus

I Recently installed apparatus

I Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>).

This communication does not constitute any formal agreement or consent for any proposed development work;

either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Ltd, NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information.

This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict.

Notes for Applicant: Fire Officer

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

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

Notes for Applicant: Police

Highly recommend that this proposal is developed to enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design' as detailed in the below link.

http://www.securedbydesign.com/wp-content/uploads/2017/06/Secured_by_Design_Homes_2016_V2.pdf

Notes for Applicant: Severn Trent Water

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

a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval. Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jun-2018

Plans List Item Number: 9.

Reason for bringing to committee: Significant Community Interest

Location: 70, NICHOLAS ROAD, STREETLY, SUTTON COLDFIELD, B74 3QS

Proposal: DETACHED DORMER BUNGALOW ON LAND ADJACENT TO NO. 70 NICHOLAS ROAD (AMENDMENT TO 17/1229 TO INCREASE ROOF HEIGHT)

Application Number: 18/0385
Applicant: Andrew Billingham
Agent: GMB Construction Design
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Streetly
Expired Date: 23-May-2018
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Proposal

The application proposes to retain a detached corner bungalow at the end of a row of semi-detached bungalows to provide a breakfast/family room, kitchen, bathroom and two bedrooms (one is annotated to be a bedroom/lounge) on the ground floor and a third bedroom and shower room in the dormer.

A bungalow has previously been approved on this site, however what has been built is 400mm taller than the approval and it is on this basis the applicant has submitted this new application. One other minor change is the proposed gable canopy over the side door instead of a mono-pitched one.

The design includes a side gable roof, side access door, front and side square bay windows, front flat roof dormer and rear single storey gable projection with patio windows. The key measurements are:

8.7 metres wide

2.6 metres high to the eaves

6.2 (formally 5.8 metres) high to the highest point of the roof pitch

12 metres deep

Both houses would have a rear garden approximately 9 metres deep, number 70 would have 88m² and the proposal 80m².

Site and Surroundings

The existing bungalow has a wide corner plot in comparison to the dormer bungalows to the rear, the existing parking spaces are via a garage at the side of the property, the application proposes to move the parking spaces for number 70 to the front of the house, the existing garage and driveway in front would be used to serve the proposed bungalow.

Number 87 Lilac Avenue is to the rear 17 metres away and on higher ground and have a rear garden depth of 8 metres.

The nearest houses on Nicholas Road would face the side of the proposal between 19 and 20 metres away.

Relevant Planning History

17/1614 - Land adjacent to No. 70, Nicholas Road, STREETLY, B74 3QS - Variation of condition 4 of planning permission 17/1229 to allow the use of a red Tradesman Heather Istock brick. GSC 05/01/18

17/1229 - Land adjacent to No. 70, Nicholas Road, STREETLY, B74 3QS - Detached dormer bungalow. GSC 08/11/17

Relevant Policies

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in

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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
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

- **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

- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV32: Design and Development Proposals
- H1: Renewal of Existing Residential Areas
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document Designing Walsall

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

Black Country Air Quality Supplementary Planning Document

In summary, the mitigation measures within the SPD range from:-

- Type 1 – installing electric vehicle charging points and low NOx boilers;
- Type 2 – also consideration of travel plans, encouraging modal shift, designating parking for low emission vehicles, Fleet Operations strategy for considering and reducing emissions, etc.; and
- Type 3 – for major developments also evaluation of contribution to increased ambient concentrations due to emissions and translating such additional emissions into damage costs.

Policies are available to view online

Consultation Replies

Transportation – No objections subject to conditions to ensure no loose surface material used in driveway and adequate visibility splays are provided.

Pollution Control – No objections subject to conditions for construction management and electric charging point.

Severn Trent – No objections

Police – No objections reference made to regulation 3 Building Regulations and Secure by Design.

Representations

3 objections have been received on the following grounds:

The height is currently not in keeping with the surrounding property and doesn't follow the building/roof line of the adjacent property and out of character.

On the original illustrations, the roof line was lower and consistent with the property next door.

The extra height reduces right to light and overshadows the surrounding properties making the gardens feel closed in.

The value and appeal of the neighbouring houses (85 and 87 Lilac Avenue) are already affected by the proximity of the new build, but an increased roof height will affect the marketability of these properties further.

The owner had attempted to include windows at the rear without planning permission.

Disruption the building has caused with vans parking across our drives and making it unsafe for pedestrians as they also park on the narrow footpaths.

Determining Issues

- Principle of development
- Design and Character
- Amenity of Occupants and Neighbours
- Parking

Assessment of the Proposal

Principle of development

The site is situated within an established residential area with regular bus services from Aldridge Road into Walsall and Birmingham.

Whilst the proposals will result in the development of a residential garden which is not defined as previously developed land in the NPPF, in this case, it is considered that the proposals will not cause harm to the local area, will not adversely impact on the character and identity of the local area and will be consistent with advise in paragraph 53 of the NPPF and that the house is within a residential location. An appropriate level of private amenity will be retained for No 70 Nicholas Road and the proposal would continue the residential street frontage of Nicholas Road. The principle of a new dwelling has also already been accepted in approving permission 17/1229.

Design and Character

Although the proposal would be detached and the neighbouring houses semi-detached or terraced, the design would reflect the neighbouring bungalows with similar characteristics including roof design with dormer, and similar scale and proportion. The proposed bungalow design is considered to integrate with the existing bungalows on Nicholas Road having without having any significant impact on the character of the area. Despite the increase in height of 400mm this is not significant and does not detract from the amenities of the area.

To ensure the satisfactory appearance of the development is retained, taking account the proximity to the footpath, it is recommended that permitted development rights for Householders under class A for rear and side extensions is removed by condition.

Amenity of Occupants and Neighbours

The proposal would not project any further forward or rearward of number 70, the existing side windows do not serve a habitable space.

