



Planning Committee

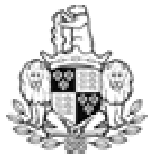
Report of Head of Planning and Building Control, Regeneration Directorate on 3rd
December 2015

Contents Sheet

| Item No | Page No | Application Number | Site Address | Proposal | Recommendation |
|---------|---------|--------------------|--|---|---|
| 1 | 1 | 15/0455/FL | LAND ADJACENT TO CALDERFIELDS GOLF AND COUNTRY CLUB, ALDRIDGE ROAD, WALSALL, WS4 2JS | Driving range and 9-hole academy golf course and associated facilities. | Refuse |
| 2 | 19 | 15/1197 | CASTINGS PLC, LICHFIELD ROAD, BROWN HILLS, WALSALL, WS8 6JZ | Extension to existing B8 warehouse with undercroft parking for an additional 50 cars, turning area, extended canopy and modified balancing pond | Grant permission subject to conditions (including any amendments or additional conditions deemed appropriate by officers) subject to resolving Natural England concerns |
| 3 | 35 | 15/1179 | 32 REGAL DRIVE, WALSALL ENTERPRISE PARK, WALSALL, WS2 9HQ | Extension to warehouse including associated external works. (Affects setting of Public Footpath Wal88). | Grant Permission Subject to Conditions |

| | | | | | |
|---|-----|------------|--|--|---|
| 4 | 49 | 15/0488/FL | OLRON HOUSE, BENTLEY MILL WAY, WALSALL, WS2 0BP | Change of use of vacant industrial unit into an indoor trampoline centre (D2 Use Class) and ancillary cafe including external alterations and changes to car parking. | APPROVE WITH CONDITIONS (INCLUDING ANY AMENDMENTS OR ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY OFFICERS) |
| 5 | 63 | 15/1412 | Former Nationwide Crash Repair Centre, Portland Street, Walsall | Change of use to coach depot, including vehicle repair workshop. | Grant Permission Subject to Conditions |
| 6 | 71 | 15/1123 | THE RECTORY, 14, THE GREEN, ALDRIDGE, WALSALL, WS9 8NH | Erection of 9 dwellings and garages (Affects Public Footpaths Ald 33, Ald51, Ald32(A), Ald32) | Grant Permission Subject to Conditions |
| 7 | 91 | 15/1134 | LAND ADJACENT 7, SARAH GARDENS, WALSALL | Three new dwellings | Grant Permission Subject to Conditions |
| 8 | 101 | 15/1395 | 39, CAIRNS STREET, WALSALL, WS2 8QT | Change of use from clothing manufacture to catering supplier with commercial kitchen and refurbishment, bricking up of windows and installation of extraction flue (re- submission of 14/1771/FL). | Refuse |

| | | | | | |
|----|-----|--------------|---|--|--|
| 9 | 111 | 15/0910/OUTL | 16, COPPY HALL GROVE, ALDRIDGE, WALSALL, WS9 8RP | Outline Application: Proposed two bedroom bungalow with access and layout to be considered, including the creation of parking and erection of two detached garages, part demolition of 16 Coppy Hall Grove and single storey front and side extension to 16. | Refuse |
| 10 | 127 | 14/1923/FL | 54 and 55 NORTON ROAD,PELSALL, WALSALL, WS3 4AX | Retention of existing shop 54 Norton Road with two storey and single storey rear extensions to 54 Norton Road and the Dental Practice, 55 Norton Road to provide office, medical equipment store, record store, emergency exits to shop no. 54 Norton Road, stock room, COSHH store room, X-Ray CT room and WC at ground floor, kitchen/staff room, cleaners cupboard, WC at first floor and installation of roof lights on the front elevation. | Grant Permission Subject to Conditions |



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 03-Dec-2015

Plans List Item Number: 1.

Reason for bringing to committee: Major application; Departure from Development Plan; Significant Community Interest

Location: LAND ADJACENT TO CALDERFIELDS GOLF AND COUNTRY CLUB, ALDRIDGE ROAD, WALSALL, WS4 2JS

Proposal: DRIVING RANGE AND 9-HOLE ACADEMY GOLF COURSE AND ASSOCIATED FACILITIES.

Application Number: 15/0455/FL

Applicant: Calderfields Golf Club

Agent: Brownhill Hayward Brown Architects

Application Type: Full Application

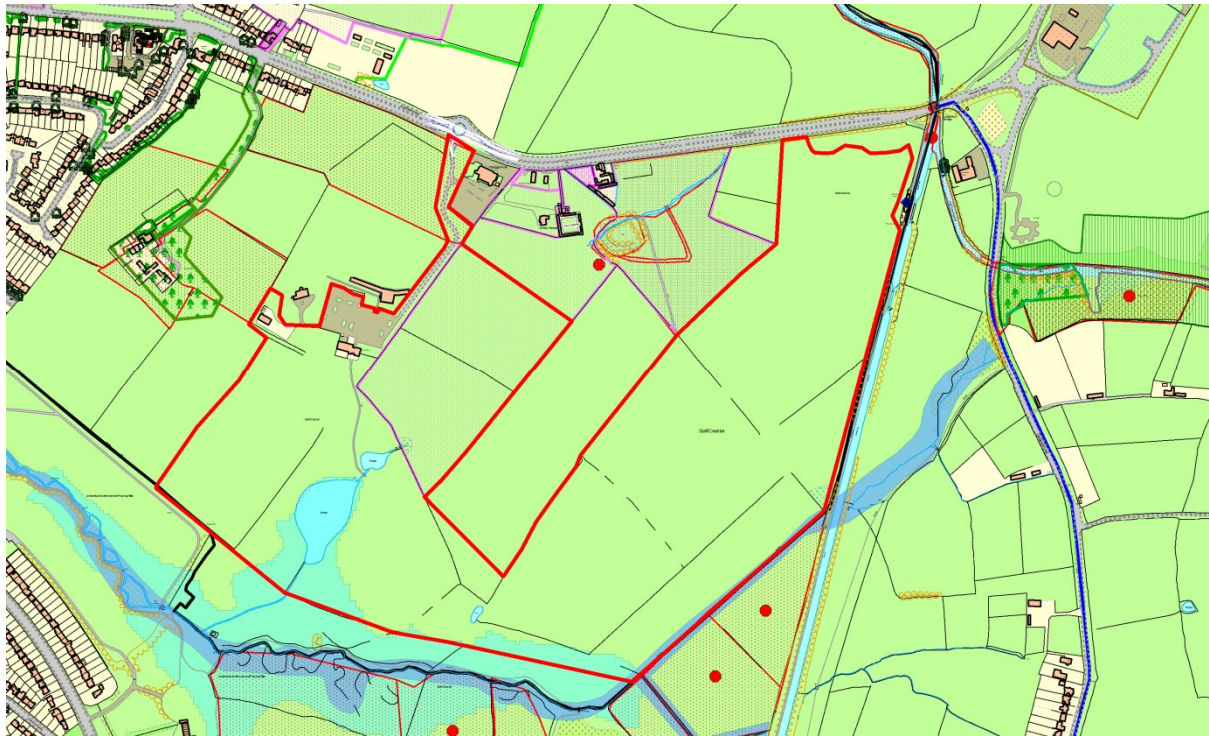
Recommendation Summary: Refuse

Case Officer: Katie Parsons

Ward: St Matthews

Expired Date: 27-Aug-2015

Time Extension Expiry: 11-Dec-2015



Officers Report

Application and Site Details

The application site includes the existing Calderfields Golf and Country Club on Aldridge Road, which includes an 18-hole golf course, restaurant and 20 hotel rooms. Specifically the application relates to an area of land to the north-east of the Country Club, which lawfully is agricultural land but most recently has been used for unauthorised tipping. The site has recently been acquired by the Golf Club. The entire Golf Club including the application site covers some 44 hectares and the area of the proposed development covers almost 6 hectares.

The development site has Calderfields Golf and Country Club land to the south-east and south-west, Calderfields Golf Academy to the north-east, The Dilke Arms Public House to the north, and some houses and agricultural/equine businesses to the north and north-east. There is currently unauthorised caravan storage on the land immediately to the north of the site.

The site lies within the West Midlands Green Belt. A watercourse runs through the site to ponds to the south, which form part of the existing Golf Club and terminate in The Arboretum to the south. The historic remains of a moat are located at the north-east corner of the site, mostly outside the red line.

The proposal is to construct a driving range and a 9-hole academy golf course, with associated facilities. The driving range building would have 684 square metres of floor space, made up a building containing a shop, club hire area, golf simulator, changing rooms, toilets, office, meeting rooms and store rooms, plus 18 driving range bays and a coaching bay. The maximum height would be 7m to the ridge. Fencing and lighting columns to a height of 12m - 20m would be installed on top of a bund up to 4m high to form the driving range. Landscaping and engineering works would form a series of bunds and mounds approximately 2m high to create the 9-hole golf course, with small culvert bridges installed over the watercourse. A footpath would be provided to link the existing building to the new building. If approved, the academy would open in 2017 and it is anticipated that 15 new jobs would be created in addition to the 50 existing jobs at the Golf Club. The proposed opening hours for the academy are 7am to 10pm.

The application has been supported by: existing site survey; proposed site plan; proposed plans and elevations; existing and proposed sections; design and access statement; planning statement; business plan; concept landscaping plan; ecological appraisal; bat survey report; reptile survey report; ground contamination survey; arboricultural information; parking assessment; flood risk assessment; heritage statement.

The application has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and has been determined to not require an Environmental Statement.

Relevant Planning History

There have been various applications for extending the golf club facilities since it was built but none directly relevant to the current application.

Before this application was submitted, an EIA Screening was carried out under reference 14/1928/SCRE and the current application has also been screened.

Relevant Planning Policy Summary

Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions and sets out that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

National Planning Policy Framework 2012 (NPPF) and associated guidance

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"*.

It is based on 12 core planning principles. Those particularly relevant in this case are:

- Be genuinely plan-led
- Proactively drive and support sustainable economic development
- 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 characters of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside
- Support the transition to a low-carbon future in a changing climate
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Encourage the effective reuse of land
- Conserve heritage assets
- Actively manage patterns of growth

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.

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.

The Black Country Core Strategy (BCCS)

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

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

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

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

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

The above are supported by the following key policies, as relevant to this application:

CSP1: The Growth Network

CSP2: Development Outside the Growth Network

CSP3: Environmental Infrastructure

CSP4: Place Making

CSP5: Transport Strategy

CEN1: The Importance of the Black Country Centres for the Regeneration Strategy

CEN7: Controlling Out-of-Centre Development

TRAN2: Managing Transport Impacts of New Development

ENV1: Nature Conservation

ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

ENV6: Open Space, Sport and Recreation

These Policies are considered to be consistent with the NPPF.

Walsall's Unitary Development Plan (UDP)

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

The key 'Saved' Policies relevant to this proposal are:

GP2: Environmental Protection

GP5: Equal Opportunities

GP6: Disabled People
 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
 ENV17: New Planting
 ENV18: Existing Woodlands, Trees and Hedgerows
 ENV23: Nature Conservation and New Development
 ENV25: Archaeology
 ENV32: Design and Development Proposals
 ENV33: Landscape Design
 ENV40: Conservation, Protection and Use of Water Resources
 S1: Definition of Town Centre Uses
 S7: Out-of-Centre and Edge-of Centre Developments
 T1: Helping People to Get Around
 T4: The Highway Network
 T7: Car Parking
 T8: Walking
 T9: Cycling
 T10: Accessibility Standards – General
 T11: Access for Pedestrians, Cyclists and Wheelchair Users
 T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
 T13: Parking Provision for Cars, Cycles and Taxis

These ‘Saved’ Policies are considered to be consistent with the NPPF.

Supplementary Planning Documents

http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_development_framework/ldf_supplementary_planning_documents.htm

Where relevant BCCS and UDP policies are consistent with the NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The SPDs relevant to this application are:

- Designing Walsall
- Conserving Walsall’s Natural Environment

Consultations

Area Partnership – Comments to be updated at Planning Committee.

Campaign To Protect Rural England - Comments to be updated at Planning Committee.

Canal and River Trust – No comments or objections.

Coal Authority – No objection subject to note to applicant.

Economic Regeneration – Comments to be updated at Planning Committee.

Environment Agency – No objections.

Environmental Health – No objections.

Flood Risk Planning and SuDs Officer - No objection submit to condition.

Friends of the Earth - Comments to be updated at Planning Committee.

Greenspace Services - Comments to be updated at Planning Committee.

Highway Authority – No objections.

Inland Waterways – No objections.

Natural and Built Environment Team (Ecology) - Objection (full detail in report)

Natural and Built Environment Team (Landscape) – Objection (full detail in report)

Natural and Built Environment Team (Trees) – Objection (full detail in report)

Pollution Control – No objection subject to conditions.

Public Lighting Manager - No objection subject to conditions to minimise light spill.

Severn Trent Water – No objection.

Sites and Monuments – Archaeological work required. No objection subject to conditions.

South Staffordshire Water - Comments to be updated at Planning Committee.

Sport England – No comments or objection.

Structures and Geotechnics – No objections.

Public Participation Responses

- Councillor Russell has objected to the application as there is already a driving range which could accommodate any increase in demand and would be harmed by the proposal; golf as a pastime is in decline; the proposal would cause a loss of Green Belt land; detrimental effect on wildlife, plants and birds; increased light pollution; increased traffic.
- The Residents Against Cemetery group commented on behalf of local residents stating that the site is sensitive, the consultation period should be extended due to public interest, that residents are against development in the Green Belt and that a senior planning officer should deal with the application due to previous concerns regarding an application for a cemetery on adjacent land.

Objections were received from 15 local addresses raising the following issues:

- Difficult to ascertain full extent of the proposals from the application documents
- The section drawings are insufficient to assess impacts on neighbours/character of the area
- No details given of how the land re-profiling will be achieved, with what materials or the extent of the proposed changes in levels
- There is already a driving range, retail shop and teaching academy at Calderfields Golf Academy on the adjacent site so there is no need to duplicate them as the sites share a car park and many visitors use both facilities
- Rather than increase employment, this could cause harm to Calderfields Golf Academy by duplicating the driving range, teaching academy and retail store
- No evidence of need or demand for this development
- No additional benefit to existing users of the two golf facilities other than the short course
- Existing driving range at Calderfields Golf Academy is operating below capacity so no need for another in the local area
- Two driving ranges are not sustainable
- Large building on Green Belt land – loss of openness
- Green Belt should not be lost for commercial gain
- Change of use of Green Belt land for this use is inappropriate development
- Area is water logged
- Impact on water course
- Risk of flooding from watercourses on the site
- Likely contaminated land due to previous illegal dumping on site
- Loss of wildlife habitats
- Loss of trees
- The proposed landscaping does not compensate for the natural landscapes and habitats that would be lost
- A cemetery was refused adjacent the site and the appeal was dismissed, largely on the grounds of absence of need
- Is this an interim measure before the previously proposed cemetery?
- Loss of/encroachment into/unnecessary development of Green Belt land
- Green Belt should be for everyone to enjoy and preserved for future generations
- Inappropriate use of Green Belt land
- Lack of evidence of viability or need, to establish very special circumstances
- The need to remove/treat waste on the site does not justify the proposed use or buildings
- No evidence has been submitted on the success of previous improvements to the club in terms of increasing membership, jobs and income
- Additional buildings in the Green Belt
- Function room is already noisy in the early hours which could become worse if the club expands
- No opening and closing times have been stated
- The existing driving range already causes light pollution and the new one would increase this
- Increased traffic and pollution
- Risk to walkers, children and horse riders

- The location of the driving range could lead to stray golf balls hitting passing pedestrians or motorists
- No evidence provided on required height of fencing and netting for safety
- It would be better to propose only the short golf course and provide additional car parking instead as this would fit in well with the existing golf course as the complex does not already have one and it would not impact on the Green Belt
- Additional car parking should be provided if the country club is expanding as parking is already difficult and the previously approved expansion of the country club is not yet complete
- Construction period could impact on residents and the adjacent golf business
- The previous EIA Screening does not relate to the full extent of this proposal
- Councillor Arif has written in support of the application as he considers it would have a positive impact on the environment, would bring into use an area which is a magnet for fly-tipping and looks unsightly, and he has received no representations against the development.

Two letters of support were received from local residents, raising the following:

- The proposals would benefit existing and new members
- The site is currently unsightly wasteland and would be improved
- Additional employment
- The proposals would help sustain the Club
- The applicant also submitted a petition of support for the 9 hole par 3 golf course and teaching facility, on the basis that it would “return an area of current Brownfield site to a use more compatible with the rural environment and provide an essential facility to ensure the sustainability of the Golf Club and its members for future generations”. It is described as being ‘signed by over 500 local residents and visiting customers’. The front page is appended to the agenda. Five letters of support from the General Manager, former Club Captain, Senior Captain and Junior Academy Secretary and the Staffordshire Union of Golf Clubs have also been included in the applicant’s submissions.

Determining Issues

- Suitability of proposed land use
- Natural and built environment
- Residential amenity
- Flood risk and drainage
- Ground conditions
- Highways and transport matters

Observations

Suitability of proposed land use

As a leisure use, planning policy requires that this should be directed first to the district and local centres. As the proposal is an extension to an existing use, rather than a new leisure use, it is accepted that the only place the applicant would wish to develop would be land immediately adjacent to the existing facility. On this basis the

applicant has not been asked to demonstrate that there are no sequentially preferable sites available.

The NPPF and the Development Plan both contain a presumption against inappropriate development in the Green Belt as it is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

NPPF paragraph 88 requires the Local Planning Authority to 'ensure substantial weight is given to any harm to the Green belt'. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 89 sets out that the construction of new buildings is inappropriate in the Green Belt, except for a list of exceptions. This does include provision of appropriate facilities for outdoor sport and recreation, where it preserves the openness of the Green Belt and does not conflict with the purposes of including land within in. However this applies where the land is already in the specified use – there is no exception within the NPPF which allows the change of use of the land to outdoor sport and recreation if it is not already in that use, as is the case with the application site. Use of a golf club is not included in the list of other uses that may be appropriate set out in paragraph 90. This differs from the previous PPG2 which did contain an exception for a change of use of land where the openness of the Green Belt was not affected. Paragraph 81 encourages Local Planning Authorities to plan positively for matters such as outdoor sport and recreation but the proposed development site is not allocated for this use in the Development Plan. The same provision also requires Local Planning Authorities to plan positively “...to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”

BCCS CSP2 ‘Development Outside the Growth Network’ seeks to provide “a strong Green Belt” and states that “...the landscape, nature conservation and agricultural land will be protected and enhanced where practical and possible.” Whilst ENV6 ‘Open Space, Sport and Recreation’ supports more efficient use of urban land by providing opportunities to increase appropriate open space, sport and recreation use of the Green Belt.

UDP ENV2 is largely similar to the NPPF, with a presumption against inappropriate development in the Green Belt, but provision for new buildings that are “*facilities essential for outdoor sport or recreation*” may be considered appropriate, although it also states “*any engineering or other operation, or the making of any material change in the use of land, is inappropriate development in the Green Belt if it conflicts with the openness and purposed of the Green Belt*”. It further states that “*where development is consistent in principle with the purposes of the Green Belt, the Council will require that its siting, design, form, scale and appearance is compatible with the character of the surrounding area*”. ENV3 ‘Detailed Evaluation of Proposals within the Green Belt’ provides criteria for the assessment of proposals that impact on the Green Belt, to ensure the impacts are acceptable even if the principle is considered appropriate.

However as the UDP and CS were both adopted before the NPPF it must be interpreted in light of the NPPF, as set out above. The starting point for assessment is that the proposed development would be inappropriate development in the Green Belt and should not be approved unless there are very special circumstances which clearly outweigh the harm to the Green Belt.

The Design and Access Statement states that the plot is “*an agricultural land and open space*”. For clarity the development site is considered agricultural land, and is not part of the surrounding open space. It must be stressed the application proposes to change the use of land from agriculture to recreation and leisure, a point confirmed in section 3 ‘*Design response*’ of the DAS, although the land is also referred to within this document as “*inert landfill use*” also, this was an unauthorised use.

The provisions of the NPPF and UDP allow, in some circumstances, for the construction of new buildings within the Green Belt - NPPF paragraph 89 lists exceptions to what is considered inappropriate development, one of which is for the ‘*provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*’. However, the provisions of both the NPPF and UDP relate specifically to the construction of new buildings for an existing use, and not establishing a new use within the Green Belt.

The proposal includes an earthworks platform, academy and driving range building, flood lights, fencing and hard surfaced areas as well as landscaping to create the golf course. These features are considered to be to the detriment of the area’s openness when assessed using the criteria of UDP Policy ENV3, particularly given their height/scale, and collectively the development would result in encroachment into the countryside. This development, and the fact that a golf course is not an exception to inappropriate development according to the NPPF removes any provision made under UDP ENV2(d), as the primary use is not an exception, and the requirement for engineering works in order to design the course must be considered an ancillary process or use to achieve the proposed development.

The golf course is considered to have less of an impact on openness than the driving range. It could be considered, given the quality of the land having been reduced following a long standing unauthorised use involving the processing of inert material, its current ability for agricultural purposes has been limited or sterilised, and that the development of a golf course, subject to specific attention to ecological and landscape enhancements, might provide a net environmental improvement to the area. The fact that the land has been damaged is not considered an overriding factor in isolation sufficient to outweigh the harm to the Green Belt, particularly given that the use was unauthorised and considering the potential for harm presented by the driving range. Furthermore objections have been received to the application relating to impacts on trees, landscape and ecology, which are set out later in this report.

The Planning Inspectorate recently dismissed an appeal for the change of use of agricultural land to a driving range in the Cheshire Green Belt, stating that the proposal was both inappropriate and harmful to the openness of the area. The appellant’s argument of need for the facility was rejected. The decision was made with regard to the judgement in *Fordent Holdings Ltd v SSCLG and Cheshire West and Chester Council* [2013] EWHC 2844 (Admin) that the change of use of land in the Green Belt is by definition inappropriate. The driving range was also determined to not preserve the openness of the area, which would be compounded by fencing and encroachment into the countryside. The Planning Inspectorate also recently dismissed an appeal in Walsall for a cemetery in close proximity to the application

site and stated that in accordance with the judgements in Fordent Holdings and also Timmins v Gedling Borough Council [2014] EWHC 654 (Admin) the material change of use of land to cemetery is not included in the list of potentially appropriate development in paragraphs 89 and 90 of the NPPF.

As such the NPPF does not permit change of use to recreation and leisure as it is not an exception listed within NPPF paragraphs 89 and 90. Consequently, both elements of the proposal, the change of use of the land and the construction of new buildings/hard standing/structures, require the applicant to demonstrate very special circumstances exist which clearly outweigh both harm to the Green Belt by reason of inappropriateness, and any other harm as a result of the proposal.

The very special circumstances put forward by the applicant are that the proposals are essential to the long term future social, economic and environmental suitability of the club for the following reasons: memberships are declining, participation levels are lower and golf club closures are increasing, therefore Calderfields needs to invest and grow to sustain their market place position. The proposed development would: allow the development of the junior section, female members and disabled members through a shorter golf course; improve facilities to retain existing members and attract new members to compete with other facilities; provide facilities for lower handicap golfers; continue improving the image and reputation of the club and allow it to compete with more historic clubs; attract a recognised golf professional/teacher; compete with other golf break venues; create jobs; increase income to the club in cold and wet weather. If these very special circumstances were to be acceptable, it is considered that any grant of planning permission would need to be dependent upon a S106 agreement being entered into, ensuring that the proposed new facilities could not be sold or operated separately from the main Golf Club, to avoid a repeat of the current situation where parts of the business fall under separate ownership and the new owners then seek to replicate existing facilities within their own land, to avoid further land-take in the Green Belt.

It is considered that the applicant has not provided any clear evidence to support these claims, or clearly demonstrate the need or demand for the facility, or make a compelling argument as to why developing their business should outweigh the harm that the proposal would cause to the Green Belt, and the other harm caused by the proposal. Commentary has been provided through the applicant's submissions to support the application but this is not considered to form a comprehensive evidence base. It is recognised that the Club is located within the Green Belt and limits their opportunities for expansion. The Golf Club was constructed under a different planning policy regime which did allow change of use of Green Belt land in some circumstances. The current national policy and guidance, a new golf course in the Green Belt would not receive planning permission unless it was allocated in the Development Plan or very special circumstances could be demonstrated. The operator of the existing driving range has confirmed that they currently operate significantly below capacity so it is difficult to accept an argument that there would be demand for a new facility sufficient to outweigh the harm to the Green Belt. Given that the majority of the harm derives from the proposed driving range, and this facility already exists directly adjacent to the site, it is not considered that the case put forward by the application justifies or outweighs the harm to the Green Belt that would be caused by the proposal.