The land level difference to number 87 and the rear ensures there would be little if any potential for overlooking.

The separation between the proposal and houses opposite Nicholas Road is considered acceptable.

The application site is located within a residential area and Pollution Control Officers recommend conditions for a Construction Management Plan to control noise, dust and debris affecting local residents. The application is retrospective and works almost complete, for this reason the condition is considered irrelevant and cannot be imposed.

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

Parking

Two parking spaces per dwelling are proposed which accords with T13 parking policy.

The highway officer considers that taking into account the site is on a tight, almost 90 degree bend, traffic speeds are likely to be well below the 30mph speed limit and therefore a 25m forward visibility envelope around the bend is retained appropriate for speeds up to 20mph in accordance with MfS1 guidance.

Other issues raised through consultation

Loss of house value and temporary construction noise concerns raised are not determining issues of a planning application, with the regard to the latter the works are now nearly complete and there is separate noise legislation which may have assisted.

Attempted unauthorised works are not a material consideration of this planning application.

Conclusions and Reasons for Decision

The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP.

The principle of an additional residential property fronting the street is considered appropriate in this location.

The proposed relationship between the new house and number 70 is acceptable and would not result in any significant loss of light or overlooking.

To ensure there is no potential for any significant overlooking, it is recommended that permitted development rights for Householders under class B and C for alterations to the roof is removed by condition.

There would be no significant overbearing impact or overlooking.

The Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32.

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

Positive and Proactive Working with the Applicant

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

Recommendation

Grant Permission Subject to Conditions

Conditions and Reasons

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

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

2) The development shall be carried out in accordance with the following plans unless otherwise superseded by condition:

Location plan, block plan and proposed plans received 28/03/18

Reason: To define the permission.

3a) Prior to occupation details shall be provided of an electric charging point and low NOx boiler and approved in writing by the Local Planning Authority

3b) The agreed measures shall be fully implemented prior to occupancy and a written validation statement shall be submitted to the Local Planning Authority.

Reason: In the interests of Air Quality and to comply with the Air Quality SPD

4a) Prior to the first occupation of the dwelling, all parking spaces including the replacement parking for the existing dwelling shall be fully implemented and brought into use.

4b) The approved additional spaces shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or any highway drain and all parking bays shall clearly demarcated on the ground.

4c) The parking areas shall thereafter be retained and used for no other purpose.

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

5) Prior to the first occupation of the development, a new vehicle footway crossing serving the dwelling shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. The new crossing shall not exceed five 900mm flat kerbs and two 900mm taper kerbs. All works within the public highway shall be in accordance with all statutory requirements.

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

6) At no time shall any boundary treatment or planting exceed 600mm in height above carriageway level within 2.4m of the back of footway.

Reason: To provide adequate inter-visibility at the access points and around the bend, in the interests of highway safety.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B or C, of Part 1 Schedule 2 of the said Order shall be carried out to the dwelling hereby approved.

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

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jun-2018

Plans List Item Number: 10.

Reason for bringing to committee: Councillor Application

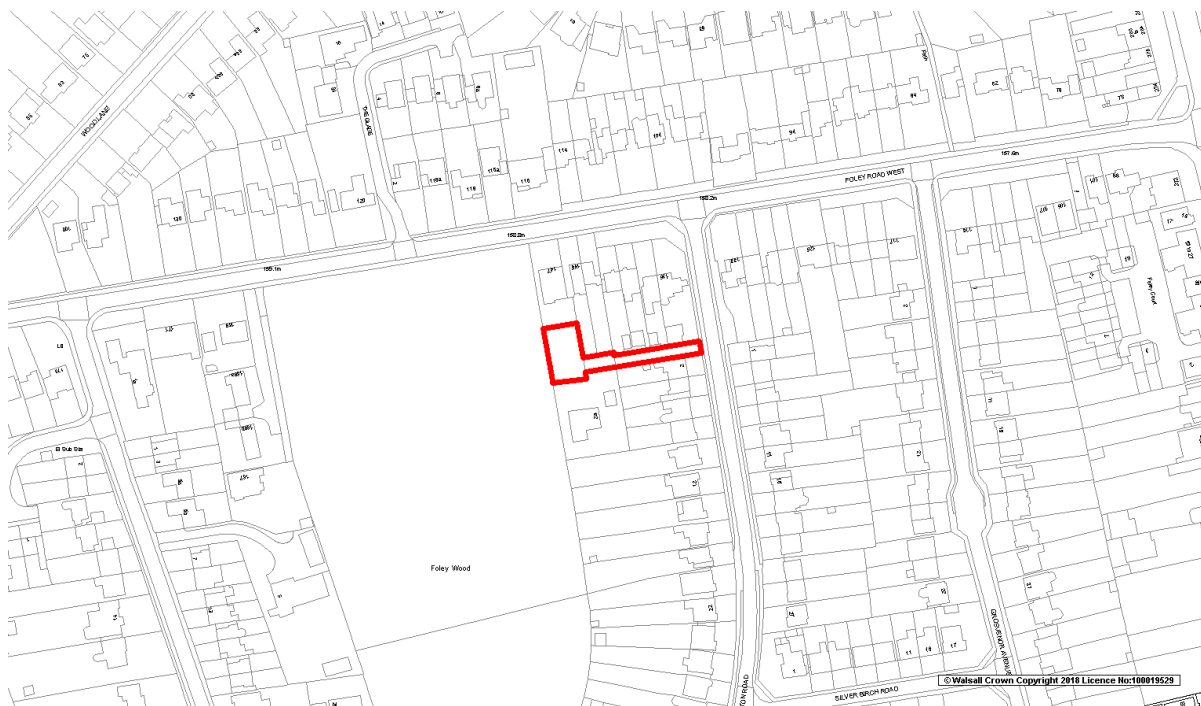
Location: LAND TO THE REAR OF 147, FOLEY ROAD WEST, STREETLY, SUTTON COLDFIELD, B74 3NY

Proposal: NEW TWO STOREY 3 BEDROOM DWELLING AND GARAGE.