The 9-hole golf course is considered to present less harm to the Green Belt, although it is still by definition harmful to the Green Belt. The applicant was invited to amend the application to omit the driving range, but requested that the application be considered as submitted as the driving range is part of their business plan. As such both elements must be considered jointly and no evidence of very special circumstances has been presented which would clearly outweigh the collective harm of the proposal. Accordingly, from the information provided, the harm significantly outweighs the benefits so the application should be refused due to inappropriate development in the Green Belt.

Natural and built environment

BCCS Policy CSP2 seeks to provide a strong Green Belt and protect and enhance the landscape, natural environment and agricultural land. CSP3 seeks to protect and enhance environmental infrastructure and resists development that compromises its integrity and quality, and requires development instead to improve the quality and quantity. CSP4 requires development to make a positive contribution to place-making and environmental improvements, and the design of buildings should be influenced by their context and seek to enhance the area. ENV1 safeguards nature conservation. ENV6 requires proposals to improve the image and environmental quality of the borough.

UDP 'saved' Policy GP2 requires proposals to make a positive contribution to the natural environment, taking into account visual appearance, creation of pollution, and the effect on trees, habitats, the countryside and the Green Belt. Policy ENV2 requires the siting, design form, scale and appearance of the proposal to be compatible with the character of the area. Policy ENV3 states that the layout, height and scale, materials and the quality of the landscape scheme are relevant considerations for schemes in the Green Belt. Policies ENV10 and ENV11 seek to avoid adverse impacts through lighting. Policy ENV18 seeks to protect and enhance existing tree cover, stating loss of trees should be minimised and commensurate replacement planting provided with native species where possible. ENV23 requires proposals to enhance the natural environment and where loss of natural features is unavoidable, compensation and mitigation must be provided. ENV32 states that proposals which fail to properly take account of the context and surroundings should not be permitted, particularly in the Green Belt, and the appearance, height, materials and visual relationship of the development on the adjacent area and the impact on the local character are relevant considerations. ENV33 states that good landscape design is an integral part of design and applications in the Green Belt should be supported by full details of the external layout and landscape proposals.

These policies are supported by the SPDs 'Designing Walsall' and 'Conserving Walsall's Natural Environment'.

The driving range would be sited on a bund of earth up to 5m high, with a 45 degree slope. This would require engineering to ensure its stability and would not be safe to mow. A gentler slope would be less abrupt within the landscape and would provide better planting opportunities. The bund also raises the height of the proposed fences and lighting even higher, meaning that the highest structures would be some 24m above natural ground level. This is higher than most buildings in Walsall and would be very visually prominent within the Green Belt and would alter the character of the local area. The applicant advises that the structures are required to be this height for

operational and health and safety reasons. Up to 3m of fill is also proposed between bunds, further exacerbating the engineering operations on the site and raising ground levels. The proposed fencing also has some very abrupt changes in height which would increase their visual impact. The proposed flood lighting, at up to 20m high, would also have significant visual impacts on the landscape and the character of this semi-rural location due to both their physical height and the resultant sky glow. The works to the watercourse appear to leave parts of the concrete edging of the proposed culverts exposed and it would be preferable for re-profiling and cladding to soften its appearance in the landscape.

A lot of the existing planting is proposed for removal, although there is inconsistency across the submitted documents as to the extent of removals. This is of concern both in relation to loss of visual amenity (as new planting would take some time to become as established as existing trees and shrubs on the site) and loss of habitats of ecological value. The proposed mounding to create the golf course could allow for a diverse landscape to be created if it is not over-engineered or high-maintenance, but changes of up to 2m are indicated which are likely to look unnatural in the local environment, depending upon their gradient and how they are planted. Whilst ecological surveys have been submitted to demonstrate how the harm to wildlife could be minimised and mitigated through landscaping, it is not considered that the submitted scheme adequately includes the recommendations of the surveys. It is noted that the existing landscapes are not species diverse, but they are structurally diverse and significantly contribute to the character and visual amenity of the site. The applicant has suggested that these matters could be dealt with by condition for a revised landscaping scheme including greater retention of existing shrubs and trees and lower, and to incorporate the recommendations of the ecology reports. However given that significant engineering works are proposed it is considered that these matters should form part of determination of the application rather than be reserved by condition.

There is also potential for the proposed lighting to impact on bats and other wildlife. The height of the proposed columns form part of the concerns therefore it is recommended that this should be established as part of the planning application and not reserved by condition.

The proposed driving range building is proposed to be clad in corrugated metal, with timber cladding to the driving range bays. Whilst this would relate to the appearance of agricultural buildings in the local area, it would be preferable for this to be designed using local brick, stone or timber cladding to better relate to and enhance the character of the local area. The driveway is proposed to be made of Breedon gravel and there is concern this could become uneven and waterlogged so a vehicular plastic grid and gravel system would be preferred. As these matters impact on the appearance of the proposal, it is considered that these should be established as part of the planning application and not be reserved by condition.

As such it is considered that the proposals would cause harm to the character and appearance of the Green Belt and local area and have failed to demonstrate that they would not have an adverse impact on the natural environment and biodiversity.

Residential amenity

The nearest residential properties front Aldridge Road. The closest building is approximately 90m from the site boundary. This distance is sufficient to ensure no significantly adverse impacts from the proposal in terms of overlooking, overbearing, overshadowing or loss of light. The boundary fencing and lighting to the driving range would be very tall but border agricultural land (currently partly in unauthorised use for caravan storage) therefore this is considered to be acceptable in terms of residential amenity.

The proposed lighting has the potential cause light pollution and sky glow. It would need to be designed to relevant standards by a specialist to ensure light spill was minimised, to avoid nuisance. If the proposal were otherwise acceptable, the final details of the lighting design and operation could be secured by condition pending submission of light spill plans to demonstrate that the impacts would not have unacceptable impacts on residential amenity.

The redevelopment of the site could result in impacts during engineering and construction phases. If the application were to be approved, a condition would be required for a Construction Management Plan to control and mitigate noise, dust impacts, and measures to ensure no site debris drags out onto the public highway. Working hours for construction, operating hours once open and lighting operational hours would also be recommended by condition, to minimise impacts on neighbours.

Flood risk and drainage

The site is located within Flood Zone 1 and is not known to be adversely impacted by major surface water mapping flow routes. There is a minor watercourse through the centre of the site which may feed the posts to the south west but records do not show whether it is a seasonally dry ditch or a minor field drain. Infiltration would not be a feasible option for surface water drainage given the ground conditions, therefore the proposal would need to discharge at Greenfield run-off rates to the ditch via a sustainable drainage system and flood storage volume provided. The submitted Flood Risk Assessment sets out how this could be achieved and if the proposal were otherwise acceptable, this could be secured by condition. It is noted that the proposed bridges may require Land Drainage Consent to ensure that culvert flows are not affected.

Ground conditions

The site is located outside the zone of consideration for limestone mine working.

The site is located within the Coal Authority Development Low Risk Area so a note to the applicant regarding the potential risk is recommended if planning permission is granted.

The site is known to have been used as a landfill site in the past. The submitted site investigation confirms this but states that soil gas is unlikely to be present in any significant amount, and no testing has been undertaken. The submitted site investigation also states that the land is not likely to be significantly contaminated.

The site is considered to be suitable for redevelopment as a golf course subject to suitable remediation as set out in the submitted site investigation, but there are concerns that ground gas measurements have not been taken and the neighbouring land is known to be gassing and nearby buildings include ground gas protection measures. If the application were to be approved, a condition would be required to ensure ground gas investigations are undertaken and remediation and mitigation measures agreed before any development takes place.

Any materials imported onto the site for landscaping would need to be inert and suitable for their purpose. If the application were to be approved, a condition would be required to ensure written confirmation is obtained from the development and copies of laboratory reports for imported clean materials are submitted.

The site lies within a medieval/post-medieval landscape and a number of earthworks including a moated site have been discovered immediately adjacent to the development area. If the application were to be approved, a condition would be recommended requiring an archaeological evaluation and, depending upon the results, either a larger excavation, watching brief or no further work, with a watching brief in the vicinity of the watercourse.

Highways and transport matters

Access to the existing and proposed facilities is via the existing private access road off The Dilke roundabout on Aldridge Road.

206 parking spaces are available which has been demonstrated in the submitted Parking Assessment to have sufficient capacity to accommodate both the existing and proposed uses. 16 new cycle parking spaces would be provided at the new driving range building.

It is considered that the development would not have severe transportation implications and is acceptable in this respect.

Conclusions

The application proposes inappropriate development in the Green Belt and no very special circumstance have been demonstrated which would outweigh the harm caused by the proposal. The proposal would also be harmful to the character and appearance of the area and fails to demonstrate that it would not be harmful to the natural environment.

Positive and Proactive working with the applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long that they safeguard the natural and built environment, highway network and the amenity of citizens.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including the received representations, and attempting to negotiate acceptable amendments and additional supporting information with the applicant. However in this instance the concerns raised are considered to remain and could not be overcome by the imposition of conditions, so in this instance it has not been possible to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Reasons For Refusal:

1. The site lies outside of a defined settlement, within the Green Belt, on an unallocated site. Development of this agricultural land for a golf course and driving range would constitute inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. The development would adversely affect the character, appearance and function of the land and would cause harm to the openness, visual amenities and rural character of the Green Belt and the purposes of including land within the Green Belt. The development would be contrary to the Development Plan and there are no 'very special circumstances' or other material considerations which indicate that planning permission should be granted for the development. The proposal is therefore contrary to Black Country Core Strategy (2011) Policy CSP2, Walsall Unitary Development Plan (2005) 'saved' Policies ENV2 and ENV3 and the National Planning Policy Framework (2012).
2. Due to the proposed earthworks, fencing, lighting and proposed materials, the proposal would be visually prominent, harmful to the rural character of the local area and the Green Belt, and would have an urbanising impact on the local area. The development would adversely affect the character, appearance and function of the land, would be detrimental to the character and amenities of the local area, and would cause harm to the openness, visual amenities and rural character of the Green Belt and the purposes of including land within the Green Belt, contrary to Black Country Core Strategy (2011) Policies CSP2, CSP4 and ENV6, Walsall Unitary Development Plan (2005) 'saved' Policies GP2, ENV2, ENV3, ENV10, ENV11 and ENV32, adopted Supplementary Planning Documents 'Conserving Walsall's Natural Environment' (2013) and 'Designing Walsall' (2013) and the National Planning Policy Framework (2012).
3. The proposal fails to demonstrate that the earthworks, loss of shrubs/trees/vegetation and replacement landscaping would not have a detrimental impact on the natural environment, biodiversity and the character and appearance of the site within the Green Belt and surrounding countryside. The proposal is therefore contrary to Black Country Core Strategy (2011) Policies CSP2, CSP3, CSP4, ENV1 and ENV6, Walsall Unitary Development Plan (2005) 'saved' Policies GP2, ENV2, ENV3, ENV10, ENV11, ENV18, ENV23, ENV32 and ENV33, adopted Supplementary Planning Documents 'Conserving Walsall's Natural Environment' (2013) and 'Designing Walsall' (2013) and the National Planning Policy Framework (2012).

Notes for Applicant:

1. This refusal is in respect of the following plans and documents:

Drawing 3027 004 Rev D 'Site Location Plan'
Drawing 3027 005 Rev A 'Existing Site Plan/Survey'
Drawing 3027 002 Rev F 'Proposed Site Plan'
Drawing 3027 001 Rev A 'Proposed Plan'
Drawing 3027 006 Rev E 'Proposed/Existing Site Sections'
Drawing 3027 003 Rev A 'Proposed Sections and Elevations'
Drawing CL/132/100/B 'Concept Hard and Soft Landscaping Plan'

Design and Access Statement revision C dated 21-10-2015
Planning Statement reference 14/161 dated March 2015
Calderfields Practice Academy Business Plan
Ecological Appraisal dated October 2015
Bat Survey Report dated October 2015
Reptile Survey Report dated October 2015
Phase I and Phase II Site Investigation reference EL/CGCCSI/1.00/2015
Arboricultural Advice, Tree Survey and Constraints Plan dated 20 May 2015
Parking Assessment dated 21 May 2015
Flood Risk Assessment dated 28 May 2015
Heritage Statement reference CGA14 dated February 2015
Walkover Ecological Survey and Bat Survey dated 14 January 2015

Recommendation Summary: Refuse

End of Officers Report

Petition

Calderfields Golf Club - New 9 Hole Golf Course and Teaching Facility



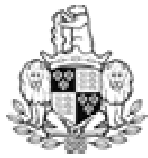
Existing

Proposed

Please confirm your support for the planning application submitted by Calderfields Golf & Country Club to provide a 9 Hole Par 3 Golf Course and Teaching Facility. This will return an area of current brownfield site to a use more compatible with the rural environment, and provide an essential facility to ensure the sustainability of the Golf Club and its members for future generations.

| Name | Post Code | Signature |
|------|-----------|-----------|
| | WS12 1QR | |
| | B74 4L | |
| | 861 94L | |
| | WS3 2PR | |
| | B75 5EX | |
| | B43 7DP | |
| | WS10 0TD | |
| | DE65 5PR | |
| | DE65 5PN | |
| | WS9 9AP | |
| | WS9 9AP | |
| | WS9 8RY | |
| | WS9 8RY | |
| | WS9 9JE | |
| | WS9 9JT | |
| | CW2 8QE | |
| | CW2 8AW | |
| | CW2 5HA | |
| | CW2 8AE | |
| | CW2 8LN | |

BROWN HILL HAYWARD BROWN



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 03-Dec-2015

Plans List Item Number: 2.

Reason for bringing to committee: Major application

Location: CASTINGS PLC, LICHFIELD ROAD, BROWNHILLS, WALSALL, WS8 6JZ

Proposal: EXTENSION TO EXISTING B8 WAREHOUSE WITH UNDERCROFT PARKING FOR AN ADDITIONAL 50 CARS, TURNING AREA, EXTENDED CANOPY AND MODIFIED BALANCING POND.

Application Number: 15/1197

Applicant: Mr Jason Staphill

Agent: Mr Ian Cliffe

Application Type: Full Application (Major)

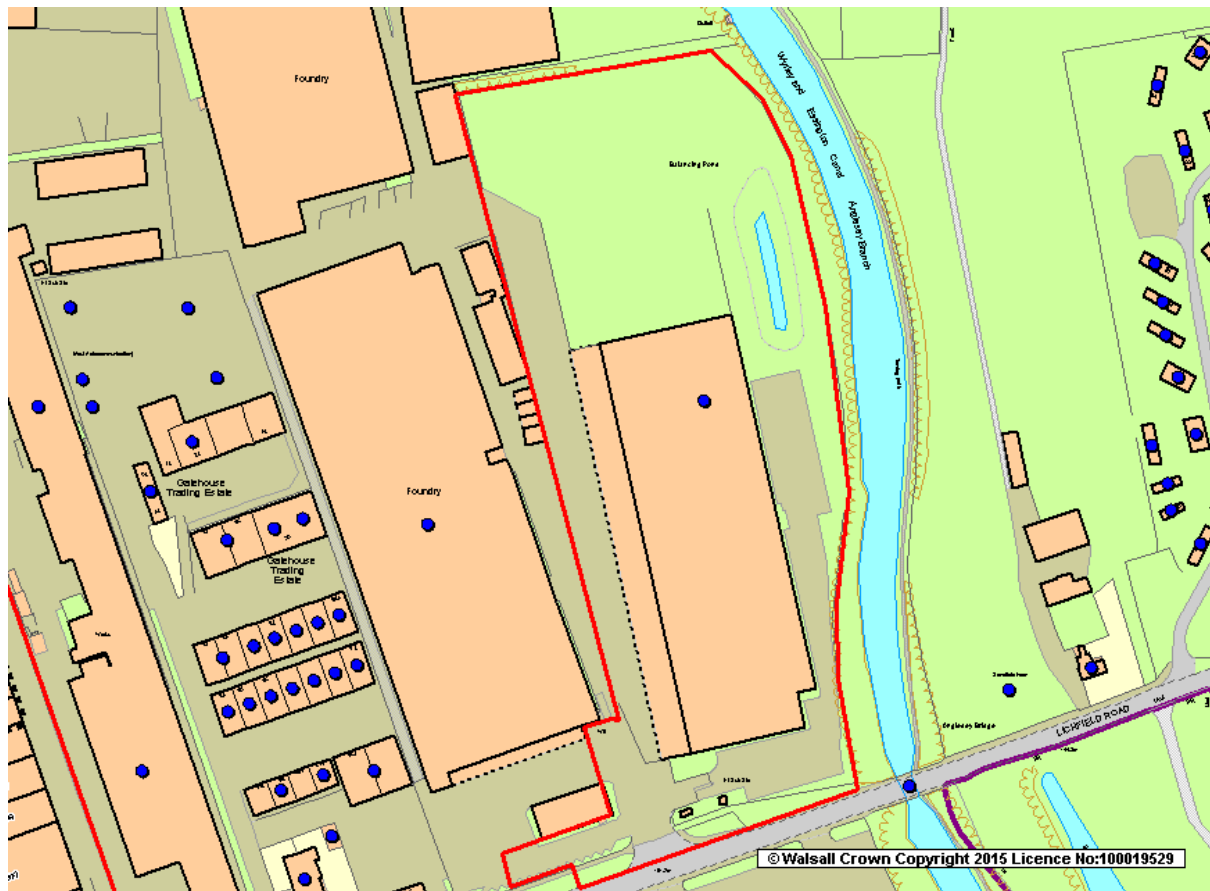
Case Officer: Alison Ives

Ward: Brownhills

Expired Date: 09-Nov-2015

Time Extension Expiry:

Recommendation Summary: Grant permission subject to conditions (including any amendments or additional conditions deemed appropriate by officers) subject to resolving Natural England concerns.



Officers Report

Application and Site Details

The proposal is for an extension to an existing Class B8 warehouse on the Castings site, Lichfield Road including undercroft parking for an additional 50 cars plus a turning area, extended canopy and modified balancing pond. Permission was recently granted for change of use of an existing warehouse on the site for Class B2 general industrial purposes so the proposals are to provide additional Class B8 storage space for that displaced by the recent change of use.

The proposed warehouse extension is 84m long x 45m wide with a dual pitch roof to match the existing building. There will be 3696m² additional warehouse space bringing the total within the building to 4224m². The proposed building extends off an existing retaining wall at the rear of the existing building with two new staircases on the eastern side. The proposal also includes an extension of the 10m wide canopy on the western side of the building for its entire length and two roller shutter doors.

The vehicle access to the new undercroft parking leads from the existing car park and a 65m length of new retaining wall is proposed along the access as there is a difference in levels to the east. A new turning area is included on this side and modifications to the balancing pond to address these changes.

The site is within a Core Employment Area. Castings own the adjacent premises and also premises on the opposite side of Lichfield Road. The Anglesey Branch Canal borders the eastern boundary of the site at a much lower ground level beyond which there is Sandhills Farm and Mobile Park Home site which are within the Green Belt. There is a balancing pond to the east of the building which provides water storage to attenuate run-off flows from storm water from the site. There are industrial premises surrounding the north and west boundaries.

The site is 2.53 hectares overall.

The Design & Access Statement – Explains that the permission 11/0432/FL included an outline proposal for future expansion of the warehouse on this part of the site. It describes the proposals and considers design and access. the proposal is to expand into the current warehouse and replace the warehouse elsewhere (see current application 15/1197). It also describes the design, layout, scale and access of the proposal.

The Noise Impact Assessment – Considers the change of use proposals only but predicts that noise ratings level at nearby noise sensitive properties due to equipment and plant associated with the new CNC factory are not expected to exceed current representative background noise levels during daytime or night time periods. The noise survey results in a mix of traffic and existing industrial noise affecting the local area, including the factory, indicate that typical operational noise due to the development of the site would not be expected to adversely impact the local area or identified noise sensitive receptors.

The Report on Ground Supplementary Investigation – Describes the site location and ground conditions and a geo-environmental assessment. Remedial precautions

are recommended in relation to site users, construction workers, ground gas, plants, the wider environment and removal and treatment of contaminated soil from the site. It recommends that following implementation of any remedial works a completion report should be prepared to highlight precautions and results of validation testing

The Transport Statement – Considers existing conditions, policy background, development proposals, accessibility, traffic generation and car parking accumulation, site access capacity, and travel by other modes. It concludes that satisfactory vehicular access can be achieved and the site is accessible by sustainable modes and is unlikely to generate significant additional travel demand compared to the existing situation even during peak periods.

The Framework Travel Plan – Identifies existing travel provision and a methodology for identifying travel behaviour of existing staff and consider the opportunities for encouraging sustainable travel.

The Drainage Statement – Explains that the drainage was designed with this phase 2 development in mind. There is a series of pipes collecting surface water run-off from the roof, parking areas and forecourts/loading bays which is transferred to an attenuation pond to cleanse before discharging into the canal. The flow to the pond is limited to 5 litres per second by a flow control device and an agreement is in place with the Canal & River Trust. The additional impermeable car parking area and access road has been considered and additional on-site attenuation volume to cater for the increase in total drainage is provided raising the top level of the pond but still restricting flows.

The Ecological Position Statement – Considers designated sites, habitats, protected species and Japanese knotweed making recommendations and suggesting mitigation where necessary. It also gives a reptile mitigation and management plan.

Relevant Planning History

15/0799/FL - Change of use of existing B8 warehouse to B2 industrial including alterations to form staff welfare and ancillary offices; transfer lobby and plant room under existing canopy – Granted subject to conditions 02/10/15.

12/0785/FL - Construction of building for forklift wash and workshop – Granted subject to conditions 15/08/12.

12/0662/FL - Demarcation of disabled parking spaces – Granted subject to conditions 20/07/12.

11/0432/FL - Full planning application for New Warehouse and Car Park with associated internal service roads and landscaping and Outline planning application for future development area 0.47ha – Granted subject to conditions 01/07/11.

10/1404/FL - New warehouse and car park with associated internal service roads and landscaping – Granted subject to conditions 01/02/11.

There are older applications and applications for display of advertisements at the site dating back to 1987.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

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

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

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

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

- Function well and add to the overall quality of the area
- Are visually attractive as a result of good architecture and appropriate landscaping

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

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

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

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

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

Paragraph 121 Development sites should be suitable for new uses taking account of ground conditions and land instability, including from natural hazards or former activities such as mining and pollution.

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

On planning conditions the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

CSP2: Outside strategic centres and regeneration corridors free-standing employment sites to provide local employment opportunities to serve communities outside the corridors will be supported.

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

EMP1: Aims to provide industrial land and warehouse jobs in the Black Country and to protect jobs and support economic growth.

EMP2: Encourages development of high quality employment land and safeguards it for B1(b), B1(c), B2 & B8 purposes.

EMP3: Provides for local quality employment land.

EMP5: Seeks to improve access to the labour market by securing recruitment and training.

DEL1: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

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

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

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

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

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character.

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

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

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

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies. Where previous uses have affected the stability of the site the application must be accompanied by a site investigation report.

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

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

JP5: Seeks to protect core employment areas for employment uses.

JP8: Bad neighbour industries will be given careful consideration and should be capable of providing satisfactory screening and landscaping and must be subject to stringent operational control to minimise disturbance.

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

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

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

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

T8: Seeks to improve pedestrian access.

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

Class B8 (Warehousing) – 1 car park space per 50m² of gross floor space up to 250m²; then 1 space per 100m² up to 2500m²; then 1 space for every 500m² of gross floor space plus 1 bike locker for every 10 car parking spaces and Taxi facilities.

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

Conserving Walsall's Natural Environment SPD

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

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

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

Consultations

Transportation – No objections. A condition is recommended to secure implementation of the parking.

The proposal is for a new Class B8 warehouse (4,224sqm) to replace the existing warehouse on site which is being converted to Class B2 use by virtue of permission 15/0799/FL.

A Transport Statement has been submitted to support the application which sets out the transport related impacts of the development. In terms of traffic impact, taking into account the new warehouse application and approved change of use of the existing warehouse to manufacturing, this could realise a potential increase in manufacturing capacity at the site by up to 20%. This increase was considered under the application for the original warehouse 11/0432/FL and could increase trips and parking demand on the site by up to 70 staff per shift with 2 shifts operating. The morning shift change over period when the most significant volumes of traffic is likely to occur. This is outside the normal peak traffic period and will not have a significant detriment impact on the local highway network.

A car parking assessment has been carried out which shows that at the period during the am shift change over periods parking for 112 vehicles would be required. This is well within the 124 spaces that will be available inclusive of the additional 50 spaces under the current application and allows for reserve capacity for staff parking from elsewhere within the Castings sites.

The traffic impact on the local highway network has been assessed and it is not expected to be significant. The access is an existing one and will operate within capacity and secure cycle shelter provision is provided.

It is considered the development will not have severe transportation implications and is acceptable.

Canal & River Trust – No comments.

Ecology – No objections provided the recommendations in the Ecological Position Statement are secured by conditions on any planning permission granted.

Environmental Health – No objections.

Flood Risk Manager – The on-site surface water drainage system is afforded a networks of pipes collecting the surface water run-off from roof, parking areas and forecourts, and then transferred to the attenuation pond, located east of the warehouse unit, prior to before discharging at greenfield rates to the Wyrley and Essington Canal, under an existing agreement. Additional works will involve increasing the attenuation volume within the pond by raising the top of the pond to 147.6mAOD and the existing drainage network is to be protected during the physical breakup of the existing road. There is a surface water flow route from Anglesey Bridge around the building – but if the car parking is rationalised appropriately, then this may actually prevent this flow route from intruding into site in the 1000 yr storm event. This is a residual risk, but levels may wish to be rationalised to either prevent the flows from entering the site or directing exceedance flows to adjacent the Canal corridor. A condition is recommended to secure drainage.

Inland Waterways –The Anglesey Branch Canal is a historic waterway and a valuable amenity and recreational corridor, providing leisure boating, walking, angling, cycling and nature conservation benefits to the area. It is recognised that this is an established industrial site, but the existing warehouse is a large and undistinguished building on elevated ground, prominently visible from the canal corridor and over a wide area of Green Belt countryside. The proposed extension would be even higher above existing ground levels and would increase its visual intrusion. Every effort should be made to mitigate the visual impact by maintaining and improving the canal side tree and vegetation screening of the site, in conjunction with the Canal & River Trust.

Landscape – No objections. The area is quite well screened by existing vegetation and buildings. A large building like this does mean a net loss of existing green space which should be compensated for ideally.

Local Access Forum (Walsall Ramblers) – No impacts on rights of way.

Natural England – Objects. The application site is in close proximity to the Cannock Extension Canal Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Cannock Extension Canal Site of Special Scientific Interest (SSSI). Chasewater and the Southern Staffordshire Coalfield Heath SSSI and Clayhanger SSSI are also in close proximity.

In terms of the impact on the Cannock Extension Canal SAC it is recommended that further drainage details of the proposed extension are provided to ensure no Likely Significant Effect on the conservation features of Cannock Extension Canal SAC.

In terms of Cannock Extension Canal SSSI and Clayhanger SSSI Natural England objects due to the lack of information with regard to the overall potential impact on both. Additional information should be provided to include potential pollution impacts arising from the proposal, suitable mitigation measures should be implemented to ensure no significant levels of pollutants enters Wyrley and Essington Canal through the surface drainage scheme, to ensure no significant impact on the notified features of Cannock Extension Canal SSSI and Clayhanger SSSI. Additional information on the surface water drainage for the proposed undercroft car parking extension is also required as this could contain pollutants so suitable mitigation measures must be included. In particular details of phosphate levels entering the canal are required.

No impacts on the Chasewater and the Southern Staffordshire Coalfield Heaths SSSI. Further advice is given on local sites, protected species, biodiversity enhancements, SSSI impact zones and Natural England's Discretionary Advice Service.

Police – No objections provided that the applicant achieves the required standards for the car park to PARKMARK standards as stipulated in the Design and Access Statement. PARK MARK is equivalent to Secure By Design for car parks. It has a set of guidelines developed to improve overall security of a car park area both for the vehicles and their occupants. The car park can be assessed upon completion by a PARK MARK assessor.

Pollution Control – No objection subject to conditions being imposed to ensure that identified soils contamination is adequately addressed. Conditions are recommended to secure this objective.

Public Rights Of Way – No objections as there are no definitive rights of way across or adjoining the development.

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

Public Participation Response

None received.

Determining Issues

- Principle of development
- Layout and Design
- Relationship to surrounding properties
- Ecology
- Impact on Cannock Extension Canal SAC and other designated sites
- Means of access and parking

Observations

Principle of Development

The premises are located in a Core Employment Area where there are established industrial uses adjacent. In accordance with policies EMP2 and EMP3 of the BCCS and JP5 of the UDP these types of sites are safeguarded for employment uses including classes B1, B2 and B8. The proposal for a Class B8 warehouse use accords with the policy to protect employment land.

The extension also retains existing employment on the site as part of the existing business.

For these reasons the proposals are considered in accordance with BCCS policy EMP2, EMP3 and UDP policy JP7.

Layout and Design

The proposed layout is for an extension to the rear of the existing building to create a new warehouse. The position of the proposal is currently grassland and land to the east which includes the balancing pond is a much lower level. The proposed extension will run directly off the rear of the existing building extending the retaining wall and utilising the difference in levels to create an undercroft parking area. A new retaining wall is proposed along the access to the undercroft parking area.

The proposed design of the extension is to match the existing building and the new retaining wall does not encroach significantly onto the area where the balancing pond is. Although the retaining wall is significant at 65m long there is adequate screening along the canal to protect visual amenities from the wider area. The parking will be screened as it is beneath the building extension.

Pollution control officers have recommended conditions to address soil contamination.

The layout and design of the proposal are acceptable.

Relationship to surrounding properties

The eastern elevation of the existing building faces residential properties on Sandhills Farm and nearby Mobile Park Home site but the extension does not encroach any nearer to these properties and will not have a significant impact on their daylight, outlook or privacy.

There are other industrial buildings to the west side and rear of the proposed extension which form part of the Castings premises so are unaffected.

The Inland Waterways consider the design may have an overbearing impact from the canal but as there is a dense screen of vegetation along the canal boundary it is considered that the proposed extension will not cause any significant harm to the visual amenity from the canal. The Canal & River Trust have no objections.

There are only two proposed personnel door openings towards the far end of the eastern elevation of the extension with associated steps. This will not have a significant impact on the outlook or privacy of adjacent residents at Sandhills Farm or Mobile Park Home site. A condition to require details of any new external lighting is recommended to prevent harm to the amenities of nearby residents and protect the canal corridor.

A condition to restrict construction hours is recommended to protect residential amenities.

The relationship to surrounding properties is considered to be satisfactory and will not cause significant harm.

Ecology

The Council Ecologist has no objections to the proposals and accepts that the extension to the warehouse has already been established by permission 10/1404/FL and that habitat creation measures required on the earlier permission have been implemented to a high standard. The current proposals have a modest impact on the restored grassland. The developer has provided an Ecological Position Statement to address initial concerns which update the information as requested and is satisfactory to the Council Ecologist. A condition is recommended to secure the recommendations in the Ecological Position Statement.

It is likely that further conditions may be required to secure any appropriate mitigation measures hence the recommendation to allow officers to determine if additional or amended conditions if required. A condition to require details of any new lighting is recommended to protect the canal corridor and any protected species as on the earlier change of use permission.

It is considered that the Ecological impacts of the development can be satisfactorily addressed.

Impact on Cannock Extension Canal SAC and other designated sites

The site is adjacent to the Wyrley & Essington Canal Anglesey Branch and Cannock Extension Canal SAC. Natural England have objected as they consider there is insufficient detail in the application to rule out any likely significant effects resulting from pollution from the site entering the canal system.

In response to Natural England's objection the developer has provided a Drainage Statement which includes details of the drainage strategy. It specifies that to mitigate any detrimental effect on the canal, an oil interceptor and balancing pond will provide two stages of water cleansing to minimize any impact. They have also provided evidence of an agreed license with the Canal & River Trust to discharge water into the canal. They also offer to monitor phosphate levels before, during and after construction if required. This could be secured by a condition if considered necessary. Any further comments from Natural England will be updated at committee.

The Flood Risk Manager is also satisfied that the proposed drainage will not pose a significant risk of flooding. Severn Trent Water request details of drainage but as these have already been provided and surface water discharges into the canal a condition to secure these details and future maintenance is recommended. There are no facilities within the extension that require new drainage for sewage.

The drainage details provided should satisfactorily address Natural England's objection in order to protect the Cannock Extension Canal SAC and other designated sites.

Means of access and parking

The proposal does not amend the main access to the Castings site but introduces additional parking beneath the proposed extension for up to 50 vehicles. This will be accessed from an extended road leading off the existing car park area to the east of the building. The additional parking allows for excess capacity for existing staff and will be designed to PARKMARK standards which are acceptable to the Police and provides secure parking.

The developer has provided a Transport Statement which sets out the transport related impacts of the development and identifies that the increased capacity could increase trips and parking demand on the site by up to 70 staff per shift with 2 shifts operating. This is outside the normal peak period and will not have a significant detriment impact on the local highway network. The access is an existing one and will operate within capacity and secure cycle shelter provision is provided.

It is considered the development will not have severe transportation implications and is acceptable and the means of access and parking are acceptable.

Positive and Proactive working with the applicant

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

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: -

- Location Plan (1505/PL/13) received on 07/08/15
- Proposed Site Layout (1505/PL/12) received 07/08/15
- Proposed Floor Layout (1505/PL/10) received 07/08/15
- Proposed Elevations (1505/PL/11) received 07/08/15
- Fire Truck Tracking (SK101) received 07/08/15
- Vehicle Tracking (SK100 Rev A) received 07/08/15
- Proposed Landscaping (1505/PL/14) received 23/09/15
- Drainage Statement prepared by Travis Baker received 07/08/15

- Proposed Levels & Drainage (8142/500 Rev A – Phase 2) received 07/08/15
- Proposed Levels & Drainage (8142/100 Rev R – Phase 1) received 07/08/15
- Existing Site Plan (1505/PL/03) received 07/08/15
- Existing Floor Plan (1505/PL/01) received 07/08/15
- Existing Elevations (1505/PL/02) received 07/08/15
- Design & Access Statement (July 2015) received 07/08/15
- Photographic Survey (Job 1505) received 07/08/15
- Report on Ground Supplementary Investigation prepared by Sladen Associates (Job No 15 794) received 07/08/15
- Transport Statement prepared by Travis Baker (T15024) received 07/08/15
- Framework Travel Plan prepared by Travis Baker Job No 8142 T15024) received 07/08/15
- Noise Impact Assessment prepared by HRS Services Ltd (Revision 2v2) received 07/08/15
- Ecological Position Statement prepared by Penny Anderson Associates Limited (November 2015) received 17/11/15

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

3a. Prior to the commencement of the development details of the proposed remediation or mitigation works to address identified soil contamination and ground gas shall be submitted to and agreed in writing by the Local Planning Authority.

3b. A validation report confirming that the agreed remediation or mitigation works have been successfully completed shall be submitted to and approved in writing by the Local Planning Authority prior to the warehouse development being first brought into use.

Reason: To ensure that unacceptable risks are not caused to future site users or the environment.

4a. The development shall be completed fully in accordance with the approved drainage details within the Drainage Strategy prepared by Travis Baker and shown on the approved drawing "Proposed Levels & Drainage 8142/500 Rev A – Phase 2" and retained as such.

4b. Prior to the first occupation of the extension hereby approved a scheme for the future maintenance of the Sustainable Drainage (SuDs) system approved under part (a) of this condition shall be submitted to and approved in writing by the Local Planning Authority and thereafter maintained fully in accordance with the approved details.

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

5a. Prior to the development first coming into use, the proposed under-croft parking area shall be fully implemented and the parking bays clearly demarcated on the ground.

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

Reason: To ensure adequate off street parking is available and retained, to ensure the satisfactory completion and operation of the development, to accord with UDP Policy GP2, T7 and T13 and in the interests of highway safety.

6. The extensions to the building hereby approved shall be completed in materials to match that of the existing building.

Reason: To ensure the satisfactory appearance of the development.

7a. Prior to the installation of any external lighting systems full details shall be submitted to and agreed in writing with the Local Planning Authority.

7b. Any agreed external lighting shall be implemented and maintained in accordance with the agreed details.

Reason: To protect the amenities of surrounding properties and adjacent canal corridor.

8. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 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)

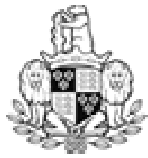
Reason: To protect the amenity of the occupiers of the nearby mobile home park.

Note for applicant – Pollution Control

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, any 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.

Recommendation Summary: Grant permission subject to conditions (including any amendments or additional conditions deemed appropriate by officers) subject to resolving Natural England concerns.

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 03-Dec-2015

Plans List Item Number: 3.

Reason for bringing to committee: Major application.

Location: 32 REGAL DRIVE, WALSALL ENTERPRISE PARK, WALSALL, WS2 9HQ

Proposal: EXTENSION TO WAREHOUSE INCLUDING ASSOCIATED EXTERNAL WORKS. (AFFECTS SETTING OF PUBLIC FOOTPATH WAL88).

Application Number: 15/1179

Case Officer: Katie Parsons

Applicant: Chris Skidmore

Ward: Pleck

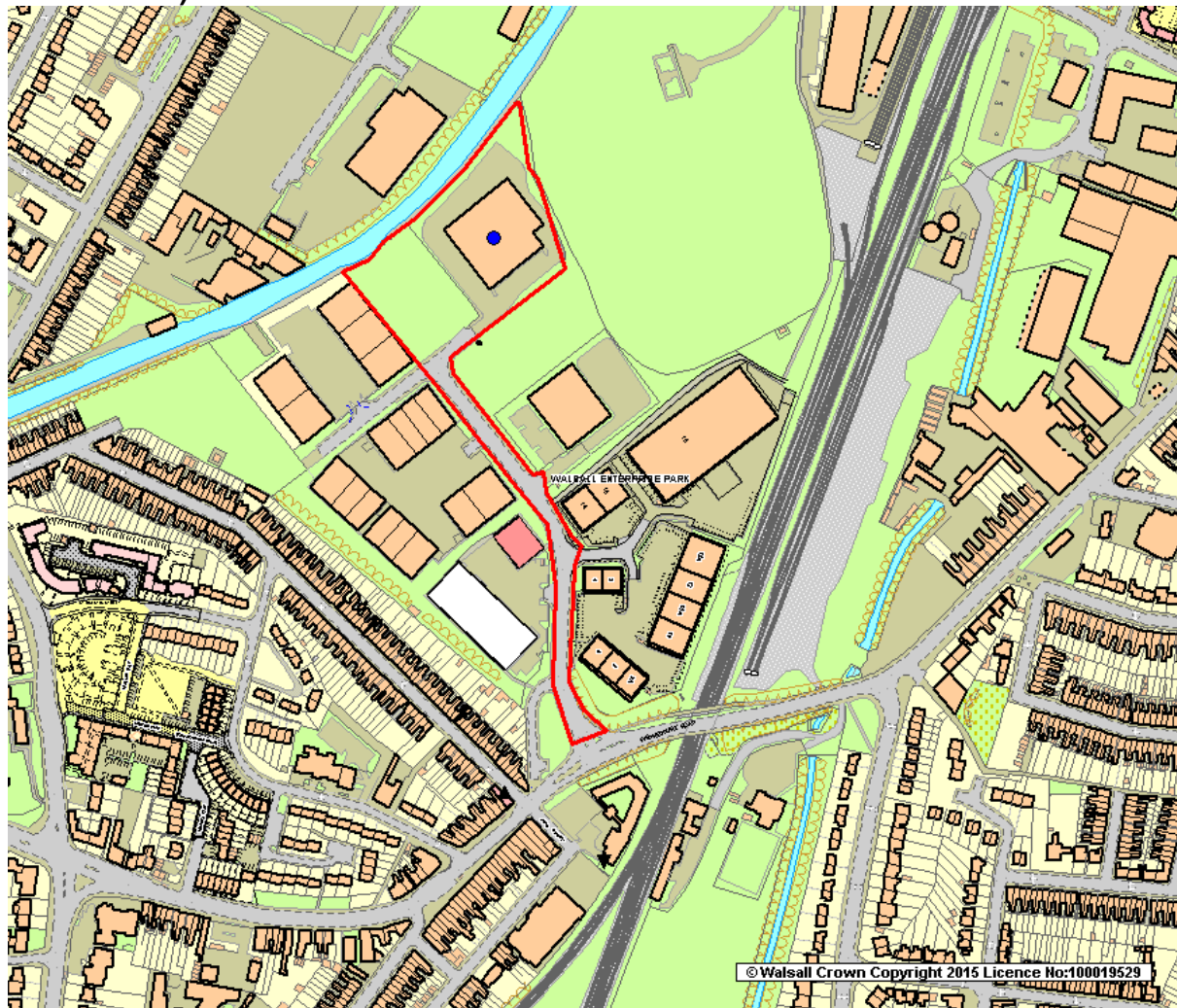
Agent: Mr Stephen Morris

Expired Date: 26-Nov-2015

Application Type: Full Application (Major)

Time Extension Expiry: 11-Dec-2015

Recommendation Summary: APPROVE WITH CONDITIONS (INCLUDING ANY AMENDMENTS OR ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY OFFICERS)



Officers Report

Application and Site Details

The site is a warehouse on Walsall Enterprise Park off Regal Drive, which is within a Core Employment Area. Regal Drive is an unadopted road connecting to the public highway at Wednesbury Road.

To the north of the site is the Walsall Canal, a site of local importance to nature conservation, and to the east is Queen Street Cemetery. To the south and west are vacant pieces of land within the Enterprise Park, one of which forms part of the application site.

The proposal is an extension to the existing warehouse and associated external works including a vehicular access around the building, provision of parking spaces and landscaping. The existing building has 2300 square metres of floor space and the extension would add a further 3250 square metres.

The existing building measures approximately 56m x 51.5m and has two portal bays with front-to-back gables and a mono-pitched bay to the side. The maximum height is 7.2m to the eaves and 8.7m to the ridge. It is constructed of steel sheeting with a small brickwork facade to the front of the office. The extension would measure 60m x 57m with three portal bay gables to match the main building, constructed of matching materials with eaves and ridge height to match existing. The design will incorporate measures for energy efficiency by use of solar panels, natural lighting and low-energy fittings.

The remainder of the site is surfaced in concrete with parking in front of the office area, which would be reconfigured to provide a vehicular route around the entire building and provide parking.

The application has been supported by a design and access statement, planning statement, tree survey, flood risk assessment and preliminary drainage strategy, landscape proposals, a bat survey, ecological assessment, site survey and transport statement.

As the site area is below 5 hectares, the proposal does not need to be screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

Relevant Planning History

None on this unit since the Enterprise Park was constructed:

07/0022/FL/W5 – Construction of B1, B2 and B8 Light Industrial/Warehouse buildings with car parking – granted 05/04/2007

Relevant Planning Policy Summary

Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions and sets out that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

National Planning Policy Framework 2012 (NPPF) and associated guidance

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*".

It is based on 12 **core planning principles**. Those particularly relevant in this case are:

- Proactively drive and support sustainable economic development
- 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 characters of different areas
- Support the transition to a low-carbon future in a changing climate
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Encourage the effective reuse of land

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.

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.

The Black Country Core Strategy (BCCS)

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

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

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles

and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.

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

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

The above are supported by the following key policies, as relevant to this application:

CSP1: The Growth Network
CSP3: Environmental Infrastructure
CSP4: Place Making
CSP5: Transport Strategy
EMP1: Providing for Economic Growth
EMP2: Actual and Potential Strategic High Quality Employment Areas
TRAN2: Managing Transport Impacts of New Development
TRAN5: Influencing the Demand for Travel and Travel Choices
ENV1: Nature Conservation
ENV3: Design Quality
ENV4: Canals
ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
ENV7: Renewable Energy
WM1: Sustainable Waste and Resource Management

These Policies are considered to be consistent with the NPPF.

Walsall's Unitary Development Plan (UDP)

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

The key 'Saved' Policies relevant to this proposal are:

GP2: Environmental Protection
GP5: Equal Opportunities
GP6: Disabled People
ENV10: Pollution
ENV11: Light Pollution
ENV14: Development of Derelict and Previously-Developed Sites
ENV17: New Planting
ENV23: Nature Conservation and New Development
ENV24: Wildlife Corridors
ENV32: Design and Development Proposals
ENV33: Landscape Design
ENV40: Conservation, Protection and Use of Water Resources
JP5: Core Employment Areas
T1: Helping People to Get Around

T4: The Highway Network
T7: Car Parking
T8: Walking
T9: Cycling
T10: Accessibility Standards – General
T11: Access for Pedestrians, Cyclists and Wheelchair Users
T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
T13: Parking Provision for Cars, Cycles and Taxis

These 'Saved' Policies are considered to be consistent with the NPPF.

Supplementary Planning Documents

http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_development_framework/ldf_supplementary_planning_documents.htm

Where relevant BCCS and UDP policies are consistent with the NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The SPDs relevant to this application are:

- Designing Walsall
- Conserving Walsall's Natural Environment

Consultations

Area Partnership – Comments to be updated at Planning Committee.

Building Control – Comments to be updated at Planning Committee.

Canal and River Trust – No objection subject to a note to applicant.

Cemeteries - Comments to be updated at Planning Committee.

Centro - Comments to be updated at Planning Committee.

Coal Authority – No objection subject to note to applicant..

Economic Regeneration - Comments to be updated at Planning Committee.

Environmental Health – Comments to be updated at Planning Committee.

Flood Risk Planning and SuDs Officer - No objection submit to condition.

Highway Authority – No objection subject to conditions and note to applicant.

Inland Waterways – No objections.

Local Access Forum – No objections.

Natural and Built Environment Team (Ecology) – No objection subject to conditions.

Natural and Built Environment Team (Landscape) – No objection subject to conditions.

Natural and Built Environment Team (Trees) – Comments to be updated at Planning Committee.

Pollution Control – No objection subject to conditions and note to applicant.

Public Rights of Way – No objections.

Structures and Geotechnics – No objections.

Public Participation Responses

No representations have been received from local residents.

Determining Issues

- Suitability of proposed land use
- Highways and transport matters
- Residential amenity
- Natural and built environment
- Ground conditions
- Flood risk and drainage

Observations

Suitability of proposed land use

The proposal would allow for operations currently occurring outside the building to be consolidated within the building and would also allow business expansion which would create approximately 5 additional jobs.

The site is located within the settlement boundary, within a Core Employment Area. UDP 'saved' Policy JP5 reserves the site for uses falling within classes B1(b/c), B2 or B8. The proposal is in accordance with 'saved' UDP policy JP5 and with Core Strategy Policies EMP1 and EMP2 which promote economic growth, therefore the development is welcomed and supported.

Highways and transport matters

The site is in the vicinity of Public Footpath WAL88 (the Canal Towpath) with no Definitive Public Rights of Way across or adjoining the application site. There are no objections to the proposed development, or public rights of way requirements.

The proposal would extend the existing B2 warehouse from 2330 sqm GFA to 5,550sqm GFA.

28 parking spaces plus visitor/disabled spaces in total are proposed. In terms of UDP T13 parking policy for B2 use the maximum number of parking spaces the new extended site is 66 spaces. The proposed 28 spaces overall equates to a provision of around 42% of the policy maximum. This is a similar level of provision to the existing premises at around 51%. 10 new cycle spaces are also proposed.

A Transport Statement has been submitted which sets out the transport related impacts of the development.

An analysis of trip rates has been undertaken which predicts the development could generate an additional 11 vehicle trips in the am peak hour and 13 in the pm peak hour which is one vehicle every 4.5 to 5.5 minutes. This is unlikely to have significant detrimental impact on the operation of the local highway network.

It is considered that the development would not have severe transportation implications subject to conditions relating to access, parking and visibility and notes to the applicant regarding the public highway.

Residential amenity

The nearest houses are on Pleck Road, on the other side of the canal beyond industrial units, some 150m from the application site. Due to this separation distance, it is not considered that any overshadowing, overbearing or loss of privacy would occur.

The roller shutter doors on the units would face towards the houses on Pleck Road, therefore conditions are recommended to control the opening of these doors to prevent excessive escape of noise. Control of external lighting is also recommended to reduce light pollution to the houses. The planning permission for Walsall Enterprise Zone includes several conditions relating to noise and lighting which are recommended to be repeated for this extension.

The proposal is considered to be acceptable in relation to residential amenity, subject to the recommended conditions.

Natural and built environment

This is an existing and partially vacant industrial site. The site is immediately adjacent to the Walsall Canal Site of Local Importance for Nature Conservation which is an important wildlife corridor running through this highly urban area of Walsall. The hedge line along the canal frontage is integral to the effectiveness of the wildlife corridor. All the vegetation associated with the canal frontage is shown for retention and the proposed road would be outside the root zones of the trees. Four trees would be removed to allow the new access to the side of the extension. These are all C category trees therefore their loss is acceptable. Additional planting may be added to the Canal boundary if any gaps are apparent once the development has been set out. Tree protection will be required during construction so a condition is recommended.