Application Number: 16/0524
Applicant: Amers Kudhail
Agent: Spooner Architects
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Streetly
Expired Date: 13-Sep-2016
Time Extension Expiry: 14-Jun-2018

Recommendation Summary: Refuse



Committee Update

The application was deferred by August 2016 planning committee for the following reasons:

That planning application number 16/0524 be deferred to October Committee to allow the applicant to ascertain ownership of the trees for an assessment to be undertaken of the trees adjacent to the site boundary in Foley Wood.

The Tree Officer provided details to the applicant of capable Tree Specialists who could provide a suitable tree assessment. After this advice was given a number of calls were received from Tree Specialists. As officers were aware of the attempts by the applicant to provide the relevant information more time has been allowed.

Unfortunately progress has halted and there have been reports since of works to the trees adjacent to the application site. A tree survey plan was received by the Council on the 28th May 2018

The recommended reasons for refusal have been revised for clarity.

The original report now follows with updated reasons for refusal:

Additional Relevant Policies

NPPF Consultation

In March 2018 the Ministry of Housing, Communities and Local Government issued consultation proposals for revisions to the National Planning Policy Framework. The consultation ends on 10 May 2018. The text has been revised to implement policy changes previously consulted upon and further changes to planning policy announced in the Budget 2017. Whilst proposals should be considered in light of this draft consultation at this stage it can be afforded little weight as a material consideration in the determination of the application.

New Consultation Replies

None – The tree officer will provide comments prior to planning committee.

New Representations

None

Determining Issues

The following determining issues are unchanged from the previous report:

- Character of the area
- Manoeuvring and turning space within the site

Two additional determining issues are added:

- Tree Report

- Bat Survey

Additional Case Officer comments are provided in response to the tree survey plan for the following determining issues to be considered in conjunction with the original report:

- Residential environment for future occupiers
- Shading and Protected trees

Assessment of the Proposal

Tree Report

The submitted plan is incomplete because a statement on the plan suggests that Trees to be removed due to their condition have already been removed from the drawing, the details of which can be found on drawing TRP02 Rev A. This tree plan has not been received by the Council, but has been requested.

Bat Survey

The proposed development now relies on trees to be removed, which requires a bat survey in accordance with UDP policy ENV23 and Natural Environment SPD.

Residential environment for future occupiers

The plan demonstrates significant shading to the proposed house reinforcing the Council's concerns. Although as the plan suggests there may be trees to be removed this land is outside of the applicants control and the land owner may choose to reinstate the trees. Potential occupiers would have no control over that tree boundary and the proposed orientation of the house means that main habitable room windows would have little light.

Shading and Protected trees

A belt of trees are also shown over the proposed footprint of the house which would need to be removed, although this would be a benefit to the scheme it is considered that the remaining loss of light an overbearing impact of the West boundary trees would still be significant to justify refusal.

Updated Positive and Proactive Working with the Applicant

Officers have liaised with the agent throughout the application seeking details as requested by committee members. Taking account the time taken since the previous committee in August 2016 to provide details on the adjacent trees, officers consider it unlikely that sufficient additional information regarding trees or bats will be submitted to achieve a positive conclusion. The refusal reason would set out clearly to the applicant the issues which would need to be overcome as part of any resubmission.

Recommendation

Refuse as set out in original report, plus the additional of a refusal reason for the lack of a bat survey.

Reasons for Refusal

1. The proposed small backland site would result in a cramped, contrived design with no street presence or identity which is out of keeping with the character of the surrounding area. As such, the proposal represents poor design and is contrary to the aims and objectives of the National Planning Policy Framework and sustainable development, policy CSP4, ENV2 and HOU2 of the Black Country Core Strategy and Saved policies GP2, ENV18, ENV32 and H3 of the Walsall Unitary Development Plan and the Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.
2. The proposed development would not provide a satisfactory residential environment for future occupiers, due to the size of the dwelling in proportion to the size of the plot, limited depth of garden areas and proximity of the dwelling and garden to the boundary with Foley Wood and in the absence of an tree survey to demonstrate that sufficient amenity can be provided without requiring the felling or significant pruning of protected trees, would create overshadowing and be likely to lead to demands from future occupiers for severe pruning or removal of protected trees. As such, the proposal represents poor design and is contrary to the aims and objectives of the National Planning Policy Framework and sustainable development, policy CSP4, ENV2 and HOU2 of the Black Country Core Strategy and Saved policies GP2, ENV18, ENV32 and H3 of the Walsall Unitary Development Plan and the Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.
3. The reduction in depth of the rear garden of number 147 Foley Road West would result in a garden space which would not adequately serve the needs for the occupants of a large detached house and the proximity of the proposed house to this garden space and the main rear windows of number 147 Foley Road West would result in an overbearing impact and unacceptable overlooking of occupants of this house. As such, the proposal represents poor design and is contrary to the aims and objectives of the National Planning Policy Framework and sustainable development, policy CSP4, ENV2 and HOU2 of the Black Country Core Strategy and Saved policies GP2, ENV18, ENV32 and H3 of the Walsall Unitary Development Plan and the Supplementary Planning Document Designing Walsall.
4. The application has failed to include conclusive evidence about the possible presence of bats, which are a protected species, or the impact on their roosts or habitats. The application is therefore contrary to the aims and objectives of the National Planning Framework in particular policies 109, Walsall's Saved Unitary Development Plan policies, in particular ENV23 and the Supplementary Planning Document "Conserving Walsall's Natural Environment".