The submitted Preliminary Ecological Assessment looked at the habitats present and the risk that protected species are present. A number of recommendations are made which are embodied in the planning application and are considered to be acceptable.

A bat survey has been received which found little likelihood of bats in the existing building on the site. The report makes recommendations on the lighting of the site therefore a condition relating to lighting is recommended.

The proposed landscaping scheme is considered to be acceptable and should be secured by condition.

The proposed site layout, building design and vehicle circulation route are considered to be acceptable.

The design and appearance of the development is considered to be acceptable.

Ground conditions

The site is located outside the zone of consideration for limestone mine working. The site is located within the Coal Development Low Risk Area therefore a note to applicant is recommended.

Pollution Control advise that all buildings on Walsall Enterprise Park were required to include gas ingress protection measures in the building footprint, and that these measures should be included in the extension and tied into the existing. Whilst contaminated land measures would have been taken when the Enterprise Zone was built, it is possible that areas could remain on the undeveloped part of the site, therefore a note to the applicant is recommended. Subject to these conditions, the proposals are considered to be acceptable.

Flood risk and drainage

The site is located within Flood Zone1, so the main risk to consider is surface water flooding. Best available information suggests that the site currently connects to sewer via a 375mm surface water sewer and that this will be the feasible route for surface water disposal. There is a flooding hotspot nearby where it appears road gullies became overwhelmed in the storm events of 2012. In this instance it is considered not to adversely affect the proposal.

Surface water is to be attenuated to 5 l/s per hectare prior to being discharged to the sewer network, with storage offered to accommodate excess above greenfield rates totalling 342m³ to manage storm events up to the 1:30 year, with a 30% allowance for climate change. Ideally, the storage should offer up to the 100 year event, with an allowance for climate change, but it depends whether the network is to an adoptable standard.

At discharge of conditions, the proposal may be able to offer additional storage volume and swales, if no other material considerations preclude the use of swales within this location and if Canal and River Trust agree.

Geo-cellular cells are likely to offer the required storage volume and in light of the FRA and Preliminary Drainage Strategy, approval subject to conditions is recommended.

Conclusions

On balance, the application is considered to be acceptable subject to the recommended conditions.

Positive and Proactive working with the applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long that they safeguard the natural and built environment, highway network and the amenity of citizens.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including any representations that may have been received, and following submission of negotiated amendment to the application, subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Conditions and Reasons:

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and details:

Unnumbered location plan
Drawing 820/01 Rev D 'Proposed Site Layout'
Drawing 820/03 'Proposed Floor Plans and Elevations'
Drawing 2B 'Landscape Proposals'
Cycle stand design image

REASON: to define the permission and ensure the development is carried out as approved.

3. The external surfaces of the development shall be constructed of materials to match the appearance of the existing building.

REASON: To ensure a satisfactory appearance of the development.

4. A. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The submitted surface water drainage scheme shall include:

- i. Ability for the surface water system to accommodate the surface water run-off generated up to and including the 1:100 year + 30 % climate change critical storm based upon the submission of drainage calculations;
 - ii. Details to show the outflow from the site is limited to the maximum allowable rate of 5 l/s/ha;
 - iii. Subject to detailed design, on-site storage will be provided by way of geo-cellular attenuation tanks and the use of swales should also be considered to provide additional storage volume;
 - iv. Connections into the existing public sewerage system will be subject to approval from Severn Trent Water;
 - v. Finished floor levels are to be set no lower than 150mm above adjacent ground levels and higher if practicable;
 - vi. Responsibility for the future maintenance of drainage features.
- B. The development shall not be occupied until the approved drainage scheme has been implemented in accordance with the approved details.
- C. The drainage shall thereafter be maintained in accordance with the approved details.

REASON: To prevent the increased risk of flooding, to protect the integrity of the waterway structure and water quality of the canal and to ensure the future maintenance of any sustainable drainage structures.

5. Doors, including roller shutter doors, shall remain closed other than for ingress/egress or emergency purposes.

REASON: To protect the amenities of nearby residential occupiers.

6. No external lighting shall be installed other than in accordance with recommendations issued by The Institution of Lighting Professionals for the reduction of light pollution. No light shall be directed at, illuminate, reach or cross any occupied residential dwelling.

REASON: To protect the amenities of nearby residential occupiers.

7. Noise levels emitted by operations carried out on the site, measured at the boundary of nearby dwellings, shall not exceed:

| Period | Hourly value | Maximum value |
|-------------|-----------------|-------------------|
| 0700 – 1900 | LAeq – 55 dB(A) | LAfmax – 70 dB(A) |
| 1900 – 2300 | LAeq – 50 dB(A) | LAfmax – 65 dB(A) |
| 2300 – 0700 | LAeq – 45 dB(A) | LAfmax – 55 dB(A) |

REASON: To protect the amenities of nearby residential occupiers.

8. A. No electrical or electronic sound amplification equipment shall be installed internally or externally to the building unless details have first been submitted to and approved in writing by the Local Planning Authority.
B. Any electrical or electronic sound amplification equipment approved pursuant to Part A shall be installed and retained in accordance with the approved details.

REASON: To protect the amenities of nearby residential occupiers.

9. A. No plant, machinery or equipment used in connection with supplying, generating and/or transferring heating, ventilation, air conditioning, chilling and freezing systems in the proposed unit shall be installed until details have been submitted to and approved in writing by the Local Planning Authority.
B. Any plant, machinery or equipment approved pursuant to Part A shall be installed and retained in accordance with the approved details.

REASON: To protect the amenities of nearby residential occupiers.

10. A. No development shall take place until details of ground gas ingress protection measures to be installed in the extension have been submitted to and approved in writing by the Local Planning Authority.
B. The extension shall not be occupied until the approved ground gas ingress protection measures have been installed in accordance with the approved details and a validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL3)

REASON: To ensure adequate ground gas ingress protection is installed.

11. The extension shall not be occupied until a new industrial footway crossing has been installed at the proposed exit point, and the existing bellmouth made redundant by the development shall be reinstated back to full kerb height, 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: On the understanding that Regal Drive at some point in the future is to be adopted as publicly maintainable highway, to ensure the satisfactory completion and operation of the access and in the interests of highway safety.

12. A. The extension shall not be occupied until all access ways, vehicle manoeuvring areas and parking areas have been fully consolidated, hard surfaced and drained and the parking bays clearly demarcated on the ground. One parking space shall be allocated for electric vehicles and the appropriate charging point shall be fully installed and commissioned.
B. These areas shall thereafter be retained in accordance with the approved plans and shall be used for no other purpose.

REASON: To ensure the satisfactory completion and operation of the development, to encourage improvements to air quality and encourage a low-carbon environment, and in the interests of highway safety.

13. A. The extension shall not be occupied until the cycle shelter for the use of staff and visitors has been provided in accordance with the approved details.
B. The cycle shelter shall thereafter be retained in accordance with the approved details and shall be used for no other purpose.

REASON: To encourage sustainable modes of travel.

14. A. The extension shall not be occupied until a minimum 2.4m x 43m visibility splay has been provided at the new egress point onto Regal Drive.
B. Within the visibility splay, no structure or planting shall at any time exceed 600mm in height above carriageway level.
C. The visibility splay shall thereafter be retained and maintained in accordance with parts A and B above.

REASON: In the interests of highway safety.

15. A. No development or site clearance shall take place until fencing for the protection of the retained trees in accordance with BS: 5837 2012 Trees in Relation to Design, Demolition and Construction – Recommendations' has been erected outside the root protection zones shown on drawing 2B Landscape Proposals at the edge of the existing and proposed extent of hard standing along the extent of the canal frontage. The approved tree protection shall be fully erected prior to the commencement of shall be retained throughout all construction phases until the completion of development.
B. During site clearance, site preparation and building operations no digging of trenches or changes in ground level, nor storage of materials, temporary buildings, vehicles, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place within the line of the protective fencing.
C. None of the existing trees along the canal frontage shall be lopped, pruned, felled or root pruned without the prior consent in writing of the Local Planning Authority. The only permitted works to these trees is to prune branches overhanging the existing and proposed storage/ service yards.

REASON: To safeguard the trees on the site in the interest of retaining an effective planting screen along the canal frontage.

16. A. All planting shown on the approved landscape plans shall be carried out and completed in accordance with the approved scheme in the nearest planting season (01 October to 31 March inclusive) to the completion of the development, or prior to first occupation of the development whichever is the sooner. All other works shown on the approved landscape plans shall be carried out and completed in full accordance with the approved scheme prior to first occupation of the development.
B. Any trees or other plants (either retained or forming part of the approved soft landscaping scheme or planted as a replacement for another tree or plant) which, during the course of the development or within a period of 5 years from the either the completion of the development of the planting of that tree or plant (whichever is the later), die, are removed, uprooted, destroyed, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (01 October to 31 March inclusive), either with others of the same size, species and quality as approved and shall be planted in the same place, or in accordance with a revised soft landscaping scheme which has first been submitted to and approved in writing by the Local Planning Authority.
C. Any areas shown for soft landscaping purposes on the approved plans shall be retained as such and shall not be removed or used for any other purpose.

REASON: In the interests of nature conservation, good landscape design and the visual amenity of the area.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or in any equivalent provision in any statutory instrument revoking and re-enacting that Order with or without modification, no external lighting shall be installed on the application site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate how a dark corridor will be maintained along the canal corridor frontage. Submitted details should include the location, type, height, technical specifications, angle of installation and hours of operation for the lighting, and light spill plans.
- B. The approved scheme shall be complied with following installation of the approved lighting scheme.

REASON: in the interests of visual amenity, residential amenity and nature conservation.

Notes for Applicant:

1. Pollution Control

Advice on basic ground gas ingress protection requirements can be found by reference to the following publication; "Protective measures for housing on gas-contaminated land", BRE Report 414, ISBN 1 86081460 3 (contact CRC Ltd 020 7505 6622 for order information).

The area of this proposed development has a history of being utilised manufacture and distribution of Town Gas which may have resulted in localised contaminated soils that may present Health and Safety implications. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

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.

2. Highway Authority

Whilst Regal Drive is an adoptable public highway it has not yet been formally adopted as publicly maintainable by the Highway Authority. It is therefore

recommended that all works within the adoptable areas, i) have consent from the landowner and ii) are undertaken to the Council's highway specification and supervised accordingly.

In the event that Regal Drive has been adopted by the Highway Authority prior the works within the road being undertaken, the applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the all works within the public highway.

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.

3. Canal and River Trust

The applicant/developer is advised to contact the Canal and River Trust Principal Works Engineer, Desmond Harris on 03030 404040 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'.

4. Coal Authority

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

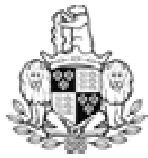
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works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

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 01623 646 333. Further information is available on The Coal Authority website www.gov.uk/government/organisations/the-coal-authority

Recommendation Summary: Approve with conditions (including any amendments or additional conditions deemed appropriate by officers)

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 03-Dec-2015

Plans List Item Number: 4.

Reason for bringing to committee: Major application.

Location: OLRON HOUSE, BENTLEY MILL WAY, WALSALL, WS2 0BP

Proposal: CHANGE OF USE OF VACANT INDUSTRIAL UNIT INTO AN INDOOR TRAMPOLINE CENTRE (D2 USE CLASS) AND ANCILLARY CAFE INCLUDING EXTERNAL ALTERATIONS AND CHANGES TO CAR PARKING.

Application Number: 15/0488/FL

Case Officer: Katie Parsons

Applicant: Jump Nation Ltd

Ward: Bentley And Darlaston North

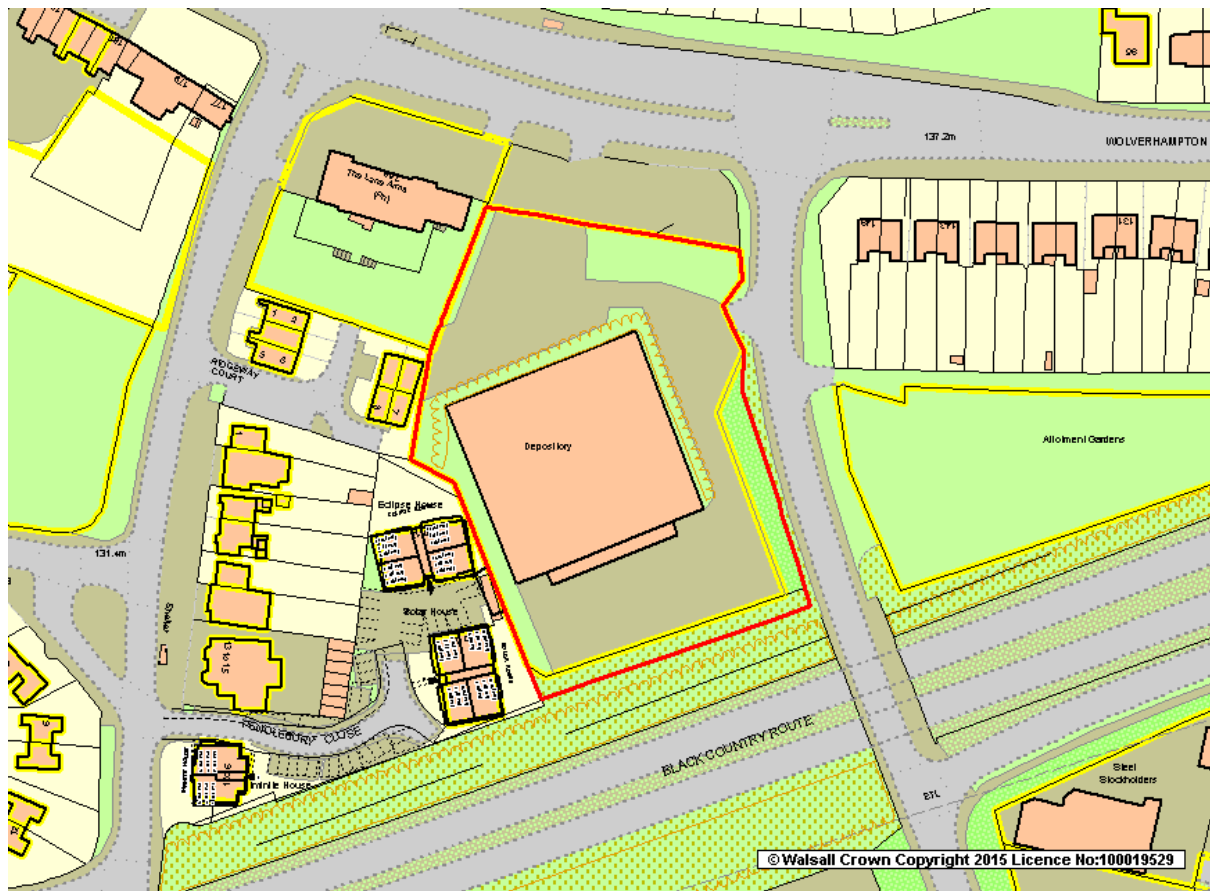
Agent: PJ Planning

Expired Date: 13-Aug-2015

Application Type: Full Application

Time Extension Expiry: 23-Dec-2015

Recommendation Summary: APPROVE WITH CONDITIONS (INCLUDING ANY AMENDMENTS OR ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY OFFICERS)



Officers Report

Application and Site Details

The site contains a vacant industrial unit known as Olron House, with a site area of 0.75 hectares. The site is bounded by Bentley Mill Way to the east, with housing fronting Wolverhampton Road West beyond, two vacant plots to the north fronting Wolverhampton Road West (a former petrol station and public house), residential plots on Ridgeway Court and Pendlebury Close to the west and the Black Country Route to the south, with the Council Depot beyond.

The proposal is to change the use of the unit from the current B-class use to a D2 indoor trampoline centre with ancillary cafe, including external alterations and changes to car parking and landscaping. The existing site provides 2202 square metres of floor space and an enlarged mezzanine would increase this to 2360 square metres.

The application has been supported by: Planning Statement; details of the marketing of the site; details of alternative premises investigated; sequential and impact assessment; business plan, staffing and financial information; details of current operation in Manchester; plant and services details; noise impact assessment; arboricultural method statement; Transport Assessment; Travel Plan; Car Parking technical note; landscape plan; noise impact assessment.

As the application is for a change of use, the proposal does not need to be screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

Relevant Planning History

14/1729/FL – Variation of condition to allow use of site for construction of timber panels – Granted 16 January 2015

BC56828P - Variation of Condition no.7 of BC2256 to permit uses within B1(c) and B8 and including the recycling of paper products and related storage, distribution and administration – Granted 04 January 2001

Relevant Planning Policy Summary

Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions and sets out that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

National Planning Policy Framework 2012 (NPPF) and associated guidance

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*”.

It is based on 12 core planning principles. Those particularly relevant in this case are:

- Proactively drive and support sustainable economic development
- 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 characters of different areas
- Support the transition to a low-carbon future in a changing climate
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Encourage the effective reuse of land
- Actively manage patterns of growth

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.

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.

The Black Country Core Strategy (BCCS)

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

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

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

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

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

The above are supported by the following key policies, as relevant to this application:

CSP1: The Growth Network
CSP3: Environmental Infrastructure
CSP4: Place Making
CSP5: Transport Strategy
EMP1: Providing for Economic Growth
EMP2: Actual and Potential Strategic High Quality Employment Areas
EMP3: Local Quality Employment Areas
EMP4: Maintaining a Supply of Readily Available Employment Land
CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
CEN4: Regeneration of Town Centres
CEN7: Controlling Out-of-Centre Development
TRAN2: Managing Transport Impacts of New Development
TRAN5: Influencing the Demand for Travel and Travel Choices
ENV1: Nature Conservation
ENV3: Design Quality

These Policies are considered to be consistent with the NPPF.

Walsall's Unitary Development Plan (UDP)

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

The key 'Saved' Policies relevant to this proposal are:

GP2: Environmental Protection
GP5: Equal Opportunities
GP6: Disabled People
ENV10: Pollution
ENV11: Light Pollution
ENV17: New Planting
ENV18: Existing Woodlands, Trees and Hedgerows
ENV23: Nature Conservation and New Development
ENV32: Design and Development Proposals
ENV33: Landscape Design
ENV40: Conservation, Protection and Use of Water Resources
JP7: Use of Land and Buildings in Other Employment Areas
S1: Definition of Town Centre Uses
S6: Meeting Local Needs
S7: Out-of-Centre and Edge-of Centre Developments
T1: Helping People to Get Around
T4: The Highway Network
T7: Car Parking
T8: Walking
T9: Cycling
T10: Accessibility Standards – General
T11: Access for Pedestrians, Cyclists and Wheelchair Users
T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
T13: Parking Provision for Cars, Cycles and Taxis
LC7: Indoor Sport including Health and Fitness Centres

These 'Saved' Policies are considered to be consistent with the NPPF.

Supplementary Planning Documents

http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_development_framework/ldf_supplementary_planning_documents.htm

Where relevant BCCS and UDP policies are consistent with the NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The SPDs relevant to this application are:

- Designing Walsall
- Conserving Walsall's Natural Environment

Consultations

Allotments – Comments to be updated at Planning Committee.

Area Partnership – Comments to be updated at Planning Committee.

Building Control – Comments to be updated at Planning Committee.

Coal Authority – No objection subject to note to applicant.

Economic Regeneration – Comments to be updated at Planning Committee.

Employment Growth Team – The team currently maintains a list of active site enquiries, including some for premises of a similar size and location to the application site. The team views any application in terms of the level of sustainable employment offered by the applicant, and the potential for business growth and employee development. These would be normal features of a successful industrial business. Progression of staff, security of posts and levels of wages are matters which pertain to the management of a business but nonetheless impact local economic sustainability and regeneration. The team submits this is a matter on which the planning committee may wish to take a view when considering their decision.

Environmental Health – No objection subject to conditions.

Highway Authority – No objection subject to conditions.

National Grid – Comments to be updated at Planning Committee.

Natural and Built Environment Team (Landscape) – No objection subject to conditions.

Natural and Built Environment Team (Trees) – No comments.

Pollution Control – No objection subject to conditions.

Public Lighting Manager - No objection subject to conditions.

Sport England – Support the application. A trampoline centre could lead to a pathway into the sport. Competition trampolining requires buildings with far higher than normal sports hall ceilings and costs are expensive for usage due to a lack of suitable facilities. There is only one trampoline club in Walsall and four others within 10 miles of the site. The centre would also provide an opportunity for fitness and would create employment opportunities and economic value to the Borough.

SRF Bentley – Comments to be updated at Planning Committee.

Structures and Geotechnics – No objections.

Town Centre Manager – Comments to be updated at Planning Committee.-

Western Power – Comments to be updated at Planning Committee.

Vodafone – no objections.

Public Participation Responses

One representation has been received from John Grimes Sawmills Ltd, who previously received planning permission for industrial use of the site, raising the following issues:

The application misrepresents the interest of John Grimes Sawmills Ltd in the application site. They had intended to occupy and operate their business from the application site. An offer to purchase the site was made subject to planning permission but once this was secured the offer was rejected due to another offer being received for long-term rental of the site. They remain interested in the site.

Determining Issues

- Suitability of proposed land use
- Highways and transport matters
- Residential amenity
- Natural and built environment
- Ground conditions

Observations

Suitability of proposed land use

The site is protected by UDP 'saved' policy JP7, and Core Strategy policies EMP1-3, for industrial use. The 2015 Employment Land Review (ELR) shows that the site is well located for industry, and there has been industrial interest in the site. The proposal is for a D2 use; and in conflict with these policies. Furthermore this is a leisure use which should first be directed to town or district centres. It is understood that at least two industrial companies have been interested in using the site, one of which, JG Sawmills, has planning permission, granted in January 2015, and has objected to the application.

The applicant has conducted an extensive search for alternative premises under the Sequential Approach, and no suitable premises were found to be available. There is

no evidence that there would be an adverse impact on established centres from the proposed use. Furthermore, the full time equivalent (FTE) job creation element of the proposal is as good as that for industry. The applicant has demonstrated that 56 jobs will be created for the proposed facility on-site. This compares with 47 that a typical industrial development could provide. Seasonal work could push the total up to 84 for Jump Nation, while overtime based on double shifts could lift the industrial total to 94. However the industrial companies that were interested in this site were likely to provide significantly less net FTE jobs than Jump Nation.

As well as job numbers, the effect on surrounding industry needs to be taken into account. In this case, as a free standing site that is surrounded by non-industrial uses, there would be no adverse effect on existing industry, either through the operation of the site, or through 'housing creep'. Moreover, the use of this site for the proposed development would not mean that it would be irretrievably lost to industry, as would be the case with a housing development, given that few changes to the site are proposed.

Furthermore, Sport England support the application on the basis that the proposal offers sport, fitness, employment and economic value and that trampolining requires tall buildings that can be difficult to provide.

On balance it is considered in this exceptional case that the factors above outweigh the protection afforded by policy JP7 and the Core Strategy policies and that the application should be permitted. Conditions are recommended to restrict the use of the site to a trampoline centre only, and to return the site to industrial use should the trampoline centre use cease, given the status of the site as a good quality industrial site, the potential contribution to the industrial supply, the interest from industrial occupiers and the need to ensure continued protection of established centres.

Highways and transport matters

The application would change the use of the site from a warehouse use to a trampoline centre with a GFA of about 2,200sqm and a total of 108 parking spaces.

A Transport Assessment (TA) has been submitted to support the application which sets out the transportation implications of the development. The TA shows that whilst there will be fewer two way trips in the am peak period (-11) there will be an increase in the pm peak (+70).

The Wolverhampton Road West/Bentley Mill Way junction and the Bentley Mill Way/Black Country Route Off Slip have been tested and it is shown that they operate within capacity.

A car parking accumulation survey has been undertaken based upon survey data from the existing Jump Nation Manchester site. It is shown that the maximum parking demand would be 69 spaces on a Sunday and 58 on a Friday being the busiest periods. The proposed car park has 108 spaces which should be more than adequate to accommodate customer traffic and staff parking. This includes three disability spaces. 12 cycle spaces and improvements to pedestrian routes within the site are also proposed.

A Travel Plan is to be developed to encourage sustainable travel modes.

It is considered that the development would not have severe transportation implications subject to conditions relating to parking, access and travel planning.

Residential amenity

The nearest residential units are to the west side of the site, immediately adjacent to the site boundary. No extensions to the building are proposed so no additional overshadowing, overbearing or loss of privacy would occur. The car parking areas would be slightly changed from the existing configuration but areas currently used for car parking and HGV manoeuvring by the previous occupier would be used for car parking therefore it is considered unlikely that additional noise and disturbance would occur over and above the existing situation.

Planning permission was previously approved for residential development on the adjacent vacant site to the north and whilst the permission has lapsed, it is considered likely for similar proposals to come forward in future. There is also a derelict public house site to the north east which could also come forward for residential development in the future.

The Noise Impact Assessment (NIA) submitted with the planning application recommends noise mitigation measures will be required to ensure that neighbours are not unduly disturbed by noise generated by the proposed use. Recommended measures include insulation to the walls, roof and ceiling and limiting opening of external doors and windows. A noise compressor/noise limited is also recommended. A condition is recommended to secure this, although Pollution Control do not consider the noise compressor to be required. Any sounds amplification equipment would also need to be approved before installation.

The building elevations facing the current and potential future residential sites would have louvers and air source heat pumps attached to them but the noisier air conditioning units and flue would be on the east and south elevations so would not face residential units. A 1.8m high wooden screen fence is proposed to these boundaries. Pollution Control has recommended that this should be a 4m tall acoustic fence but it is considered that this would significantly impact on outlook from the adjacent residences. Also given that the site currently has lawful B-Class usage and the area adjacent to the properties is currently a HGV parking and turning area, it is considered that the proposal is an improvement on the existing situation therefore the requested boundary treatment would be excessive. It is noted that the most recently approved application, if implemented, would only be required to install a 2.4m high fence to shield noise from an outside storage area, which is also considered likely to be noisier than a car park. As such a condition to secure the proposed 1.8m high fence is recommended.

The proposed opening hours are 10am to 9pm Monday to Friday, 9am to 10pm on Saturdays and 9am to 9pm on Sundays. These are considered to be acceptable and are recommended to be secured by condition.

External lighting could potentially impact on neighbours therefore a condition to secure the details is recommended.

The proposal is considered to be acceptable in relation to residential amenity, subject to the recommended conditions.

Natural and built environment

No external changes to the building are proposed in terms of extensions. The ground floor would contain the trampoline arena, cafe, kitchen, lockers, toilets and a party room and some alterations to doors and windows are proposed, including creation of a new customer entrance. The first floor mezzanine would be enlarged and would contain cafe seating, a viewing area, two party rooms, staff room, office and toilets. Some of the doors and windows would be closed off with cladding and a roller shutter would be replaced with a new entrance. A condition is recommended to ensure matching materials are used for the external alterations.

Air conditioning units, louvers, air sourced heat pumps and an extract flue would also be attached to the building.

There are some significant mature trees within and adjacent to the site. Some of these neighbouring trees are protected by TPOs 25/1978 and 14/2009. The existing hard standing and edging on the site would remain as existing and no extensions to the building are proposed, therefore no impact on trees is anticipated. It is noted that the tree survey recommends removal of some trees due to their current condition, which is accepted.

The proposed landscaping scheme is considered to be acceptable and should be secured by condition.

The design and appearance of the development is considered to be acceptable.

Ground conditions

The site is located outside the zone of consideration for limestone mine working.

The site is located within the Coal Authority Development High Risk Area. However as a change of use application with minimal external works, the Coal Authority have not requested a Coal Mining Risk Assessment or objected to the application, but have recommended a note to the applicant regarding the potential risk.

As a change of use application with no ground works, land contamination is not a determining issue.

Conclusions

On balance, the application is considered to be acceptable subject to the recommended conditions.

Positive and Proactive working with the applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Framework we encourage pre application discussion in all formats to help ensure that proposed

developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long that they safeguard the natural and built environment, highway network and the amenity of citizens.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including any representations that may have been received, and following submission of negotiated amendments and additional supporting information to the application, subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Conditions and Reasons:

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and details:

Drawing 516/PL01 'Location Plan'
Drawing 516/PL10 Rev B 'Block Plan'
Drawing 516/PL05A 'Proposed Ground Floor Plan'
Drawing 516/PL06A 'Proposed First Floor Plan'
Drawing 516/PL09A 'Proposed Elevations'
Drawing P0155M(00)001 Rev 2 'Proposed North and South Elevations External Services'
Drawing P0155M(00)002 Rev 2 'Proposed East and West Elevations External Services'
Drawing P0155M(57)001 Rev 3 'Proposed Ground Floor Ventilation Layout'
Drawing P0155M(57)002 Rev 1 'Proposed GF and FF HVAC Layout'
Drawing DW01 'Planting Plan'
Drawing 15 2092-PN201 'Proposed Timber Screening'
Drawing 15-2092-PL11 'Cycle Shelter and Refuse Store Plans and Elevations'

REASON: to define the permission and ensure the development is carried out as approved.

3. The external surfaces of the development shall be constructed of materials to match the appearance of the existing building.

REASON: To ensure a satisfactory appearance of the development.

4. The site shall only open for business between the following permitted operating hours:
10am to 9pm Monday to Friday
9am to 10pm on Saturdays
9am to 9pm on Sundays.

REASON: To protect the amenities of nearby residential occupiers.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or in any equivalent provision in any statutory instrument revoking and re-enacting those Orders with or without modification, the premises shall be used for an indoor trampoline centre only and for no other purpose. The cafe shown on the approved plans shall only be used as ancillary to the principal use as a trampoline centre and shall not be operated independently.

REASON: In the interests of the proper planning of the area and to ensure that all impacts of the development on the local area have been considered and mitigated as required.

6. Upon cessation of the use of the site as a trampoline centre, the lawful use of the site shall revert to the uses permitted by planning permission 14/1729/FL (if implemented) or BC5682P if 14/1729/FL is not implemented.

REASON: To return the site to the available employment land supply as the site constitutes high quality employment land.

7. A. Use of the approved trampoline centre shall not commence until:
- a. A scheme of noise mitigation in accordance with the recommendations of the submitted Noise Impact Assessment dated March 2015 by Dynamic Response has been fully implemented in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority, and
 - b. A validation report has been submitted to and approved in writing by the Local Planning Authority confirming the details of the measures implemented together with substantiating information and justification of any changes from the approved scheme and confirmation that the predicted external noise levels correlate with inaudibility at the nearest noise receptors/residential dwellings.
- B. The approved measures shall be retained in accordance with the approved details thereafter.

REASON: To protect the amenities of nearby residential occupiers.

8. All external doors and windows shall remain closed other than when in use for ingress/egress or emergency purposes.

REASON: To protect the amenities of nearby residential occupiers.

9. A. No electrical or electronic equipment for the purposes of amplifying music or other sounds (Inclusive of public address systems) shall be installed

internally or externally to the building unless details of a scheme for acoustic mitigation and control have first been submitted to and approved in writing by the Local Planning Authority.

B. Any electrical or electronic sound amplification equipment approved pursuant to Part A shall be installed, operated and retained in accordance with the approved details.

REASON: To protect the amenities of nearby residential occupiers.

10. Any plant, machinery or equipment used for the purpose of heating, ventilation or air conditioning shall be installed and operated only where it does not, either in isolation or in combination, give rise to a noise emission in excess of NR 45 at 1 metres from the facade of any occupied residential premises and at a height above ground level of not less than 1.5 metres.

REASON: To protect the amenities of nearby residential occupiers.

- 11.A. Use of the approved trampoline centre shall not commence until all car parking spaces, the internal pedestrian crossing facility and hatched pedestrian zones within the car parking area have been clearly demarcated on the ground and the hard surfaced footpath links between the building and the parking areas and the main site entrance have been fully implemented, in accordance with approved block plan. The hard surfaced footpath links shall include dropped kerbs at the kerb edges and the pedestrian crossing shall include dropped kerbs and tactile paving in accordance with 'Inclusive Mobility' guidance.

B. These areas shall thereafter be retained in accordance with the approved details and used for no other purpose.

REASON: To ensure the safe and satisfactory operation of the development.

- 12.A. No works pursuant to this planning permission shall commence until full engineering details of the following works within the public highway have been submitted to and approved in writing by the Local Planning Authority:
- c. Improvements to the existing bell-mouth at the site entrance off Bentley Mill Way to provide a tactile paving pedestrian crossing
 - d. A new short section of footway to link to the proposed internal footway near the site entrance

B. Use of the approved trampoline centre shall not commence until the works approved pursuant to Part A above have been fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

REASON: To ensure the safe and satisfactory completion and operation of the development.

- 13.A. Use of the approved trampoline centre shall not commence until the cycle shelter for the use of staff and customers has been provided in accordance with the approved plans.

B. The approved cycle shelter shall thereafter be retained in accordance with the approved details and used for no other purpose.

REASON: To encourage sustainable modes of travel, and in the interests of visual amenity.

- 14 A. Use of the approved trampoline centre shall not commence until the bin store has been provided in accordance with the approved plans.
B. The approved bin storage shall thereafter be retained in accordance with the approved details and used for no other purpose.

REASON: To facilitate waste and recycling storage and collection, and in the interests of visual amenity.

15. Upon the trampoline centre first coming into use, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained within the submitted Travel Plan dated 13 August 2015 by David Tucker Associates shall be fully implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved Travel Plan.

REASON: To encourage sustainable travel modes.

- 16.A. Use of the approved trampoline centre shall not commence until the 1.8m high wooden boundary treatment has been provided along the site boundaries in accordance with the approved plans.
B. The approved boundary treatments shall be retained as such thereafter.

REASON: To protect the amenities of nearby residential occupiers.

- 17.A. All planting shown on the approved landscape plans shall be carried out and completed in accordance with the approved scheme in the nearest planting season (01 October to 31 March inclusive) to the completion of the development, or prior to first occupation of the development whichever is the sooner. All other works shown on the approved landscape plans shall be carried out and completed in full accordance with the approved scheme prior to first occupation of the development.
B. Any trees or other plants (either retained or forming part of the approved soft landscaping scheme or planted as a replacement for another tree or plant) which, during the course of the development or within a period of 5 years from the either the completion of the development or the planting of that tree or plant (whichever is the later), die, are removed, uprooted, destroyed, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (01 October to 31 March inclusive), either with others of the same size, species and quality as approved and shall be planted in the same place, or in accordance with a revised soft landscaping scheme which has first been submitted to and approved in writing by the Local Planning Authority.
C. Any areas shown for soft landscaping purposes on the approved plans shall be retained as such and shall not be removed or used for any other purpose.

REASON: In the interests of nature conservation, good landscape design and the visual amenity of the area.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or in any equivalent provision in any statutory instrument revoking and re-enacting that Order with or without modification, no external lighting shall be installed on the application site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate how light pollution to residential properties will be minimised. Submitted details should include the location, type, height, technical specifications, angle of installation and hours of operation for the lighting, and light spill calculations and plans.
- B. The approved scheme shall be complied with following installation of the approved lighting scheme.

REASON: To protect the amenities of nearby residential occupiers.

Notes for Applicant:

1. Coal Authority

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

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

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 01623 646 333. Further information is available on The Coal Authority website www.gov.uk/government/organisations/the-coal-authority

Recommendation Summary: Approve with conditions (including any amendments or additional conditions deemed appropriate by officers)

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 03-Dec-2015

Plans List Item Number: 5.

Reason for bringing to committee: Major Application

Location: FORMER NATIONWIDE CRASH REPAIR CENTRE, PORTLAND STREET, WALSALL

Proposal: CHANGE OF USE TO COACH DEPOT, INCLUDING VEHICLE REPAIR WORKSHOP.

Application Number: 15/1412

Applicant: Mr Mohammed Asif

Agent: G & G Building Consultancy Ltd

Application Type: Full Application (Major)

Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Barbara Toy

Ward: Blakenall

Expired Date: 16-Dec-2015

Time Extension Expiry:



Officers Report

Application and Site Details

The site is situated on the northern side of Portland Street and comprises a large former vehicle repair workshop building with yard to the side. The rear half of the yard area is fenced off with a car parking area forward of it. The site has two vehicle access points onto Portland Street. The building has a footprint of 1098sqm and appears double storey in height, with two storey office accommodation along the side.

The site is situated within a commercial area with industrial premises to both the east and west of the site and Walsall College Campus situated to the south on the opposite side of Portland Street. To the north an area of urban open space which fronts North Street. The site sits within the 'Gigaport' boundary.

This application proposes the change of use from a vehicle repair centre to a coach depot and repair workshop. The site would operate 11 coaches (12.5m x 2.5m) with parking for 7 coaches within the fenced/gated rear yard area. The forward yard area would provide staff and visitor parking spaces with the two existing vehicle access points utilised. The existing two storey offices and staff facilities within the side of the building would be retained and utilised with the full height workshop area used for coach repairs. The development would allow an existing Walsall company to move and expand its business. The use would operate with 32 full time staff, 5 office, 2 mechanics and 25 drivers (on a shift basis) and 2 part time cleaners/valeaters. The offices and the building would operate 0900 – 1700 hours Monday – Friday whilst the car park and coach parking within the yard would be accessible 0400 - midnight 7 days a week.

The only proposed alterations to the building would be the increased height of the existing roller shutter door in the side elevation of the building.

The following have been submitted in support of the proposals:

Design and Access Statement

This describes the proposed use and operation of the site.

Relevant Planning History

BC47806P, security grilles to windows, granted subject to conditions 06-10-97

BC54270P, 3m high electric fence granted subject to conditions 07-05-99

BC55390P, erection of vehicle washing shelter, granted subject to conditions 11-02-00

08/0951/OL, Walsall Gigaport - Outline Application (Access Only Considered). Erection of 127,000 sqm of B1(A) offices, a 4,206 sqm data centre, 4,300 sqm hotel with conference facilities, 23,195 sqm of live/work space, a 5,890 sqm health and sports facility and 621 sqm of A1/A3 (retail/non-retail) floorspace together with associated highways works, public transport facilities, new public square, landscaping and car parking. (Revision of planning application reference 07/2659/OL/W7). granted subject to conditions 19-12-08.

11/1541/TE. Time extension to 08/0951/OL: (Walsall Gigaport - Outline Application (Access Only Considered). Erection of 127,000 sqm of B1(A) offices, a 4,206 sqm data centre, 4,300 sqm hotel with conference facilities, 23,195 sqm of live/work space, a 5,890 sqm health and sports facility and 621 sqm of A1/A3 (retail/non-retail) floorspace together with associated highways works, public transport facilities, new public square, landscaping and car parking. (Revision of planning application reference 07/2659/OL/W7). Granted subject to conditions 03-02-12.

Relevant Planning Policy Summary

National Planning Policy

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

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

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

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

- 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
- Positively drive and support sustainable economic development to deliver business, taking account of the needs of the residential and business communities.
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

- **NPPF1 - Building a Strong, Competitive Economy**
- **NPPF7- 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

The Black Country Core Strategy (BCCS)

- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- EMP1: Providing for Economic Growth
- TRAN2: Managing Transport Impacts of New Development

Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously Developed Sites
- ENV32: Design & Development Proposals
- JP7: Use of Land and Buildings in Other Employment Areas
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Documents

Designing Walsall SPD

- DW3 – Character

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

Policies are available to view online: http://cms.walsall.gov.uk/planning_policy

Consultations

Transportation – No objections subject to condition to ensure that all the coach and car parking spaces are demarcated on the ground prior to the first use of the site for the use and the maximum number of coaches to be parked at the site at any one time be restricted to 7.

Pollution Control – No objections, however the applicants should be made aware that they should consult Pollution Control regarding the Local Air Pollution Prevention and Control if the proposals will involve the re spraying of any road vehicles.

Public Participation Responses

None

Determining issues

- Principle of the Use
- Impact on the character of the area and neighbours
- Impact on highway safety

Observations

Principle of the Use

The site until fairly recently has operated as a vehicle repair garage undertaking both mechanical and body repairs, with the secure yard to the site used for vehicle storage. The proposed coach depot and repair workshop would operate in a similar way to the previous use, but is likely to result in fewer vehicle movements of larger vehicles.

The site is situated in an established employment area close to the town centre and the proposed use would comply with policy JP7 of the UDP. Whilst the site sits within the Gigaport boundary, it is considered that the continued use of the site for employment purposes is unlikely to jeopardise the ongoing development of the Gigaport and would not conflict with policy.

The site is identified in the Town Centre Area Action Plan Preferred Options Draft Plan under Policy AAPLV2: Education, as a site for the further development of Walsall College (site reference TC47). The document has little planning weight at this stage but shows the Council's thinking around future development in the town centre. However, there are also other sites which would be suitable for the college expansion. The proposals would utilise the existing building and yard and would be a similar operation to the existing and it is not considered that the proposed development would prevent the future use of the site for a educational facility or other centre uses such as offices.

The proposals will bring a vacant premises back into use and allow for the relocation and expansion of an existing Walsall business.

Impact on the character of the area and neighbours

The proposed use would operate in a similar fashion to the previous use of the site, vehicle storage and repairs, with the only real differences being the size of the vehicles (cars to coaches) and the requirement for access to the yard area between 0400 – midnight daily to allow the coaches to be brought back in at the end of a journey or collected in time for early pick ups.

The site sits within an employment area with the new Walsall College campus to the south and it is not considered that the surrounding occupiers/uses would be adversely affected by the proposed use or hours of operation.

The closest residential properties sit some distance away to the north west in Mill Street and to the north east off North Street (the other side of the railway from the site) it is considered that the residential occupiers would not be adversely affected by the proposed use.

Impact on highway safety

The proposals would utilise the existing two vehicle access points onto Portland Street and would provide secure storage for 7 coaches and separate parking for staff and visitors. The level of parking is considered appropriate and the transportation impacts of the development will not be severe and would be in accordance with paragraph 32 of the NPPF.

Positive and Proactive working with the applicant

The agent has provided a parking layout and vehicle circulation plan on request from the case officer.

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

- Site Location Plan submitted 17th September 2015
- Proposed Block Plan, Drawing G002161/03a submitted 16th October 2015
- Ground Floor Plan, Drawing G002161/01 submitted 17th September 2015
- First Floor Plan, Drawing G002161/02 submitted 17th September 2015
- Existing and Proposed Elevation Plan Drawing G002161/04 submitted 19th November 2015
- Design & Access Statement submitted 17th September 2015

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

3. Prior to the Change of Use first coming into operation, all coach and car parking spaces shown on drawing no. G002161/03a dated 16th October 2015, shall be clearly demarcated on the ground and thereafter be retained and used for no other purpose.

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

4. The maximum number of coaches parked on the site at any one time shall be limited to seven.

Reason: To ensure that there is adequate parking and vehicle manoeuvring space available on site at all times to minimise the potential of on street parking, to maintain the free flow of traffic on the public and to highway safety.

Notes to Applicant:

Advisory Note – Pollution Control

Under the Environmental Permitting (England and Wales) Regulations 2010, local authorities must regulate certain types of activities to reduce any pollution they may cause and to improve air quality. Businesses which operate these premises must have an environmental permit. Those looked after by local authorities are called 'Part B' installations and the regime is known as Local Air Pollution Prevention and Control (LAPPC). Local authorities deal with about 80 different types of installation, including those involving the re spraying of road vehicles.

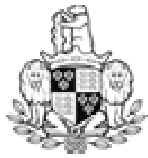
The applicant should be made aware that they must consult the Pollution Control service regarding the LAPPC regime if the proposal involves the re spraying of road vehicles.

Under the Environmental Permitting (England and Wales) Regulations 2010, local authorities must regulate certain types of activities to reduce any pollution they may cause and to improve air quality. Businesses which operate these premises must have an environmental permit. Those looked after by local authorities are called 'Part B' installations and the regime is known as Local Air Pollution Prevention and Control (LAPPC). Local authorities deal with about 80 different types of installation, including those involving the re spraying of road vehicles.

The applicant should be made aware that they must consult the Pollution Control service regarding the LAPPC regime if the proposal involves the re spraying of road vehicles.

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 03-Dec-2015

Plans List Item Number: 6.

Reason for bringing to committee: Consultee objections

Location: THE RECTORY, 14, THE GREEN, ALDRIDGE, WALSALL, WS9 8NH

Proposal: ERECTION OF 9 DWELLINGS AND GARAGES (AFFECTS PUBLIC FOOTPATHS ALD 33, ALD51, ALD32(A), ALD32)

Application Number: 15/1123

Case Officer: Alison Ives

Applicant: Kendrick Homes Ltd

Ward: Aldridge Central And South

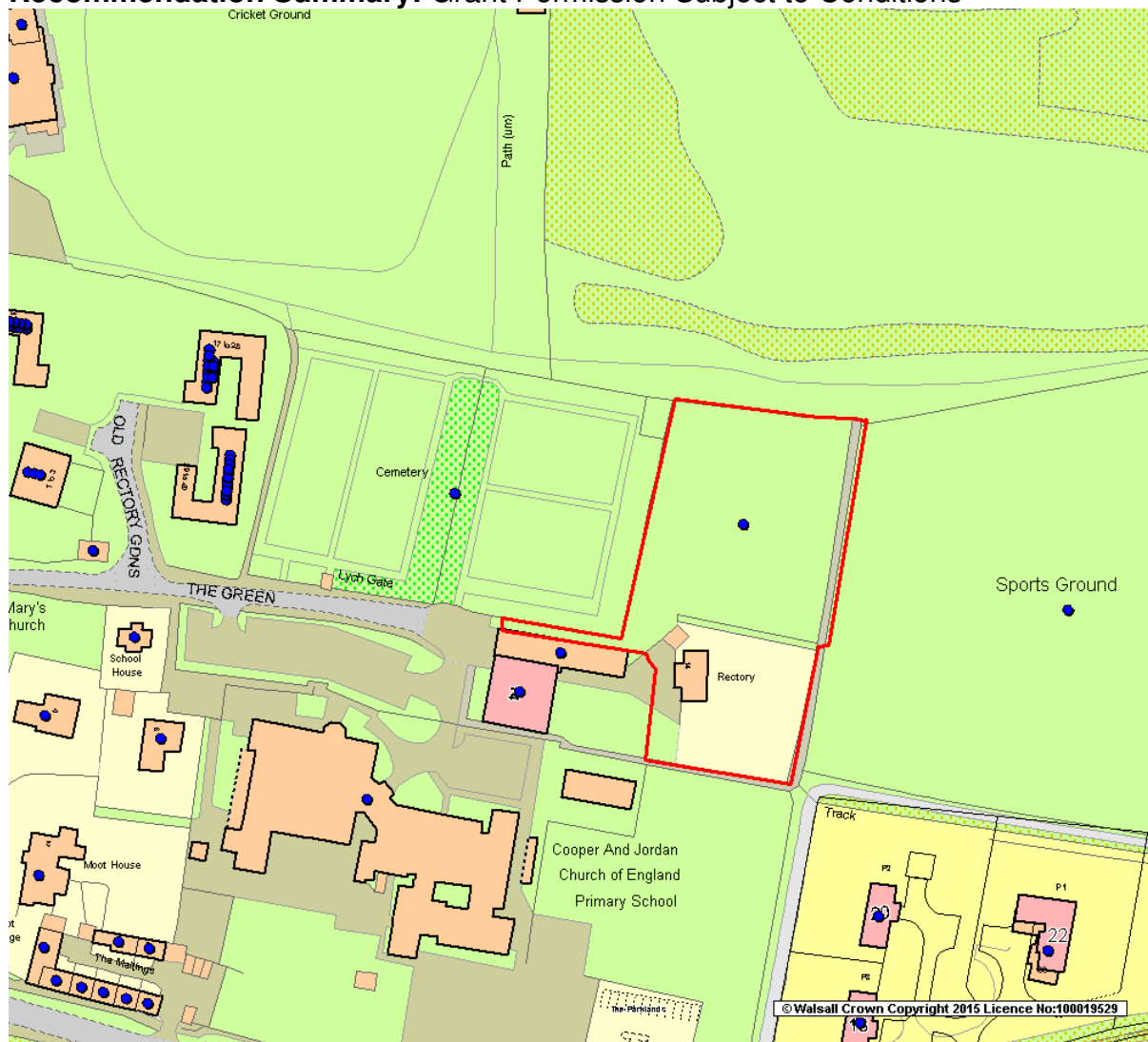
Agent:

Expired Date: 28-Oct-2015

Application Type: Full Application (Major)

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

Application and Site Details

The proposal is for the erection of nine houses and garages on land formerly occupied by The Rectory and an adjacent field at the rear of the new church rooms for Aldridge Church at The Green. The new housing was approved in principle as enabling development to fund the new church rooms.

The site is within Aldridge Conservation Area and is surrounded by Green Belt land to the north and east. Cooper & Jordan School adjoins the south, a cemetery to the west and north, Druids Heath Golf Club to the far north and open fields to the east. There are two public footpaths (ALD33 and ALD51) around the perimeter of the site. There is a dense screen of trees and vegetation around the perimeter of the site.

The proposal is for nine houses laid out in two courtyards with clusters of three and six houses. Plots 1-3 are located at the rear of the new church rooms and plots 4-9 are located to the rear of the cemetery. There is a proposed wall with piers and gate at the entrance to plots 4-9.