Original Report Including Supplementary Updates

The proposal is for erection of a two storey house on land at the rear of 147 Foley Road West. The former bungalow at number 147 has been demolished and a new 5 bedroom house has been erected following planning permission granted in September 2008. The proposed plot is created using the rear 22m section of the existing garden of 147 Foley Road West and utilising a shared driveway off Egerton Road for access.

The area is predominantly residential comprising a variety of residential properties within generous plots. Foley Wood, protected woodland, adjoins the western boundary of the site. The site is relatively flat.

The proposed application follows a previous refusal for a similar scheme, the differences are the design from a low hipped roof to a two storey gable design, the relocation of the house closer towards 2a Egerton Road (the bungalow at the head of the private access) and further away from 147 Foley Road West, 2m² reduction in the footprint, an increase in plot width coming closer to the rear of number 147 by 2 metres and a detached garage to the front of the proposed house.

The proposed house is "L" shaped and positioned 21m away from the facing elevation of the approved new dwelling at 147 and 14m away from 2a Egerton Road.

On the ground floor would be an open plan lounge and dining room, toilet and kitchen and on the first floor would be a bathroom, 3 bedrooms one with an en-suite and an airing cupboard. The main habitable room windows would be on the front and rear elevations with additional side windows to serve the dining room/ lounge and two of the bedrooms.

The main garden area is on the Eastern side of the house nearest to 147 Foley Road West although other smaller areas are available to the north and south side of the building.

The elevations are brick and the roof incorporates pitch and hipped design. There are dormer windows serving the bedrooms. There is also a chimney serving the lounge.

The main views from the property would be from the access off Egerton Road which is used by up to 8 neighbouring houses and from the rear gardens and windows of houses numbered 137, 139, 141, 143, 145 and 147 Foley Road West and 2, 2a and 4 Egerton Road

A design and access statement has been provided which explains the access from Egerton Road, confirms the garden space to be 137m² in excess of the minimum standard of 68m², that the separation to 2a Egerton Road and 147 Foley Road West is in excess of the minimum standards and that all trees and planting currently on the site would be retained.

Relevant Planning History

Land to the Rear of 147 Foley Road West

13/1488/FL - Erection of a dormer bungalow – refused on the 15/04/14 for the following reasons:

1. The small backland site has resulted in a cramped, contrived design with no street presence or identity which is out of keeping with the character of the surrounding area. It would not provide a satisfactory residential environment for future occupiers, due to the size of the dwelling in proportion to the size of the plot, limited depth of garden areas and proximity of the dwelling and garden to the boundary with Foley Wood which would create overshadowing and be likely to lead to demands from future occupiers for severe pruning or removal of protected trees.
2. The proposed development has failed to demonstrate that there is adequate off street parking and vehicle manoeuvring space within the site curtilage to meet the operational needs of the development.

12/1556/FL- Erection of a dormer bungalow – refused on the 18/04/13 for the following reasons:

1. The small backland site has resulted in a cramped, contrived design with no street presence or identity which is out of keeping with the character of the surrounding area. It would not provide a satisfactory residential environment for future occupiers, due to the size of the dwelling in proportion to the size of the plot, limited depth of garden areas and proximity of the dwelling and garden to the boundary with Foley Wood which would create overshadowing and be likely to lead to demands from future occupiers for severe pruning or removal of protected trees.
2. The proposed development fails to demonstrate adequate manoeuvring, turning and circulation space within the site to enable vehicles to enter and exit the car port and parking space in a satisfactory manner.

147 Foley Road West

BC63597T – Application to fell eight self-set Sycamores within the adjacent woodland – Granted Subject to Conditions 04/07/01

Tree Preservation Orders 10/1964 & 17/2005 relating to the woodland to the west of the site.

08/0306/FL - Demolition of existing bungalow and erection of a 5 bed detached two storey house – Refused 18/04/08 for 3 reasons relating to: 1) the scale, depth, massing and appearance of the building having a cramped and overbearing effect upon the street scene, 2) rear projection and height of the building conflicts with the 45° code adversely affecting the residential amenities of the neighbouring property due to loss of light, outlook and privacy; 3) potential damage to the adjacent trees covered by TPO due to the proximity of the building and potential pressure for future pruning.

08/1288/FL - Demolition of existing bungalow and erection of new five bedroom dwelling and garage. Granted Subject to Conditions 30/09/16

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
- 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 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***
- ***NPPF 9 - Protecting Green Belt Land***
- ***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. 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.

Local Policy

Black Country Core Strategy

www.walsall.gov.uk/ldf_core_strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making

- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

www.walsall.gov.uk/unitary_development_plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T4: The Highway Network
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

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

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.

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

Conserving Walsall's Natural Environment SPD

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

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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 objection

Pollution Control– No objection.

Fire Service – No objection

Police – No objection subject to Secure by Design.

Environmental Health – No objection

Severn Trent Water – No objection subject to drainage condition

Arboricultural Officer – Objection, impact of existing protected trees

Public Participation Responses

6 responses have been received from 7 residents objecting to the proposal on the following grounds:

Overlooking and loss of privacy to gardens and windows

Out of character - proportion of house size to garden

Loss of view

Hasn't disclosed he is a Councillor on the application forms (*this has been amended by the agent who submitted the application*)

The applicant has been nibbling away at Foley Wood, felling trees.

Doesn't overcome previous refusal reasons

Larger than previous refused submissions

Not enough space for vehicles to manoeuvre.

Access rights might not be granted (*not a material planning consideration*)

Impact on neighbouring trees

Lack of light for occupiers

Noise and disturbance through construction, with events and issues the owners have had with the recent works next door (*these are not listed as they are not material to the determination of this case*)

Access not suitable for emergency services and sprinkler system not optional.

Loss of neighbouring property value (*not a material planning consideration*)

This application is to try and claim neighbouring land for free (*not a material planning consideration*)

Increase in traffic

Impact on condition of right of way

Impact on wildlife

If the two spaces are filled, how can anyone visit and manoeuvre out of the site.