The house types comprise 7 x 4 bed houses and 2 x 5 bed houses. The design is a farmhouse appearance and most houses are two storey properties with the exception of plots 3 and 9 which are three storey properties utilising the roof space. Plot 3 is at the head of the access and plot 9 is the first plot entering the cluster of 6 houses. Plot 1 is reserved for the new Rectory.

The vehicle access is from The Green and is partly shared with the church rooms. There is a turning head in front of plots 1 and 9 before the entrance to the private courtyards. Each house has its own garage plus additional driveway parking.

The site is 0.5 hectares.

The Design & Access Statement – Describes the character of the area, the site, the proposed layout, public realm and landscape materials. A series of site photographs are included.

The applicant has also provided the following documents: Planning Supporting Statement (July 2015), Bat Mitigation Strategy (October 2010), Extended Phase 1 Habitat Surveys (August 2010 and March 2015), Arboricultural Report (November 2010) and Tree Survey (March 2015).

Relevant Planning History

10/1544/FL - Demolition of existing church rooms and the Rectory. Hybrid application - Full application: New Church Rooms. Outline application: Housing on site of existing Rectory and adjoining church field as enabling development – Granted subject to conditions 14/3/11.

10/1545/CC – Conservation Area Consent: Demolition of existing church rooms and The Rectory – Consent Granted 14/3/11.

13/1188/DOC - Request for Discharge of Conditions 3, 4, 5, 6, 13, 19 and 20 of 10/1544/FL – Part discharged 28/10/13. This relates to conditions for the church rooms part of the hybrid application.

14/0352/RM – Reserved matters proposals pursuant to outline permission 10/1544/FL for erection of 8 dwellings (appearance, landscaping and scale to be considered) – Granted subject to conditions 16/05/14.

14/0598/MA - Non material amendment, to permission 10/1544/FL to remove 'Fin' from front of building, four additional roof lights, enlargement of car parking area and removal and replacement hedge – Approved 22/05/14.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

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

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

- Function well and add to the overall quality of the area

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

Paragraph 79 states the essential characteristic of Green Belts is their openness and permanence.

Paragraph 80 identifies the five purposes of Green Belts which are:

- *to check the unrestricted sprawl of large built-up areas*
- *to prevent neighbouring towns merging into one another*
- *to assist in safeguarding the countryside from encroachment*
- *to preserve the setting and special character of historic towns*
- *to assist in urban regeneration by encouraging recycling of derelict and other urban land*

Paragraph 81 states local planning authorities should plan positively to enhance the beneficial use of the Green Belt and to retain and enhance landscapes and visual amenity. It also encourages improving damaged or derelict land in the Green Belt.

Paragraph 87 states inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 states very special circumstances will not exist unless the potential harm is clearly outweighed by other considerations.

Paragraph 89 states the construction of new buildings is inappropriate in Green Belt except for specific purposes including:

- *buildings for agriculture or forestry*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*
- *replacement of a building provided the new building is the same use and not materially larger than the one it replaces*

Paragraph 90 certain types of development are not inappropriate provided they do not conflict with the openness of the Green Belt including engineering operations.

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

Paragraph 109 encourages protection and enhancement of valued landscapes and geological conservation and remediation and mitigation of despoiled, degraded, derelict, contaminated and unstable land where appropriate.

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

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

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

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

Paragraph 126 - Local planning authorities should have a positive strategy for the conservation and enjoyment of the historic environment.

Paragraph 131 seeks to sustain and enhance the significance of heritage assets putting them to viable uses and to ensure new development makes a positive contribution to local character and distinctiveness.

Paragraph 137 states new development in Conservation Areas should enhance their significance and preserve elements of their setting that make a positive contribution.

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

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

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

The Spatial Objectives include

3. Model sustainable communities on redundant employment land in the Regeneration Corridors that make the best use of existing opportunities and are well integrated with surrounding areas.

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

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

10. Safeguard and make the most sustainable use of the Black Country's mineral resources including primary, secondary and recycled materials without compromising environmental quality.

The above are supported by the following policies:

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

DEL1: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

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

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

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

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

ENV1: Seeks to safeguard nature conservation.

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

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

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

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

ENV1: Identifies the Green Belt boundaries.

ENV2: Highlights considerations of proposals within or adjacent to the Green Belt and states development is inappropriate if it conflicts with the openness and purposes of the green belt.

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

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies. Where previous uses have affected the stability of the site the application must be accompanied by a site investigation report.

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

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

ENV29: Development should preserve or enhance the character and appearance of a Conservation Area

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

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

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

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

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

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

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

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

4 bedroom houses and above 3 spaces per unit

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

Policy DW1 Sustainability

Policy DW2 Safe and Welcoming Places

Policy DW3 Character

Policy DW4 Continuity

Policy DW5 Ease of Movement

Policy DW6 Legibility

Policy DW7 Diversity

Policy DW8 Adaptability

Policy DW9 High Quality Public Realm

Policy DW9(a) Planning Obligations and Qualifying development

Policy DW10 Well Designed Sustainable Buildings

Conserving Walsall's Natural Environment SPD

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

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

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

Consultations

Transportation – No objections. The applicant should demonstrate how fire service vehicles can access the development and to ensure refuse vehicles can turn within the site. The parking is above 300% which is acceptable.

Ecology – Objects. The Bat Mitigation Strategy should be reviewed and updated to reflect the current scheme and details of lighting are required. The ecological report carried out in March 2015 is early in the year and many species would not have been apparent. No bat survey work was carried out. The recommendations should be incorporated into any permission. The main impact would be removal of trees and hedges and the report notes that the hedges and tree lines provide potential foraging and commuting sites for bats.

It is unclear from the submitted landscape scheme what species composition of the boundary hedges would be or location of boundary trees or how this will be managed. The landscape design needs to show how the green infrastructure for bats along the boundaries will be maintained.

A further tree report has been produced which includes shading diagrams but not every tree shown for retention has been assessed, building shading has not been shown and shading is only identified for one day in the year. The level of development does not seem to be compatible with tree retention.

Environmental Health – No objections.

Landscape – No objections subject to securing appropriate landscaping.

Natural England – No objections.

Police – The developer is recommended to achieve Secure by Design standards. A note for applicant regarding security measures is recommended.

Pollution Control – No objections subject to a condition to secure a validation report to ensure no ground contamination has occurred as a result of removal of the original building.

Public Rights of Way – No objections. Definitive Public Footpaths 32(a), 51 and 33 Aldridge border three of the site boundaries and footpath 51 Aldridge crosses into the application site boundary. Some of the existing site boundary adjoining the public footpaths is currently in poor condition and footpaths are narrow in places between two boundary fences. Proposed boundary treatments for each of the individual plots where they adjoin the public footpaths should ensure there is no encroachment, restriction of forward visibility or natural surveillance or obstruction of the highway. It is recommended that the boundary of plot 2 is angled at the corner to improve forward visibility on the footpath.

Severn Trent Water – No objections subject to securing drainage details by condition.

Tree Officer – Objects. This proposal includes an additional plot bringing the housing closer to existing trees on the boundary. The gardens are likely to be heavily shaded particularly as the trees are not fully mature and have potential to increase in size exacerbating the problem and lead to pressure for their removal.

Public Participation Response

Two letters of objection have been received from the Head Teacher and Governors of Cooper & Jordan School which are summarised as follows:

- Three storey houses overlook the school and playing fields
- Children's safety and security is higher priority than developer's profit
- Restricted and congested access which is shared with a school, church centre and retirement home
- Heavy traffic and congestion

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

Determining Issues

- Principle of residential development
- Layout and design
- Impact on the character and amenity of the Conservation Area
- Relationship to surrounding properties
- Ecology and Trees
- Access and parking

Observations

Principle of residential development

The principle of residential development for 8 dwellings on the site is already established by reserved matters permission 14/0352/RM. The proposal increases the number of units by one but the proposed buildings are still within the area of the site already approved for housing development.

The principle of developing a Greenfield site for housing was also addressed by the original permission 10/1544/FL where it was accepted as the site is in a sustainable location and the lower density housing would not harm the character of the conservation area or surrounding Green Belt land. The house types also provide aspirational housing. The proposed housing development has also enabled the development of the new church rooms and provides for a replacement Rectory.

On the basis of the above the principle of residential development of the site is acceptable.

Layout and Design

The proposed layout is broadly along the same format as the earlier permission with two courtyards of housing retaining the perimeter of trees and hedgerows. The garages for plots 2 and 3 are located between the plots and are closest to the site boundary 1.5m away. As the garages are single storey buildings they will not have a significant impact on the views from the wider area and this proximity to the boundary does not harm the visual amenities.

Plots 4-7 are between 12 and 16m away from the northern boundary to the golf course and eastern boundary to the school playing field. Plots 8 and 9 are a minimum of 7.5m away from the western boundary with the cemetery. These distances ensure that the trees around the perimeter of the site remain and will partly screen the development from the wider area.

The proposed houses on site are positioned closer together than the previous permission but still maintain adequate privacy and aspect distances to provide adequate amenity for future occupiers. This layout is also typical of a courtyard development where there is a more enclosed building layout.

The houses have very large gardens ranging between 132m² (plot 2) to over 600m² (plot 6). This more than achieves the Council's recommended garden areas.

The design of the houses includes two and three storey properties with a farmhouse appearance. The three storey houses utilise the roof space in order to maintain a satisfactory scale and appearance. As this is a secluded site there are no other houses in the immediate vicinity to compare the design to but it is considered acceptable given the setting within the Conservation Area and adjacent to the Green Belt.

The layout and design of the proposals are considered acceptable.

Impact on the character and amenity of the Conservation Area

The principle of 8 new houses at this site has already been approved and is considered not to have a detrimental impact on the amenity of the conservation area as it is not visible from the main aspects of the conservation area. The current proposals do not significantly alter this and are acceptable.

The buildings are grouped within the settlement limits and are screened from the wider Green Belt by existing trees causing no significant harm to the character of the area.

The proposals do not have any significant impact on the Conservation Area.

Relationship to surrounding properties

The nearest house to the church rooms is plot 1 which is intended for the Rectory so the occupiers will have obvious connections to the church rooms. The proposed gable of the dwelling faces the rear of the church rooms so there is no harm to the outlook. Appropriate boundary treatment will also ensure privacy is maintained to ensure there is no significant impact on the amenities of future occupiers.

The Head Teacher and Governors of Cooper and Jordan School are concerned that the incorporation of three storey houses will overlook the school and playing fields causing concern for children's safety and that this should take priority over development of houses. Only plots 3 and 9 are three storey properties. Plot 3 is closest to the boundary with the playing fields at 12m away. Plot 9 is angled and faces the entrance to the larger courtyard and the rear elevation faces towards the main site access. In the circumstances the proposed housing does not overlook the school or playing fields to such an extent that it will cause harm to the safety or security of school children. The trees around the perimeter of the site will also provide some screening.

There are new houses on the site of the former Beacon View Children's Home, Little Aston Road that border the site. The nearest house is 20 Little Aston Road but as this is over 35m away from the site there is no significant impact or loss of daylight, overlooking or loss of privacy.

A condition is recommended to restrict construction hours to protect the amenities of nearby residents.

The relationship to the surrounding properties is considered to be acceptable.

Ecology and Trees

There was a bat roost in the former Rectory and a Bat Mitigation Strategy has been provided but is now out of date hence the Council Ecologist has objected to the proposals and requested a review and update to reflect the current layout. The original Rectory building has already been demolished under the earlier permission and the trees around the perimeter of the site remain in place to provide commuting and foraging routes for bats. In the circumstances, although the Bat Mitigation Strategy refers to the earlier layout, appropriate mitigation can still be secured under the current scheme as the layout is not dissimilar and there will still be opportunities to provide bat roosting opportunities in the new dwellings. These measures can be secured by condition as on the earlier permission in order to address ecology concerns.

Conditions are recommended to secure protection of boundary trees and hedgerows and future landscaping to retain adequate foraging and commuting opportunities for bats. In terms of the Ecologist request for details of lighting these are also recommended to be secured by condition as on the earlier permission.

The Ecologist and Tree Officer are concerned that the proposed houses are too close to the trees around the perimeter of the site and that the development does not seem to be compatible with tree retention. The Tree Shadow Assessment provided by the applicant does demonstrate shading but given the size and orientation of the plots it is considered there will be a good balance between direct sunlight and shade

to the houses and gardens. The assessment recommends managed thinning of trees to allow retention of better quality trees in the long term. A condition to secure tree management is recommended.

It is recommended that permitted development for extensions, garden buildings, fencing and hard surfacing is removed to protect the trees.

All conditions recommended on the reserved matters application in relation to protected species and protecting existing trees to be retained are recommended.

On balance it is considered that the ecology and tree issues are not significantly greater than the earlier permission and can be adequately addressed by imposition of appropriate conditions.

Access and parking

The access to the development remains as that approved under the reserved matters application 14/0352/RM. The Fire Service was satisfied with this arrangement. The Transportation officer has recommended a note for applicant to demonstrate that there is sufficient access for refuse vehicles. As the access has not altered from that previously approved satisfactory access can be achieved.

The objectors consider the access is restricted and congested as it is shared with the school, church centre and retirement home and that the proposals will lead to heavy traffic and congestion. A condition is recommended to secure a construction management plan to demonstrate where parking and access for construction vehicles will take place within the site. This will help alleviate potential problems during construction. In terms of congestion caused by access for the houses there is adequate parking for each house and manoeuvring space within each courtyard so there is no significant impact on highway safety. The access is shared with the church rooms but this is the same arrangement as previously accepted.

The proposal allows for individual garages for each dwelling providing 3+ parking spaces per dwelling which accords with policy T13 and is acceptable.

The public footpath officer has recommended a condition to secure details of boundary treatments to protect the public footpath. It has also been requested that the boundary to plot 2 is amended to angle it and achieve forward visibility to the footpath. This has not been amended as the relationship to the public footpath will be protected by securing details of the boundary treatments. Although creation of a forward visibility to the footpath is desirable the boundary layout as proposed has already been accepted on the earlier permission. The new housing will also provide improved surveillance of the footpath which is considered to be of benefit.

On the basis of the above the proposals are considered to achieve adequate access and parking and will not have significant impacts on the surrounding highway network or public footpaths.

Positive and Proactive working with the applicant

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

Conditions and Reasons:

1. The development must be begun no later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

- Location Plan (342-01-04 Rev A) received 30/07/15
- Site Layout (342-01-01 Rev B) received 23/11/15
- Site Layout & Street Elevations (342-01-01 Rev A) received 08/10/15
- Soft Landscaping Layout (342-01-05) received 20/10/15
- Schedule of Planting prepared by Kendrick Homes (Rev P1) received 14/10/15
- Street Scenes (342-01-06) received 14/10/15
- Plot 1 Floor Plans (342-04-01) received 24/06/15
- Plot 1 Elevations (342-04-02) received 24/06/15
- Plot 2 Floor Plans (342-05-01) received 24/06/15
- Plot 2 Elevations (342-05-02) received 24/06/15
- Plot 3 Floor Plans (342-06-01 Rev A) received 23/11/15
- Plot 3 Elevations (342-06-02 Rev A) received 23/11/15
- Plot 4 Floor Plans (342-07-01) received 24/06/15
- Plot 4 Elevations (342-07-02 Rev A) received 14/10/15
- Plots 5 & 8 Floor Plans (342-08-01 Rev A) received 14/10/15
- Plots 5 & 8 Elevations (342-08-02 Rev A) received 14/10/15
- Plot 6 Floor Plans (342-09-01 Rev A) received 14/10/15
- Plot 6 Elevations (342-09-02 Rev A) received 14/10/15
- Plot 7 Floor Plans (342-10-01 Rev A) received 14/10/15
- Plot 7 Elevations (342-10-02 Rev A) received 14/10/15
- Plot 9 Floor Plans (342-11-01 Rev B) received 23/11/15
- Plot 9 Elevations (342-11-02 Rev B) received 23/11/15
- Garages – Plans & Elevations (342-12-01) received 24/06/15
- Land Survey (3755-2D) received 24/06/15
- Design & Access Statement prepared by Kendrick Homes received 24/06/15
- Planning Supporting Statement prepared by Strata Associates Limited (July 2015) received 14/07/15
- Bat Mitigation Strategy prepared by WYG Environment (A051524-3) received 24/06/15
- Extended Phase 1 Habitat Survey prepared by Cotswold Wildlife Surveys (1971-CWS-01 – 24 March 2015) received 14/07/15
- Extended Phase 1 Habitat Survey prepared by WYG Environment (A051524-3 – August 2010) received 24/06/15
- Arboricultural Report prepared by Jeff Marlow (4 November 2010) received 24/06/15

- Tree Survey prepared by Marlow Consulting Limited (12 March 2015) received 24/06/15
- Tree Retention/Removal Layout (342-01-02) received 24/06/15
- Tree Protection Layout (342-01-03) received 24/06/15
- Tree Shadow Assessment prepared by Marlow Consulting Limited (20 October 2015) received 20/10/15

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

3a. Prior to the commencement of the development, a Construction Methodology Statement and plan including details of a turning facility and parking for site operatives, the siting of any temporary buildings and materials, shall be submitted to and approved in writing by the Local Planning Authority.

3b. The Construction Methodology Statement shall be implemented and retained during the period of construction in accordance with the approved details.

Reason: To ensure the safe and satisfactory operation of the development during construction due to the sensitive nature of the sites near to protected trees and the school.

4a. 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. The details shall include measures for incorporation of sustainable drainage techniques (SuDS) where possible and allow for protection of existing trees on site.

4b. The development shall be completed with the approved details and retained as such.

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

5a. Prior to the commencement of the development, full engineering details of all adoptable highway access road works, including the layout, alignments, widths and levels, together with all necessary drainage arrangements and run off calculations, shall submitted to the Local Planning Authority for technical approval in writing.

Note: Any adoptable street lighting shall be in agreement with the Council's street lighting partner, Amey.

5b. Prior to the first occupation of any dwelling on the development, all highway infrastructure works details in part (a) of this condition shall be fully implemented in accordance with the approved details.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP Policy GP2, T8 and T11.

6. A validation report shall be provided to the Local Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building formerly on the site.

Reason: To ensure the satisfactory development of the site and prevent the risk of pollution.

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

7b. The development shall be completed in accordance with the agreed details and maintained thereafter.

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

8a. Prior to the commencement of any built development above damp proof full details of boundary treatments shall be submitted to and approved by the local planning authority. This shall include the following:

- i. details of all boundaries adjacent to the public rights of way within or adjoining the site boundary
- ii. details showing the relationship between proposed boundary treatments and public rights of way including existing site boundary fencing and hedgerows.
- iii. Full specification for walls, fences, gates (both on the boundary and internally to show materials, heights and location

8b. The development shall be completed in accordance with the agreed details and maintained thereafter.

Reason: To ensure the satisfactory appearance of the development and maintain highway safety to the public footpaths.

9a. Prior to the first occupation of any dwelling on the development, all access ways, vehicle manoeuvring area and parking spaces associated with that dwelling shall be fully consolidated, hard surface and drained so that surface water 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.

10. No development shall commence until a scheme to enhance the proposed development for bats is submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of permanent roosting features built into the fabric of proposed buildings in accordance with the recommendations within Section 5.0 of the Bat Mitigation Strategy by WYG dated October 2010 approved under the outline consent 10/1544/FL. The approved scheme shall be incorporated into the development and retained thereafter.

Reason: To conserve local bat populations.

11a. Prior to the commencement of development above the damp proof course level of the buildings, 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 depths – shrub/hedgerow planting areas should be at least 450mm : grass seeded / turfed areas should be at least 150mm.

(ii) Topsoil specification. – If existing soils are to be used, details of its retention, improvement, cultivation or safe storage for re-use should be specified.

(iii) 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.

11b. The approved landscaping scheme shall be implemented within 12 months of the completion of the development. All planting shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to define the permission and to safeguard the visual amenity of the conservation area, green belt and natural environment of the site and the immediate vicinity.

12. Prior to the installation of any external lighting at the site full details shall be submitted to and approved in writing by the Local Planning Authority. Any details of external lighting approved by the Local Planning Authority shall be installed fully in accordance with the approved details and retained as such.

Reason: To safeguard the visual amenities of the area.

13. None of the existing trees on the site shall be lopped, felled or root pruned without the prior consent in writing of the Local Planning Authority.

Reason: To safeguard the trees in the Conservation Area on site.

14. The tree protection measures and fencing detailed on the Tree Protection Layout (drawing 342-01-03) shall be fully implemented prior to the commencement of any works on site and shall be retained until the completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in British Standard 5837:2005.

Reason: To safeguard the trees in the Conservation Area on site.

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

Reason: To safeguard the trees in the Conservation Area on site.

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

Reason: To safeguard the trees in the Conservation Area on site.

17. Prior to the construction of the dwellings hereby approved the hedge comprising locally native species as shown on the approved landscape drawing (342-01-05 and Schedule of Planting) shall be planted along the eastern and northern boundaries of the site. The hedge shall be retained thereafter and managed to a height and width of not less than 2 metres.

Reason: In the interests of the amenity of the area and the functioning of the site as a bat commuting and foraging habitat.

18. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 or succeeding Orders, no enlargements, additions or other alterations to the dwellings, ancillary outbuildings or hard surfaces shall be erected or installed at the site, as defined by Classes A to F of Part 1 Schedule 2 of the Order.

Reason: In the interests of the visual amenities of the Conservation Area and adjacent Green Belt and to protect the existing trees on site.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or succeeding Orders, no gates, fences, walls or other means of enclosure other than those expressly approved by this permission shall be constructed.

Reason: In the interests of the visual amenities of the Conservation Area and adjacent Green Belt and to protect the existing trees on site.

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 07.00 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.

Notes for applicant: Highways

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

The developer will be expected to enter into an agreement under S38 of the Highways Act 1980 for all adoptable highway works. The works shall include:-

- (i) The carriageway of the access road widened to 3.7 metres or alternatively redesigned to shared surface scheme with a 2m wide service strip along one side.
- (ii) The adoptable turning facility being of a suitable size to accommodate a safe and satisfactorily turning manoeuvre for a 10.7m long refuse wagon.

Public footpaths

1. All fences and hedgerows to the application site and proposed plots are to be maintained either by owners of the proposed residential properties or the owners of The Rectory and incorporated into regular site maintenance. Hedgerows and trees must be regularly cut back to avoid encroachment or obstruction onto the adjoining public footpaths, which represents an offence under the Highways Act 1980.

2. In accordance with the Highways Act 1980, Lawful and Unlawful Interference with the Highway, prior to commencement of any work the applicant must provide details of the proposed work to Highways, Walsall Council and apply for any necessary permits including a scaffold permit and/or temporary prohibition of traffic order. Upon completion, the applicant must reinstate the public right of way to its present condition. No excavations, scaffolding, hoarding, movement and storage of materials, or other obstructions associated with the proposed development are to be present within, over or under the adjoining public right of way without prior agreement of the highways authority.

Police

Secure by Design specifications and guidelines can help secure this development from future crimes. Such information can be found at

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

If Secure By Design is not to be achieved in full on this development the following is recommended:

1. New windows/ roof lights / patio / French doors/ windows should conform to PAS 24 2012 PS1A Standard with at least one pane of 6.4mm laminated glass in all ground floor windows,
2. There should be an area of defensible space in front and across the length of each front facing window, which should be around 1m in depth and consist of dense low level shrubbery, suitable for the light / soil environment at its location. The defensible space will help protect ground floor windows and make access to them by offenders more difficult.
3. All external doors should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock.

4. Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area of any property. With this in mind perimeter and boundary fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping i.e. 1.8m fence plus 300mm anti climb trellis topping.

5. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.

6. All gates should be 2.1m in height and be key lockable from both sides. They should be positioned as close to the front building line as possible.

7. Fencing should be located as near to the front building line as possible.

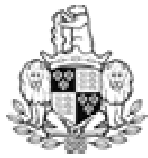
8. Due to the increase in metal theft consideration should be used to minimising the use of lead in the design, by using lead substitute or alternative products.

9. The property should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.

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

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 03-Dec-2015

Plans List Item Number: 7.

Reason for bringing to committee: Significant Community Interest

Location: LAND ADJACENT 7, SARAH GARDENS, WALSALL

Proposal: THREE NEW DWELLINGS

Application Number: 15/1134

Applicant: Ms Kiran Sidhu

Agent: Ms Heather Sutton

Application Type: Full Application

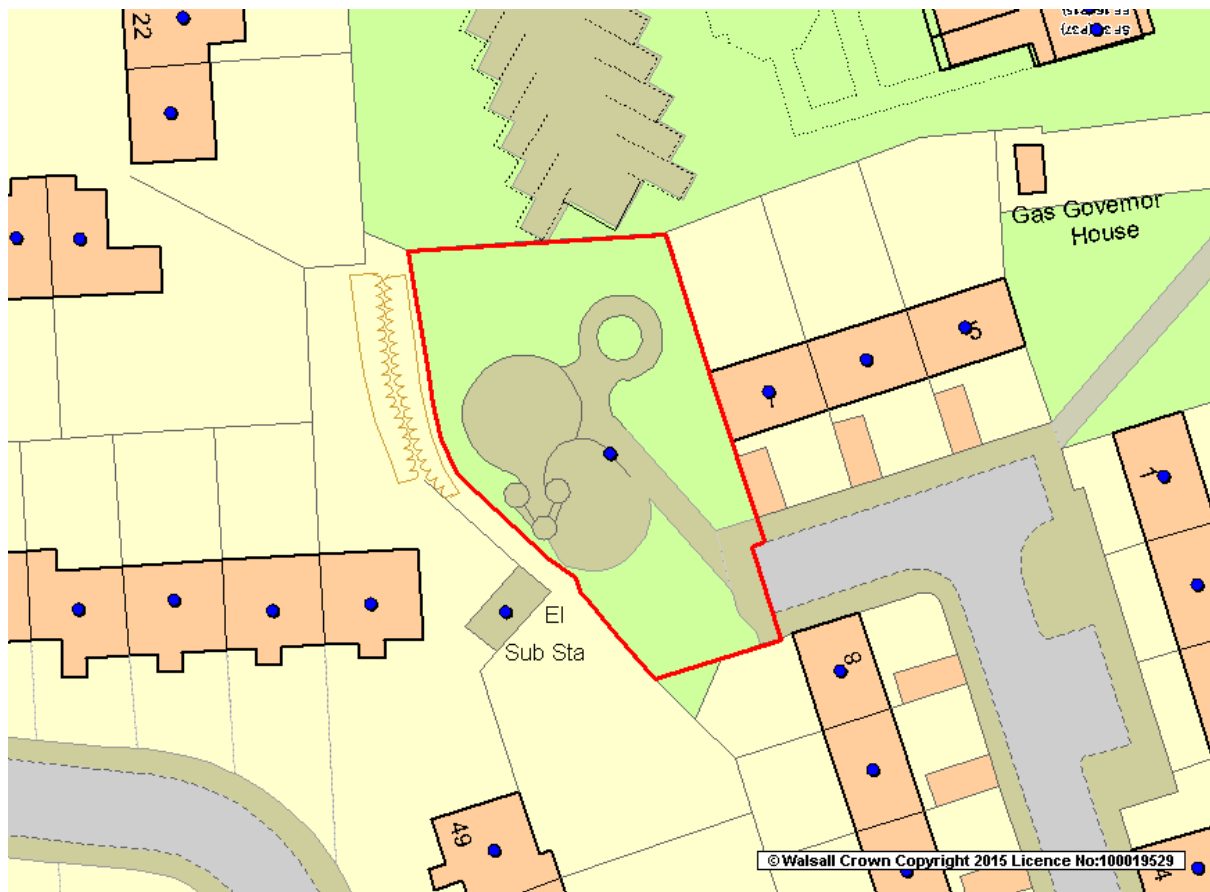
Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Karon Hulse

Ward: Palfrey

Expired Date: 15-Sep-2015

Time Extension Expiry:



Officers Report

Application and Site Details

This application seeks consent for the construction of three houses at the end of this cul-de-sac on Sarah Gardens Walsall consisting of

- Pair of two bedroom two storey houses with kitchen/dining room and living room at ground floor and two bedrooms and bathroom at first floor and
- One x two bedroom bungalow set within a large plot at the end of the cul-de-sac.

Access to the rear of the pair of semi detached houses would be through a shared pedestrian access at the side of no 7 Sarah Gardens. Both houses will have rear gardens measuring between 11 metres and 12.4 mts in length (between 52 and 59 sq mts).

There will be a separate access to the bungalow adjacent to the western application side boundary, this will give access to a large rear garden.

The application includes the provision of 4 parking spaces within a private area off the end of the turning head, one space will provide disability parking for use by the bungalow which will be constructed specifically with access for disabled persons. The site is surrounded by residential with the exception of the nursing home to the rear, it is effectively land locked with access only being gained from the head of Sarah Gardens cul-de-sac.

The site was originally intended, in 1969, as a children's play area, however there is no evidence of play equipment on the site, and from documents held in the history file the site has previously been used for allotments. This has since ceased and the site secured with a 2 metre high wooden fence across the head of Sarah Gardens, it has been unused for at least the past 10 years.

Sarah Gardens is a cul-de-sac serving 20 houses consisting of a terrace of two storey 1970's former council houses and bungalows. At the head of the cul-de-sac was a former council owned play area which has since been secured off from public use and become overgrown. Access to the application site is gained from the turning head in-between the side of no.8 and front of no 7 Sarah Gardens.

The siting and design of the buildings would continue the character of the adjacent houses which have small rear garden amenity areas.

To the west of the site there is a levels drop of approx 5 mts down to the side of no. 47 Segundo Road which runs north to south along the application side boundary. There is a retaining wall along this boundary. Towards the front of no 47 Segundo Road and on a slightly higher level is an electricity sub station which is accessed from Segundo Road.

The proposed bungalow would be built along this boundary set in between by 2 and 4.5 mts.

Relevant Planning History

05/1064/FL/W5 – Erection of two (straw bale) bungalows. Granted 24/6/05

Relevant Planning Policy Summary

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

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

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

- Seek to secure high quality design and good standards of amenity for all existing and future occupants.
- Take account of the different roles and character of different areas.
- Proactively drive and support sustainable economic development to deliver the homes that the country needs.
- Contributing to conserving and enhancing the natural environment.
- Encourage effective use of land by using land that has previously been developed (brownfield land), provided that it is not of high environmental value.

Key provisions of the NPPF relevant in this case:

1. Delivering sustainable development
- 4: Promoting Sustainable Transport
- 6: Delivering a Wide Choice of High Quality Homes
- 7: Requiring Good Design
11. Conserving and enhancing the natural environment

On **planning conditions** the NPPF says:

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

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

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it

terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- CSP5: Transport Strategy
- 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
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

It is considered in this case that the relevant provisions of the BCCS can be given full weight

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

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

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

Supplementary Planning Document

Designing Walsall (Feb 2008)

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

Consultations

Transportation – no objections subject to conditions

Pollution Control – no objections subject to condition relating to ground contamination conditions the hours of construction, demolition or engineering works.

Severn Trent Water – no objections subject to drainage conditions

Police ALO – no objections subject to secure by design conditions

Regeneration (Landscape) -

Regeneration (Ecology) -

Public Participation Responses

3 representations received from residents in Sarah Gardens and one from a prospective purchaser of a property in Sarah Gardens. They object on the following grounds

- Increased people coming past my house
- Loss of wildlife
- Disturb the peace
- Sarah gardens is narrow
- No contractors should park vehicles in Sarah gardens
- Obstruct Sarah gardens footpaths
- Elderly people in Sarah Gardens need access for ambulances and carers and motorbility scooters
- Disruption
- Privacy
- Existing chain link fence to be replaced with a solid fence as previously approved
- noise and dust generated during the construction
- quiet location

Determining Issues

- Principle
- Character and appearance within the surrounding area
- Visual amenity of the area and the amenities of adjacent properties
- Highway safety
- Local Finance Considerations

Observations

Principle

This application seeks consent for three new houses. The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local planning authorities may make an allowance for windfall sites in their five-year supply, in this instance the principle of redevelopment for residential is acceptable subject to all other matters being satisfactory.

Whilst there are sufficient sites that already have planning permission in Walsall to meet the housing land requirement in the BCCS until at least 2021 – (6 year supply from now). The supply requirement is contained in policy HOU1 of the BCCS: this

sets a minimum figure for the amount of housing land that needs to be provided rather than a maximum.

Policy CSP2 of the BCCS sets out the Council's policy towards development in areas outside the Growth Network such as this. It states that such areas will provide, amongst other matters, "a mix of good quality residential areas" and "a constant supply of small-scale development opportunities". This therefore provides support for the application.

Character and appearance within the surrounding area

The NPPF says that developments should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the built environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character. Policies CPS4, HOU2, ENV2, ENV3 of the BCCS; GP2, 3,6 and ENV32 of the UDP and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements.

The design and appearance of the proposed houses will reflect the character of existing housing along Sarah Gardens, in particular the proposed finish will reflect those nearby and will easily fit into the streetscene and be in keeping with the existing as well as the emerging character.

Visual amenity of the area and the amenities of adjacent properties

The site is at the end of a cul-de-sac consisting of 20 houses/bungalows, there are two storey houses immediate adjacent to the site and a row of bungalows opposite. The siting of the three houses continues the existing row of housing with the pair of two storey houses immediately adjacent and the bungalow on the end. In visual terms this will fit into the scale and character of the existing street scene and the number proposed is unlikely to have any increased footfall past existing houses which will be detrimental to existing householders.

The site is surrounded by residential with the exception of the home to the rear, it is effectively land locked with access only being gained from the head of Sarah Gardens cul-de-sac. The site was originally intended, in 1969, as a children's play area, however there is no evidence of play equipment on the site, and from documents held in the history file the site has previously been used for allotments. This has since ceased and the site secured with a 2 metre high wooden fence across the head of Sarah Gardens, it has been unused for at least the past 12 years.

The development of the site for residential purposes would represent a significant improvement on the visual amenity of the area and provide a type and scale of housing that is sought after, each dwelling would have a satisfactory level of private amenity space, the dimensions of the site have determined the orientation of the dwellings and the size of gardens which will be the same as existing houses, as such reflect on the character of this area. Whilst the rear amenity areas of the two houses are below the councils designing Walsall standards in terms of length and overall surface area there are no occupants to the rear and the sizes are similar to those which exist along Sarah Gardens.

The siting of the houses will not have any impact on adjacent housing and the 45 degree guidance has been complied with.

The bungalow is set in from the shared boundary with no 47 Segundo Road away from the retaining wall, the boundary is heavily vegetated (bindweed) which is supported by a chain link fence and has become very overgrown. The occupiers of 47 Segundo Road have extensively landscaped their rear garden but would prefer to see the ugly chain link fence replaced with a more substantial boundary to finish this part of the boundary off. Also the removal of existing tall Lombardy poplars which have also become overgrown would benefit both these occupiers and future occupiers of the development. A condition requiring the submission of full boundary treatment will satisfactorily ensure the appropriate type of boundary treatment for this the location.

This site is currently overgrown and not maintained, the application will remove most of the self set vegetation on the site however this is of little amenity or ecological value and presents an opportunity to landscape the site to the visual benefit of the area and local amenity.

With regards to noise, dust and disturbance during the construction phase, it is accepted that there will always be a level of disruption at this time but it is usually short term and can be controlled adequately by way of conditions and through other legislation.

Highway safety

Parking for operatives during the construction stage will be conditioned requiring details of parking and materials storage. Similarly hours of operation will be conditioned in order to protect existing residential amenity.

5 parking spaces will be provided for this development including one being a disability parking space. However parking space no 5 should be removed from the scheme as it is unlikely that it is useable.

Two parking spaces for Plot 1 and one space each for Plots 2 and 3 are proposed. This is a similar level of parking provision to the existing dwellings in Sarah Gardens which generally have one parking space in the form of a garage. Also the site is within relatively easy walking distance to the bus stops on West Bromwich Road / Walsall Road (A4031) which is a main district distributor route in, out and around Walsall. It is a major bus route connecting Walsall with a number of towns including West Bromwich to the south and the rest of the West Midlands conurbation. The site is therefore considered to be in a sustainable location consistent with guidance in the NPPF and in particular policies in paragraphs 18 to 219, BCCS policies CSP1, CSP3, TRAN1, TRAN5 and ENV3 and UDP policies GP2, H3, ENV32 and T13.

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

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 3 new homes.

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

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

Positive and proactive working with the applicant

Officers have liaised with the applicant’s agent during the application process to seek the fullest possible information is available at the earliest opportunity to fully consider the proposal.

Conditions and Reasons:

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

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

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

- Location Plan (2315-05) received 20/7/15
- Site Section (2315-07) received 14/10/15
- Proposed Site Layout & Proposed Floor Plans (2315-03 REV D) received 20/11/15
- Proposed Site Layout (2315-06 REV B) received 20/11/15
- Proposed Elevations (2315-04 REV B) received 14/10/15

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

3a. Prior to the first occupation of any dwelling on the development, the access way, parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and suitably drained so that so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

3b. 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.

4a. The development hereby permitted shall not begin until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority.

4b. The scheme shall be implemented and retained in accordance with the approved details before the development is first brought into use.

Reason: The development of this site is dependent upon the installation of a satisfactory drainage scheme as such it is considered important and necessary to require this information prior to commencement to ensure that the development is provided with a satisfactory means of drainage. In addition it is necessary to ensure and reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with UDP policy ENV40.

5a. Prior to the commencement of the development full details of hard and soft landscaping works shall be submitted and approved in writing by the local planning authority to include the following:

- correct botanical names
- numbers/planting densities for each block of planting proposed
- size supplied of all proposed shrubs at time of planting
- details of proposed turf/seeded areas
- topsoil and mulching depths and specifications
- details of landscaping establishment/maintenance proposals to be undertaken during the standard maintenance period
- details of future management of the landscape scheme
- ground preparation measures to be adopted
- existing and proposed tree planting
- existing and proposed levels
- Management plan

5b. The approved landscaping shall be implemented within 12 months of the completion of the development.

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

Reason: In order to safeguard and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005 and policies NE5 and NE9 of Walsall Council SPD, Conserving Walsall's Natural Environment.

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 03-Dec-2015

Plans List Item Number: 8.

Reason for bringing to committee: Significant Community Interest

Location: 39, CAIRNS STREET, WALSALL, WS2 8QT

Proposal: CHANGE OF USE FROM CLOTHING MANUFACTURE TO CATERING SUPPLIER WITH COMMERCIAL KITCHEN AND REFURBISHMENT, BRICKING UP OF WINDOWS AND INSTALLATION OF EXTRACTION FLUE (RE-SUBMISSION OF 14/1771/FL).

Application Number: 15/1395

Applicant: Mr Mohammed Ayub

Agent: G & G Building Consultancy Ltd

Application Type: Full Application

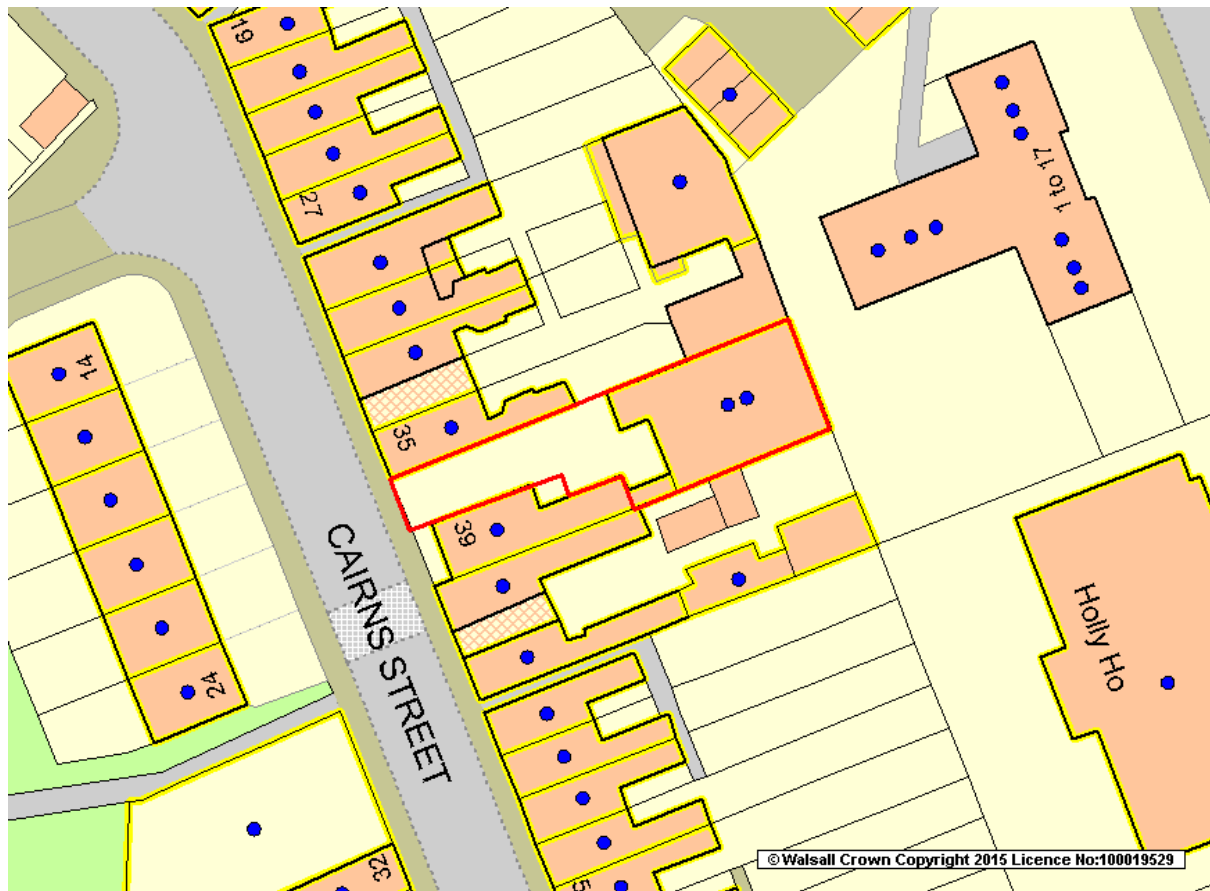
Recommendation Summary: Refuse

Case Officer: Mike Brereton

Ward: Pleck

Expired Date: 18-Nov-2015

Time Extension Expiry: 31-Dec-2015



Officers Report

Application and Site Details

The application site is a vacant, former industrial premises with a small front yard located to the rear of 39 Cairns Street, an end of terrace house, currently unoccupied. The house and a small amenity space at the rear are excluded from the application site. Access to the application site is via a driveway alongside 39 Cairns Street, between this house and the flank wall of Number 35. The application premises is a traditional Victorian brick-built two-storey building with a pitched slate roof with a side flat roofed single storey later addition.

The street contains mainly traditional terraced houses, with a modern terrace of six opposite number 39. At the rear of the premises, is a 3 storey block of flats in landscaped grounds accessed from Hollyhedge Lane.

This application is a re-submission of a previous application reported to the Planning Committee on 11th June (14/1771/FL) which resolved to refuse permission. The proposal is to convert the existing building into a catering supplier with a commercial kitchen and the current application needs to be assessed to consider whether the previous refusal reasons have been overcome.

A copy of a petition submitted alongside the previous application has been re-submitted by the applicant with 32 signatures in support of the change of use requiring the application to be determined by members of the Planning Committee.

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:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

- ***NPPF 4 - Promoting Sustainable Transport***
- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- JP8: Bad Neighbour Industrial Uses
- ENV10: Pollution
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW3: all new development must be designed to respect and enhance local identity
- DW9: new development must seek to ensure it creates places with attractive environmental quality
- DW10: New development should make a positive contribution to creating a sustainable environment.

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

Policies are available to view online: http://cms.walsall.gov.uk/planning_policy

Relevant Planning History

14/1771/FL - Change of use from clothing manufacture to catering supplier with commercial kitchen; and refurbishment including installation of fume extract flue and bricking up of windows. Refused 25/06/2015:

1. Notwithstanding the submitted proposals for extraction of cooking fumes and odour control, a substantial risk of odour nuisance remains owing to their limitations of inadequate flue height, odour treatment, and the possibility of building ventilation and access/egress causing odour leakage. Additionally, the level of maintenance of odour control equipment is difficult to control, and weather conditions can prevent effective dispersal of odours. The use for catering supply and commercial kitchen, together with its fume extraction flue, would be in close proximity to a substantial number of flats and houses, and it

is considered that the use poses unacceptable risk of odour nuisance for their residents. Accordingly it would be contrary to Policy ENV 3 in the Black Country Core Strategy, and saved policies ENV10, JP8 and GP2 in the Walsall Unitary Development Plan.

2. An increase in the height of the cooking fume extraction flue, to 1 metre above roof ridge level, in order to assist with fume dispersal, would create an unsightly feature, harmful to the level of visual amenity enjoyed by residents. Accordingly it would be contrary to Policy ENV 3 in the Black Country Core Strategy, saved policies ENV10 and GP2 in the Walsall Unitary Development Plan, and policy DW3 in the supplementary planning document 'Designing Walsall'.
3. The change of use would be harmful to residential amenities by reason of noise and disturbance from vehicles using the access driveway between numbers 35 and 39 Cairns Street, the unloading and loading of ingredients and prepared foods in the service yard and in Cairns Street, and likely mechanical noise sources such as building ventilation systems, fume extraction equipment and refrigeration equipment. Accordingly the use would be contrary to Policy ENV 3 in the Black Country Core Strategy, and saved policies ENV10, JP8 and GP2 in the Walsall Unitary Development Plan.
4. Whilst the application refers to operating only one vehicle, this could not be controlled in the future, and the surrounding terraced housing relies mainly on onstreet parking. The applicant has not demonstrated that any increase in vehicle trips will not conflict with residents parking at the access point, whilst also putting additional parking demands on the street, to detriment of residents' parking. Overall, the proposal would be harmful to highway free-flow and safety, contrary to 'saved' policies GP2, T7 and T13 in the Walsall Unitary Development Plan.
5. The applicant has not demonstrated that the proposed development would avoid an adverse impact on the amenities of the surrounding residential occupiers, due to a lack of the following details:- a method to prevent grease entering the drainage system, - the location and arrangements for refuse storage and waste recycling on the site. Accordingly the use would be contrary to Policy ENV 3 in the Black Country Core Strategy, and 'saved' policies ENV10, JP8 and GP2 in the Walsall Unitary Development Plan.

BC10287P – Alterations, extensions and part change of use to clothing manufacture. Permitted 22/02/1984, subject to conditions to require different maximum noise levels during a normal working day, evenings and at night time, and also require that the premises are used for light industrial clothing manufacture and no other light industrial use. The reason given for the restriction of use was that the circumstances of the applicant were a material consideration.

BC19817P – Change of use to light vehicle repairs. Refused – noise and disturbance for residents, and insufficient parking leading to parking on the street.

Consultation Replies

Pollution Control – Objection on grounds of potential for noise and odours to surrounding residential premises.

Environmental Health – Objection to the proposed extraction system.

Town Centre Manager – None received.

Transportation (Highways) – Objection on grounds that change of use would result in severe impacts on highways safety and public highway.

Representations

Two objections were received from neighbours at Cairns Street on the following grounds:

- Views of development from our first floor windows;
- Only outdoor amenity space is to front of house for the purpose of drying clothes and relaxation and constant noise and odour from the proposed development would adversely impact on this; and
- The application site faces my back garden and will result in steam, grease, odour, and noise being emitted from the proposed commercial kitchen, and commercial extraction flue.

A copy of a petition submitted alongside the previous application has been re-submitted by the applicant with 32 signatures in support of the change of use. Most signatures are from residents of Cairns Street. The petition cites removing a focal point for anti-social behaviour, and bringing the building back into use.

Determining Issues

Whether the previous reasons for refusal have been overcome.

Observations

Whether the previous reasons for refusal have been overcome.

The principle of the proposed change of use to commercial catering unit was considered unacceptable in the previous application due to the surrounding residential premises. The refusal reasons are summarised below along with the assessment of additional information submitted alongside this current application.

Odour and Noise

The first refusal reason relates to a substantial risk of cooking fumes and odour nuisance to nearby occupiers of residential premises. Initial information has been provided for the proposed extraction system which has been reviewed by Environmental Health and Pollution Control who advise the flue height is insufficient and should terminate at least one metre above the highest part of the roof and that the odour control system is still insufficient due to the proximity of the flats at the rear of the proposed development. The applicant's agent has submitted further information on the proposed extraction system and an amended plan showing the flue at 1m above the existing ridge height. These additional details have been sent to the Council's Environmental Health and Pollution Control teams and any further comments will be presented at Planning Committee. Should the additional

information not meet the recommended criteria it is considered the first refusal reason will not have been overcome and should form a reason for refusal in determining this current application.

The third refusal reason relates to noise and disturbance from vehicles and associated movement at the access between No.35 and 39 Cairns Street. The submitted Design and Access Statement explains the drive has been used in the same way since construction of the application building. The use of the application building was explored as part of the previous application which suggests that the use as clothing manufacture has not been operating for a number of years and the building has remained largely unused since. On this basis it is considered insufficient evidence has been submitted to overcome this reason for refusal as the proposed catering use and associated vehicle movement and deliveries are likely to result in noise and disturbance to residents and should form a reason for refusal for this application.