Determining Issues

Whether the proposal overcomes the previous reasons for refusal in respect of:

- Character of the area

- Residential environment for future occupiers
- Shading and Protected trees
- Manoeuvring and turning space within the site

Observations

Character of the area

Whilst the Council has an adequate 5 year supply of residential land this does not preclude development of windfall sites. Policy ENV14 seeks to bring forward under used land for new uses and policy H3 encourages provision of additional housing through windfall sites provided a satisfactory residential environment can be achieved. Although this site could be considered as underused garden land redevelopment for residential purposes would only be acceptable provided an appropriate layout and design can be achieved. In this instance the constrained site, relationship to surrounding properties and adjacent woodland, and inadequate access are considered unlikely to be able to be addressed by any layout or design.

The character of the area is defined by traditional semi-detached and detached development with direct street frontage. The only exception is 2a Egerton Road which is an existing detached bungalow located at the head of the access.. A single house does not define the character of the area and this is an existing situation which would not be improved by the current proposals which are considered out of character. Objections from residents have been received on this point.

The relationship between the proposed house and plot is not in character with the wider area, the plot is unusually small in relation to the neighbouring plots and the mass of the house is at odds with this. The density of the existing houses fronting Foley Road West and 2 – 8 Egerton Road is 19 dwellings per hectare whereas the density of the application site would be 29 dwellings per hectare, a significant increase which does not reflect the spacious character of the area.

Although the footprint of the proposal has been reduced by 2m² there would be a significant increase in mass from the previously refused dormer bungalow to a two storey gable roof house. This is considered out of keeping with the existing neighbouring bungalow which although itself is a backland development, is not visible from the street or prominent from neighbouring houses. The proposal due to its excessive mass would be visible from Egerton Road down the shared access and from at least 9 other houses. The layout of the dwelling within the plot is contrived to fit within it and is out of keeping with the surrounding dwellings. This concurs with neighbour objections received who consider the dwelling is “contrived”.

The proposal for the above reasons would have a poor visual relationship with the adjacent houses and street, is out of character contrary to UDP policy ENV32 and does not overcome the 1st refusal reason of planning refusal 13/1488.

Residential environment for future occupiers

The proposed garden would be to the North of the proposed house and just 9.5 metres deep from the side wall of the house which combined with the existing West

boundary to the wood, would create significant shading to this amenity area resulting in a poor private amenity space.

The design and access statement explains that the proposed garden exceeds the minimum requirements of Designing Walsall. However it would be expected that these minimum requirements might apply to higher density housing in more densely populated areas rather than this suburban location. The quality of the housing stock

in this area which defines the character, already significantly exceeds the minimum requirements of Designing Walsall, which also states that “the requirement to design longer rear gardens to reflect an area’s character is also equally applicable and for these purposes the guidelines below should not be understood by developers to mean the maximum achievable distances for development.” The proposal for these reasons does not accord with Appendix D of Designing Walsall.

The side elevation bedroom windows would be less than 22 metres from the approved rear bedroom windows of number 147 Foley Road West, less than the 24 metres required by Designing Walsall. It might be argued that these windows are secondary, however this position is not supported as the rear window to bedroom one would be 1 metre from the trees of Foley Wood and as such would have no outlook, also bedroom 2 would be 4 metres from the rear side boundary to number 145 Foley Road West which has planting outside of the applicants control which also impact on this window.

The distance between the rear habitable room windows and Foley Wood, the adjacent protected woodland is just 1m and 2m which is likely to lead to overshadowing or calls for severe pruning or felling of the protected trees and is a concern of the Tree officer and neighbouring residents.

There is no distinction along the boundary with the woodland at present and the concern by residents is that further encroachment may occur if the dwelling is granted. The close proximity of the proposed dwelling to the woodland and the tree within an adjacent garden are likely to cause problems of overshadowing and create an unsatisfactory living environment for future occupiers.

For the above reasons the proposed development is cramped and out of keeping with the surrounding area and would have an adverse impact on residential amenities and surrounding trees and woodland contrary to policies GP2, ENV18, ENV32 and H3 and SPD: Designing Walsall, does not overcome the 1st refusal reason of planning refusal 13/1488.

Neighbouring Residents

Existing residents consider the approved new dwelling at 147 Foley Road West to be out of keeping and restrict light to surrounding properties but full consideration of this proposal was made under application 08/1288/FL.

The remaining garden for number 147 is 11m long and gives at least 106m² useable garden area, this reduction to the previous refused scheme is considered insufficient for the remaining 5 bedroom house falling below the minimum standards of

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Designing Walsall SPD. The relationship to number 147 Foley Road West is considered cramped, the previous relationship was considered acceptable “on balance” and this proposed further reduction in garden length does not provide an acceptable level of amenity for occupiers of number 147 and falls significantly short of what amenities should be expected at a house of this size and of this character along Foley Road West contrary to UDP policies GP2 and ENV32.

There are no side elevation windows on the south elevation so there is no potential overlooking to occupiers of number 2a Egerton Road, the 14.7 metre separation and orientation is also considered acceptable not to result in any significant loss of privacy.

In relation to the other neighbouring houses the new dwelling is considered not to create significant harm to the amenities of adjoining occupiers in terms of loss of privacy, outlook or daylighting.

Shading and Protected trees

The design and layout of the building, in close proximity to a protected mature woodland, indicates a significant conflict will arise from shading, dominance and other tree associated issues (leaves, movement in high winds etc). The Council will be placed under severe pressure to allow the severe pruning or removal of trees within the wooded area to the west (in third party ownership) to the detriment of the amenity value of the area.

There are also other maturing trees in adjacent residential properties which contribute to the natural character of the area. They will have an effect on the proposal through shading, which will increase as the trees mature. They are of good, shape, form and condition and are worthy of retention.

Manoeuvring and turning space within the site

The application differs to the previous refusal and now illustrates parking for 2 cars which accords with T13 parking policy. The access is 4.5m wide increasing to 6m private shared access road off Egerton Road which the Highways Officer considers adequate to provide sufficient space for turning and manoeuvring.

The Highway Authority considers the development will not have severe transportation implications and is acceptable.

For these reasons the proposed parking layout is considered to overcome refusal reason 2 of 13/1488.

Objection has also been raised by a resident that the access not suitable for emergency services and that a sprinkler system is not an optional. West Midlands Fire Service has been consulted on the application and no objections have been raised.

Positive and Proactive Working with the Applicant:

There have been previous applications on this site the decisions of which have provided guidance, further guidance has also been secured through pre-application

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advice. It is considered that the previous refusal reasons are not overcome and there is little potential for amendments to secure an acceptable design.

Recommendation

Refuse

1. The proposed small backland site would result in a cramped, contrived design with no street presence or identity which is out of keeping with the character of the surrounding area. As such, the proposal represents poor design and is contrary to the aims and objectives of the National Planning Policy Framework and sustainable development, policy CSP4, ENV2 and HOU2 of the Black Country Core Strategy and Saved policies GP2, ENV18, ENV32 and H3 of the Walsall Unitary Development Plan and the Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.

2. The proposed development would not provide a satisfactory residential environment for future occupiers, due to the size of the dwelling in proportion to the size of the plot, limited depth of garden areas and proximity of the dwelling and garden to the boundary with Foley Wood and in the absence of a tree survey to demonstrate that sufficient amenity can be provided without requiring the felling or significant pruning of protected trees, would create overshadowing and be likely to lead to demands from future occupiers for severe pruning or removal of protected trees. As such, the proposal represents poor design and is contrary to the aims and objectives of the National Planning Policy Framework and sustainable development, policy CSP4, ENV2 and HOU2 of the Black Country Core Strategy and Saved policies GP2, ENV18, ENV32 and H3 of the Walsall Unitary Development Plan and the Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.

3. The reduction in depth of the rear garden of number 147 Foley Road West would result in a garden space which would not adequately serve the needs for the occupants of a large detached house and the proximity of the proposed house to this garden space and the main rear windows of number 147 Foley Road West would result in an overbearing impact and unacceptable overlooking of occupants of this house. As such, the proposal represents poor design and is contrary to the aims and objectives of the National Planning Policy Framework and sustainable development, policy CSP4, ENV2 and HOU2 of the Black Country Core Strategy and Saved policies GP2, ENV18, ENV32 and H3 of the Walsall Unitary Development Plan and the Supplementary Planning Document Designing Walsall.



Planning Committee

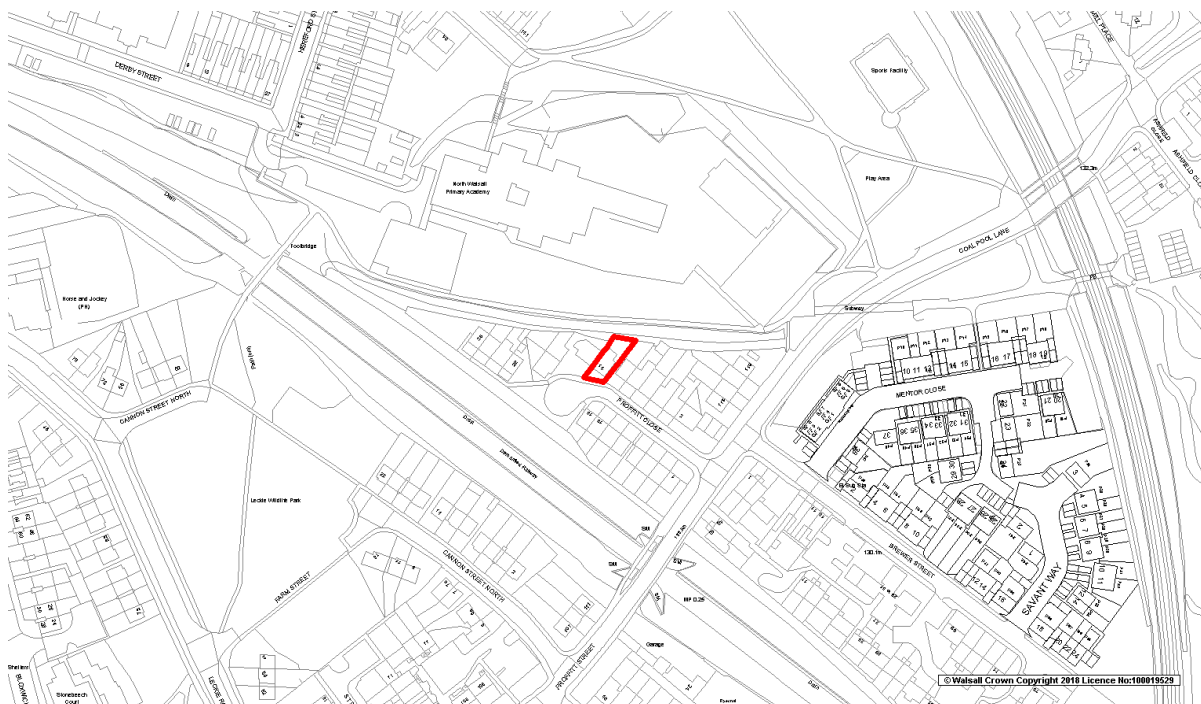
Plans List Item Number: 11.

Location: 14, PROFFITT CLOSE, WALSALL, WS2 8BD

Application Number: 17/1609
Applicant: Mohammed Akhtar
Agent: BSP Design
Application Type: Full Application

Case Officer: Devinder Matharu
Ward: Blakenall
Expired Date: 29-Jan-2018
Time Extension Expiry: 29-Jun-2018

Recommendation Summary: Grant permission subject to conditions



Status Update

The application was deferred by planning committee on 22 March 2018 for the following reasons:

For up to two cycles to secure the removal of the lamppost and that residents be consulted upon with regards to the satisfactory relocating of the street light.

Amended plans have been submitted which shows the lamp post in front of number 14 Proffitt Close to be relocated from the eastern frontage to the western frontage of 14 Proffitt Close.

The agent has forwarded an email from Amey, the Council's street lighting partner, who confirm they are happy for the lamp post to be relocated. The agent also states that once planning permission has been granted the applicant will pay the relevant fees to Amey to relocate the lamp post.

Neighbours and consultees have been notified of the amended plan showing relocation of the lamp post. No new material planning considerations as a result of this consultation have been received.

The Highway Officer has no objections to the proposal subject to planning conditions regarding the relocation of the lamp post, details of the cycle shelter and the parking space and vehicular footway crossing. The planning conditions have been amended accordingly. A planning condition has also been attached to ensure a cowl is fitted to the lamp post lamp to prevent light spillage and to protect neighbouring amenity.

The Public Lighting Officer has no objection to the relocation of the lamp post.

On this basis the relocation of the existing lamp post is considered acceptable. With regards to the cycle storage, the plans show a secured and covered cycle store within the rear of the premises.

The plans list in the planning condition will need to be amended to incorporate the amended plans.

The original report follows below but conditions have been updated to refer to the amended plan and secure details required by highways.

Proposal

The proposal seeks the conversion from a single dwelling to 2 self-contained flats with a flat on the ground floor and a flat at first floor. Both flats can be accessed from the existing front door with the rear door allowing access to the ground floor flat 1 only.

The ground floor flat would have a small amenity area outside the main bedroom window with a 1.5m high close board fence. A communal area for both flats would also be provided in the rear garden of the property. A bin store and cycle storage would be provided towards the rear of the site within the rear garden.

One car parking space in front of the premises has been shown on the submitted plans.

There are non-habitable room windows facing number 12 at both ground and first floor. There is a secondary bedroom window facing towards number 12 in the rear single storey extension.

The agent has submitted a covering letter which states:

- They are content with a planning condition to secure cycle storage details
- They do not propose to have an access control pedestrian gate to the rear but a simple key pad entry system
- Feather edge panel fencing with concrete posts is to be used
- The lighting column to the front of the site is to be relocated with the applicant paying for relocation costs.

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

Site and Surroundings

Number 14 is a two storey semi detached property located on the northern side of Proffitt Close with a single storey rear extension. The area of the site is screened by trees and beyond this tree canopy is a school.

Number 12 Proffitt Close is located to the east of the application site, a two storey terrace property with a first floor side facing window. The relationship between number 12 and 14 is one where the houses are staggered, number 14 sits further forward in the street scene than number 12.

The houses are set back from the highway to provide front gardens, the boundary of the houses to the public footpath are low boundary walls and hedgerows. The houses have tiled canopies across the front doors on the front elevation.

There is a lamp post outside number 14.

Proffitt Close is a cul de sac accessed from Proffitt Street and serves twenty two houses. Some of the houses have off road parking facilities and others park on street.

The site is 0.58km (580m) from the edge of Stafford Street local centre and 1.15km (1015m) from the edge of The Butts local centre. Proffitt Street is served by the number 29 bus service which operates a 7 minute service, six buses per hour to and from Walsall to Bloxwich via Blakenall between the hours of 05.30 to 23.15.

Relevant Planning History

None

Relevant Policies

National Planning Policy Framework (NPPF)

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

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic,

social and environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

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 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.

NPPF Consultation

In March 2018 the Ministry of Housing, Communities and Local Government issued consultation proposals for revisions to the National Planning Policy Framework. The consultation ends on 10 May 2018. The text has been revised to implement policy changes previously consulted upon and further changes to planning policy announced in the Budget 2017. Whilst proposals should be considered in light of this draft consultation at this stage it can be afforded little weight as a material consideration in the determination of the application.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility

Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T4 - The Highway Network
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document Designing Walsall

- DW3 Character
- DW9 High Quality Public Realm

Consultation Replies

Community Safety Officer – No objection but makes comments on fencing, a robust tenancy agreement be developed to ensure action can be taken if needed. A normally quiet street and in recent years been the target of crime and anti-social behaviour, due to its isolated nature, this should be considered by the owner as a pertinent factor.

Police- No objection but makes comments regarding building regulations, secure by design and security and makes reference to no off road parking in an area where demand for on street is high.

Pollution Control – No objection

Transportation – No objection subject to planning conditions relating to access, parking and cycle shelter.

Representations

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

- Noise disturbance due to machinery and building works, loud music
- Existing anti-social behaviour will be increased
- Drug use in area
- Increase in anti-social behaviour

- Lack of parking
- Existing parking issues in the street

Determining Issues

- Principle of development
- Design and layout
- Impact upon adjoining residential occupiers
- Access and parking

Assessment of the Proposal

Principle of development

The house is within a residential area and within easy walking distance of Stafford Street local centre. This local centre is within the maximum 1000m walking distance as defined in paragraph 7.51 of the UDP for small residential development and therefore not too dissimilar to the surrounding houses and considered to be consistent with guidance in the NPPF, BCCS and UDP in terms of sustainability. Furthermore, The Butts local centre although slightly over the 1000m maximum walking distance is in close proximity to the application site.

Policy ENV14 of the UDP seeks to support the reuse of previously developed sites and policy H3 of the UDP supports windfall sites coming forward. The building is currently vacant. It is considered that the proposal to convert the house into flats would not harm the local area and would not adversely impact on the character and identity of the vicinity.

The site is located within walking distance of Proffitt Street where there is a regular bus service to and from Walsall and Bloxwich via Blakenall. The site is within a sustainable location with easy access to Walsall and Bloxwich. Furthermore, the site is within walking distance of Stafford Street where there are a number of bus services to and from Walsall.

In principle the use of the house into two flats is considered acceptable as the site is in a sustainable location.

Design and layout

The proposal does not seek to undertake any external alterations other than fencing in the rear garden and minor internal alterations. The proposed development would make use of existing rooms and windows within the house.

The proposal would provide a bin store area and secure and covered cycle storage area within the rear garden along the rear boundary of the site. Details of both of these will be secured by conditions, as it is not clear whether the bin storage area would be a structure or a hardstanding area to accommodate bins.

The proposal seeks to provide a small amenity area to the rear of the ground floor bedroom to provide some privacy and prevent overlooking and loss of privacy from the communal amenity area.

The Police have made comments relating to building regulations but this would be addressed at building regulations stage. They also makes comments on secure by design, which would be included as a note for applicant.

On balance the design and layout of the proposed flats are considered acceptable.

Impact upon amenities of adjoining neighbouring occupiers

There are side facing windows on the main house facing towards number 12. The proposal seeks to utilised these windows for non-habitable rooms, on this basis, it is considered the proposal would not unduly result in loss of amenity, loss of light or privacy to either number 12 or 14.

There is an existing side facing window in the rear extension at 14 facing towards number 12. The submitted plans states there is an option to obscurely glaze this window. This would have been an existing habitable room window when the house would have been occupied as a single house. The proposal seeks to install a 2.1m high fence which would provide a screen between number 14 and 12 and also prevent any direct overlooking or loss of privacy between the two properties. The Crime Safety Officer has requested that the fence is secure to prevent fence panels being lifted, this can be secured by way of a planning condition.

Neighbours and the Crime Safety Officer have raised concerns that in recent years the street been the target of crime and anti-social behaviour and drug use. There is no evidence to suggest potential occupiers of the flats would exacerbate any existing issues with regards to anti-social behaviour. Furthermore, issues regarding drug use and anti-social behaviour is a matter for the Police to investigate.

No external works or building works are proposed that would result in excessive noise and disturbance to neighbouring occupiers to warrant refusal of the application. To protect neighbours amenity whilst any works are being undertaken a planning condition can be attached to ensure any building works are undertaken during the day. With regards to comments made about loud music, there is no evidence to suggest potential occupiers would exacerbate any existing issues with regards to anti-social behaviour such as playing loud music. Furthermore, these matters can be dealt with through environmental health legislation.

On balance the proposed use of the house as two flats would not unduly harm the amenities of neighbouring occupiers in terms of noise and general disturbance, loss of overlooking or loss of amenity to warrant refusal of the application.

Access and parking

The existing houses currently has no parking facilities. Some of the residential properties along Proffitt Close have off road parking facilities and others do not. Cars are also parked within the turning head by existing residents.

The proposal seeks to provide one off road parking space that will involve the relocation of a lamp post which is a betterment over the exiting provision particularly as Proffitt Close is a relatively narrow road (at less than 4.5m in width) and wherefore on street parking can be problematic.

The Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with the NPPF in this respect.

Conclusions and Reasons for Decision

On balance the proposed use of the house into two flats is considered acceptable as the site is in a sustainable location. The design and layout of the proposed flats are considered acceptable. The proposal would not unduly harm the amenities of neighbouring occupiers in terms of noise and general disturbance, loss of overlooking or loss of amenity to warrant refusal of the application. The development will not have severe transportation implications. The proposed development would meet the aims and objectives of the National Planning Policy Frame, Draft National Planning Policy Framework, policies CSP2, HOU1, HOU2, DEL1, DEL2 and ENV3 of the Black Country Core Strategy, Saved Policies GP2, ENV14, ENV32, H3, T4, and T13 of the Walsall Unitary Development Plan and policies DW3 and DW9 of Designing Walsall SPD.

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

Conditions and Reasons

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

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

2. The development shall be completed in accordance with the following approved plans and documents only:

- Drawing number 2017_193_01/Rev A entitled existing plans submitted 25-04-18
- Drawing number 2017_193_02/Rev B entitled proposed plans submitted 25-04-18
- Design and Access Statement submitted 30-11-17

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Reason: To define the permission

3a. Prior to the first occupation of the development, the frontage parking area shall be fully consolidated, hard surfaced and drained so that surface water run-off from this area does not discharge onto the highway or into any highway drain.

Note for Applicant: The use of loose unbound surface material such as gravel or chippings will not be permitted.

3b. The parking area shall thereafter be retained and used for no other purpose.

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

4a. Prior to the first occupation of the development, a new vehicular footway crossing shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008. The new crossing shall not exceed five 900mm flat kerbs and two 900mm taper kerbs. All works within the public highway shall be in accordance with all statutory requirements.

4b. Prior to the first occupation of the development and installation of the vehicular footway crossing, the existing street lighting column shall be repositioned as shown on drawing number 2017_193_02/Rev B entitled proposed plans submitted 25-04-18. The lamp post shall have a cowl fitted to reflect to the highway.

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

5a. Prior to the first occupation of the development, full details of the proposed cycle shelter, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

5b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

6. 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 no such works shall take place outside 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.

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: In order to safeguard the amenities of the surrounding occupiers.

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7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, or succeeding orders, no change of use within the provisions of Schedule 2, Part 3, Class L shall take place to change the flats hereby approved from Class C3 (dwellinghouses) to Class C4 (houses in multi occupation).

Reason: To safeguard the amenities of the occupiers of adjoining premises and to allow the LPA to retain control of the site.

Notes for the Applicant:

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654675.
3. The applicant will need to contact the Council's Street Lighting partner Amey on 0121 568 3673 in respect of the repositioning of the street lighting column. All costs incurred shall be met by the applicant.