Design and visual amenity

The second refusal reason relates to the erection of a cooking extraction flue at 1 metre above roof ridge resulting in an unsightly feature detrimental to neighbours visual amenity. The amended plans show the flue would be located in the middle of the existing roof at 1m above existing ridge height. It is considered the position, at 1 metre above ridge height as required to provide effective odour dispersal, would be visible in the street scene and particularly to adjoining residential premises and insufficient information has been provided to evidence how impacts on visual amenity would be resolved. It is considered the second refusal reason has not been overcome and should form a reason for refusal in determining this current application.

Highways

The fourth refusal reason relates to concerns that increased vehicle trips associated with a catering use has the potential to conflict with residents on-street parking and safety. The submitted Design and Access Statement explains only one vehicle would be used to for collections and transport of cooked goods and the Highways Authority has advised that this could not be controlled in future as the business may expand or be sold on and the information provided is considered insufficient to mitigate the impacts or to overcome this refusal reason which should be included as a further reason for refusal for this current application.

Residential Amenities

The final refusal reason relates to lack of details for grease entering the drainage system and location and arrangements for refuse storage and waste recycling. The submitted Design and Access Statement explains a grease trap would be included in the drainage system and no details have been provided to enable this to be assessed or details of refuse and waste and insufficient evidence has been submitted to show how impacts on amenity would be mitigated and as such this refusal reason has not been overcome and should form the final reason for refusal on this current application.

Neighbours objected on the grounds that the development would be visible from their windows and would have an adverse impact on outdoor amenity space by way of noise and odour from the proposed development. It is considered these concerns have been assessed in the sections above and in this instance the applicant has

failed to overcome the previous refusal reasons on these grounds and the application should be refused.

A copy of a petition submitted alongside the previous planning application has been re-submitted by the applicant with 32 signatures in support of the change of use. Most signatures are from residents of Cairns Street. The petition cites removing a focal point for anti-social behaviour, and bringing the building back into use. For the reasons above it is considered the previous refusal reasons have not been overcome and insufficient evidence has been submitted to show how impacts of the change of use would be mitigated. In this instance the application should be refused.

Positive and Proactive working with the applicant

Officers have spoken with the applicant's agent to request additional information and in this instance it is considered insufficient information has been provided in support of the application to overcome the previous reasons for refusal and should in this instance be refused.

Reasons for Refusal:

1. Notwithstanding the submitted proposals for extraction of cooking fumes and odour control, a substantial risk of odour nuisance remains owing to their limitations of inadequate flue height, odour treatment, and the possibility of building ventilation and access/egress causing odour leakage. Additionally, the level of maintenance of odour control equipment is difficult to control, and weather conditions can prevent effective dispersal of odours. The use for catering supply and commercial kitchen, together with its fume extraction flue, would be in close proximity to a substantial number of flats and houses, and it is considered that the use poses unacceptable risk of odour nuisance for their residents. Accordingly it would be contrary to Policy ENV 3 in the Black Country Core Strategy, and saved policies ENV10, JP8 and GP2 in the Walsall Unitary Development Plan.
2. An increase in the height of the cooking fume extraction flue, to 1 metre above roof ridge level, in order to assist with fume dispersal, would create an unsightly feature, harmful to the level of visual amenity enjoyed by residents. Accordingly it would be contrary to Policy ENV 3 in the Black Country Core Strategy, saved policies ENV10 and GP2 in the Walsall Unitary Development Plan, and policy DW3 in the supplementary planning document 'Designing Walsall'.
3. The change of use would be harmful to residential amenities by reason of noise and disturbance from vehicles using the access driveway between numbers 35 and 39 Cairns Street, the unloading and loading of ingredients and prepared foods in the service yard and in Cairns Street, and likely mechanical noise sources such as building ventilation systems, fume extraction equipment and refrigeration equipment. Accordingly the use would be contrary to Policy ENV 3 in the Black Country Core Strategy, and saved policies ENV10, JP8 and GP2 in the Walsall Unitary Development Plan.

4. Whilst the application refers to operating only one vehicle, this could not be controlled in the future, and the surrounding terraced housing relies mainly on on-street parking. The applicant has not demonstrated that any increase in vehicle trips will not conflict with residents parking at the access point, whilst also putting additional parking demands on the street, to detriment of residents' parking. Overall, the proposal would be harmful to highway free-flow and safety, contrary to 'saved' policies GP2, T7 and T13 in the Walsall Unitary Development Plan.

5. The applicant has not demonstrated that the proposed development would avoid an adverse impact on the amenities of the surrounding residential occupiers, due to a lack of the following details:-

- a method to prevent grease entering the drainage system,
- the location and arrangements for refuse storage and waste recycling on the site.

Accordingly the use would be contrary to Policy ENV 3 in the Black Country Core Strategy, and 'saved' policies ENV10, JP8 and GP2 in the Walsall Unitary Development Plan.

Recommendation Summary: Refuse

End of Officers Report

Petition

Page - 1

PETITION IN SUPPORT OF PLANNING APPLICATION IN CAIRNS STREET

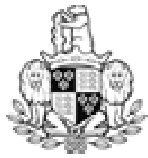
We the undersigned, being residents of Cairns Street, Walsall, ask Walsall Council to approve the planning application on the commercial premises at the rear of 39 Cairns Street, thus removing a focal point for anti-social behaviour and bringing the building back into use.

| NAME | Address | Signature |
|------|-----------------------------|-----------|
| | 32 CAIRNS ST WS28 0T | |
| | 34 CAIRNS ST WS28 0T | |
| | 41 CAIRNS ST WS2 8QT | |
| | 25 CAIRNS ST WS2 8QT | |
| | 15 HOSPITAL ST WS28JP | |
| | 14 CAIRNS STREET WS2 8QT | |
| | 21 CAIRNS ST WS2 8QT | |
| | 19 CAIRNS ST WS2 8QT | |
| | 19 Cairns st Walsall. | |
| | 23. Cairns st Walsall | |

EC
EN

15 SEP 2015

RECEIVED



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 03-Dec-2015

Plans List Item Number: 9.

Reason for bringing to committee: Significant community interest and called in by Councillor Sears

Location: 16, COPPY HALL GROVE, ALDRIDGE, WALSALL, WS9 8RP

Proposal: OUTLINE APPLICATION: PROPOSED TWO BEDROOM BUNGALOW WITH ACCESS AND LAYOUT TO BE CONSIDERED, INCLUDING THE CREATION OF PARKING AND ERECTION OF TWO DETACHED GARAGES, PART DEMOLITION OF 16 COPPY HALL GROVE AND SINGLE STOREY FRONT AND SIDE EXTENSION TO 16.

Application Number: 15/0910/OUTL

Applicant: Jonathan Roden

Case Officer: Devinder Matharu

Ward: Aldridge North And Walsall Wood

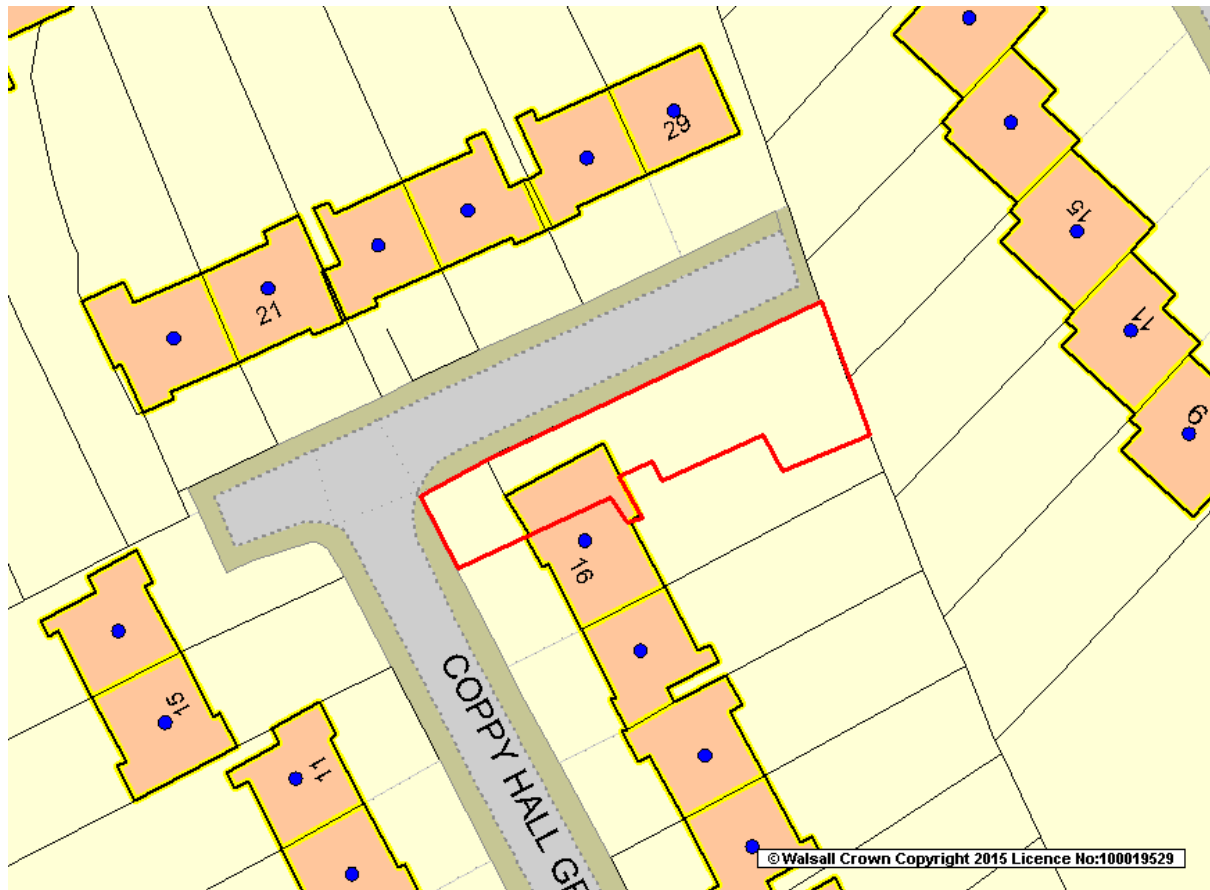
Agent: Mr Lewis Jones

Application Type: Outline Application

Expired Date: 25-Aug-2015

Recommendation Summary: Refuse

Time Extension Expiry: 30-Oct-2015



Officers Report

Application and Site Details

Coppy Hall Grove is a cul de sac serving twenty two houses located off the western side of Lazy Hill Road within a wider area characterised as residential. The houses on the cul de sac are two storey semi detached houses that are set back to provide front gardens which are landscaped. The houses have side garage and driveway parking for vehicles. The garages have flat roofs some with parapets. The boundary treatments to the back of footpath vary from dwarf brick walls to hedges. The architectural details consist of double fronted bays on the front elevation, chimneys, flat and mono pitch roofed porches. The plot widths along Coppy Hall Grove vary from 8.2m wide (number 2) to 15.4m wide (number 16). Number 2 Coppy Hall Grove has a rear garden length of 11.4m and an average plot width of 7.7m and a total amenity area of 91 square metres.

Number 16 Coppy Hall Grove is located towards the eastern end at the rear of the cul de sac. Along the northern boundary of the site is the cul de sac turning head.

The existing house one half of a semi detached has a side garage. The property is set off the northern boundary of the application site by 3m at the closest distance and 3.4m at the furthest distance. The front of the site has a front garden adjacent to number 14 and a paved area towards the turning head which is paved and utilised for the parking of vehicles. The front garden slopes upwards from the back of footpath boundary. The side boundary to the site is a boundary hedge and conifers within the application site.

To the rear of the garage is a single storey flat roof extension that 'L' shapes around the rear of the building. The planning application plot is a relatively wide plot at 15.5m in comparison to the other houses within the cul de sac, number 2 which is 8.7m wide.

The area immediately in front of the rear habitable area is decked with the remaining garden being flat and rising slightly towards the rear.

To the north of the site across the turning head are numbers 19 to 29 that face towards the side of number 16 (the application site) and towards the rear are numbers 15 and 17 Kingshayes Road.

The outline application is for a proposed two bedroom bungalow with access and layout to be considered with all other matters reserved. The proposal also includes;

- the creation of 2 off road parking
- erection of two garages to be shared between the proposed bungalow and the existing house,
- demolition of existing side garage and rear single storey at 16 Coppy Hall Grove
- single storey front and side extension to 16.

A plan has been submitted showing the layout for both the proposed bungalow and the demolished part and extended part of number 16 as well as parking arrangements for both the existing house and the proposed bungalow.

The cleared plot would measure 7.8m wide at the front of the site and 8.6m towards the rear of the site. The proposed bungalow would be positioned to sit in line with

the front elevation of number 16 and would be 6.1m wide extending to 6.9m wide in the middle and then 6.2m wide at the rear. The main length of the proposed bungalow would be 12.4m with a small front project from the main elevation of 0.6m adjacent number 16 and a small rear project of 0.9m to create a bay window type feature.

The bungalow would step out 2.8m from the rear elevation of number 16. The proposed bungalow rear garden length would be 8.1m providing a total amenity area of 68 square metres.

The retained garden for number 16 would measure 8.1 m in width for 2.7m which then reduces to 6.6m for a distance of 9.1m and then reduces to 3.6m for a distance of 6.7m, providing a total amenity area of 106 square metres.

The proposal includes a 1.6m wide side extension to the existing porch to create a separate WC and extends the full length of number 16, 10m with the installation of three windows on the side elevation facing the proposed bungalow.

At the end of the gardens to both the retained house and the proposed bungalow would be two garages.

The site is located 142m from the edge of Lazy Hill local centre. There are bus serves along Walsall Wood Road to and from Walsall and Aldridge district centre.

A Design and Access Statement which states:

- The design has been well considered to provide a well facilitated bungalow which compliments enhances and protect the amenity of neighbouring properties.
- The site is situated in a well established and 1 mile north of Aldridge town centre.
- The site is even with a slight fall of 200cm from east to west.
- The garden is excessively large for the accommodation offered by the property and has more amenity than neighbouring occupiers.
- The existing mature trees which address the end of the grove and neighbouring frontages bring issues of shading and security risk to the boundary.
- The reduced size of the garden to 16 would coincide with the neighbouring gardens which would be equal to that of the proposed.
- The proposed use as residential corresponds with the residential use surrounding the site on three sides.
- The orientation makes it viable as a dwelling which fits into the street scene.
- The site is well served by public transport with a number of bus routes running along the nearby Walsall Wood and Lazy Hill Road allowing easy access into Aldridge, Walsall and other local centres.
- The site is a short walk from Aldridge High Street.
- The layout has been designed to provide to protect the amenity of existing neighbours and the street scene.
- There are no side facing windows
- Planting will be provided to the front of the site.

A covering letter has been submitted which addresses the previous reasons for refusal:

- The architectural design has matching tiled hipped roofs with bay windows including eaves design.
- It would be possible to match local brickwork
- The building although being detached is subservient to the two storey neighbours
- The proposed bungalow sits far better on the corner of the cul de sac which is enhanced by rear garage and parking with a pleasant landscaped frontage.
- It is not unusual to integral some detached or single storey buildings in urban environments
- There are a mixture of houses types surrounding the Grove, semi detached, detached and bungalows
- Proposal would have no more detriment to its surroundings than if a single storey extension to the host dwelling
- The bungalow has been designed to reflect the local architectural character using matching facing and roofing materials and details such as overhanging eaves
- Improved the plot width by removing the garage to the host dwelling
- There is off road and garaging for both properties
- Better use of unwanted land
- the bungalow would accommodate a retired couple and provides a good standard of private amenity for people of those years giving manageable maintenance.

Relevant Policies

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

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

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

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

- Find ways to enhance and improve places in which people live their lives
- 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:

1. Building a strong, Competitive economy

18. committed to securing economic growth in order to create jobs.

19. support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

4. Promoting sustainable transport.

29. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.
 32. opportunities for sustainable transport modes should be taken up depending on nature and location of site and safe and suitable access to the site can be achieved for all people.
6. Delivering a wide choice of high quality homes.
49. Housing applications should be considered in the context of the presumption in favour of sustainable development
 53. LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
7. Requiring good design
56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 57. Important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
 58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.
 - Planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.
 63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
 64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
11. Conserving and enhancing the natural environment
109. contribute to and enhance the natural and local environment
 118. opportunities to incorporate biodiversity in and around developments should be encouraged.
 120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.
 121. Planning policies and decisions should ensure the site is suitable for its new use taking account of ground conditions and land instability, including natural hazards or former activities such as mining.
 123. Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
 125. Planning policies and decisions should limit the impact of light pollution from artificial light on local amenity and nature conservation.

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

The key planning policies include

HOU2: Housing Density, Type and Accessibility

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

ENV2: Historic Character and Local Distinctiveness

proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness.

ENV3: Design Quality

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

CSP4: Place Making

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Walsall's Unitary Development Plan (UDP)

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

Saved policies of the Unitary Development Plan

Policies GP2, 3.6, 3.7 seeks to make a positive contribution to the quality of the environment, whilst protecting people and not permitting development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

ENV18 and 3.64: Seeks to protect, manage and enhance existing trees.

ENV17 new planting will be encouraged.

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

ENV23 – nature conservation opportunities provided by buildings by designing in features which provide roosting, nesting places for bats and birds and other species. Require all development to take into account existing features of values for wildlife and ecology. Where loss or damage of existing features is unavoidable mitigation measures to compensate for the features lost. Require habitat creation to encourage conservation of wildlife.

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

H3 encourage the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

T4 – District distributors are important routes connecting the main residential and employment areas of the Borough. Street parking and direct frontage access will be strictly regulated.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T10: Accessibility Standards – General

(b) Standards will apply to all development proposals with the exception of:

i small residential developments within existing residential areas including infill plots

7.51: Easy walking/cycling distance will depend on local circumstances but the maximum will normally be regarded as 1000m.

T13: Parking Provision

3 bedroom houses and above, 2 spaces per unit

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the National Planning Policy Framework.

Supplementary Planning Documents (SPD)

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

Designing Walsall (2013)

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies.

The following are the relevant policies;

DW3 – Character -design to respect and enhance local identity;

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

DW10 – new development should make a positive contribution to creating a sustainable environment.

Annexe D: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls.

Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Conserving Walsall's Natural Environment (2013)

Expands on the policies contained within the environment chapter of the UDP. The document provides criteria for European Protected Species survey requirements.

The following are the relevant policies;

NE7: all applications with the potential to damage trees should be supported by an arboricultural impact assessment.

NE8: All planning applications proposing the retention of trees within a development site should demonstrate that the trees to be retained will survive without causing significant nuisance beyond the development phase. Adequate space should be retained for the trees to develop in the future without causing severe shading or requiring damaging containment pruning.

Policies are available to view online: http://cms.walsall.gov.uk/planning_policy

Relevant Planning History

13/1710/FL- Proposed 3 bedroom detached dwelling refused for the following reason on 12th January 2014.

1. The proposed development would be out of character with the surrounding pattern of development by reason of its detached nature, general style, roof design, plot width and lack of garage and would be incongruous within the street scene. As such the proposals are considered contrary to The National Planning Policy Framework (2012), policies HOU2, ENV2 and ENV3 of the Black Country Core Strategy (2011), saved policies GP2, H3 and ENV32 of Walsall's Unitary Development Plan (2005) and Supplementary Planning Document: Designing Walsall (2008).

Consultations

Transportation– No objection subject to conditions relating to parking and access

Pollution Control Contaminated Land – No objection subject to planning conditions to ensure nearby residents will not be unduly affected by noise and dust during demolition, engineering and construction works.

Environmental Health – No objection

Severn Trent Water – No objection subject to drainage details.

Ecology – No objection

Representations

Twelve letters from nine residents have been received objecting to the original proposal and eleven letters from eight residents being received objecting to the amended proposals on the following grounds:

- Previous application for a house refused
- Amended plans exactly the same as previous plans
- Plot too small
- Out of character and constraints of site cannot accommodate a bungalow
- Existing houses two storeys and of traditional design

- Inappropriate development
- Detrimental to street scene
- Shoe horned in
- Removal of existing garage detrimental to street scene
- Not in keeping with original houses
- 16 a larger plot as originally the land was too small to accommodate an additional house
- Not to applicants to consider what is an ideal outlook for neighbouring occupiers
- Not reflect of existing houses as there are no bungalows
- Amenity spaces would not be reflective of the character of the area.
- Loss of view
- Overlooking of front gardens, front doors and habitable rooms of houses opposite
- Loss of privacy to habitable rooms opposite
- Does not meet separation distance between proposed bungalow and front of properties
- Design of bungalow does not allow for wheelchair access.
- Drainage
- Ecology- loss of mature hedge and habitat for wildlife, loss of protected tree.
- Parking and access problems including – existing parking problems, extra parking would not alleviate congestion, encourage on street parking, on street parking block driveways and difficulty in reversing out of neighbouring driveways, egress/ingress to garage result in problems due to narrowness of dead end grove, lack of parking for 16 at present, bottle neck at congested turning head, impact upon emergency service access, parking result in safety issues for children, elderly and residents, rear garages limit access to properties, access issues for the proposed bungalow and existing house and reduced parking for 16.
- Financial gain
- Devalue of property- *not a material planning consideration in this case.*
- No objection to extension to the existing house

Councillor Sears has call in this application before planning committee, support of the application on the grounds of character of the area.

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

Determining Issues

Whether the proposal overcomes the previous reasons for refusal in terms of:

- out of character with the surrounding pattern of development by reason of its detached nature, general style, roof design, plot width and lack of garage and would be incongruous within the street scene.
- Other matters:
 - Principle of development
 - Impact upon neighbour residential occupiers
 - Ecology and trees
 - Drainage
 - Parking and access

Observations

Character with the surrounding pattern of development by reason of its detached nature, general style, roof design, plot width and lack of garage and would be incongruous within the street scene.

The existing houses along Coppy Hall Grove are two storey semi detached properties that are set back to provide front gardens which are landscaped. The houses have side garages and driveway parking for vehicles. The garages have flat roofs some with parapets. The boundary treatments to the back of footpath vary from dwarf brick walls to hedges. The architectural details consist of double fronted bays on the front elevation, chimneys, flat and mono pitch roofed porches. There are no bungalows within the cul de sac or rear parking or garages for any of the properties along Coppy Hall Grove.

Planning application 13/1710/FL for a two storey detached house was refused on the grounds that the proposed development would be out of character with the surrounding pattern of development by reason of its detached nature, general style, roof design, plot width and lack of garage and would be incongruous within the street scene.

The current application is an outline application for the erection of a proposed bungalow with layout and access to be considered at this stage. As part of this current scheme the proposal includes the demolition of the side garage and part of number 16 and single storey extension to number 16. A proposed layout plan has been submitted showing the position of the bungalow with its amenity space and the amenity space of the retained house, as well as rear parking and garaging facilities for both the proposed bungalow and retained house. The proposed scheme differs by proposing a bungalow instead of a house.

The Council re-notified neighbours, following receipt of amended plans and a change of description. The applicant can do this as many times as they wish during the processing of the planning application.

The agent submitted a covering letter setting out how they believe they have addressed the previous reasons for refusal stating "the design in terms of its materials and over hanging eaves will match that of the existing houses and the bungalow would be subservient to the two storey neighbours with a landscaped frontage and rear parking, which would sit better on the corner of the cul de sac and would be no more detrimental to its surroundings than if a single storey extension to the host building". They also state "that surrounding the Grove there are a number of housing types such as semi detached, detached and bungalows and the site would make use of unwanted land".

The NPPF says that decisions should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the, built environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character. Policies CPS4, HOU2, ENV2, ENV3 of the BCCS; GP2, 3,6 and ENV32 of the UDP and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements. Plot sizes and built density will relate to their local context.

Residents are concerned that the proposed plot is too small, the proposed bungalow is “shoe horned in” and out of character as the site cannot accommodate a bungalow and as such would be detrimental to the street scene. They state that number 16 is a larger plot as originally the land was too small to accommodate an additional house. Residents also state that the removal of existing garage to 16 would be detrimental to street scene and that the proposed bungalow would neither be in keeping with the original houses nor reflect of existing houses as there are no bungalows.

Whilst the proposal creates a larger plot than the 2013 refusal, there are no detached bungalows or any style of bungalows within the cul de sac, Coppy Hall Grove, so the proposal to erect a detached bungalow would be out of character with the existing pattern of development along the existing cul de sac.

The layout of the proposal would read as a detached bungalow within the street scene at the end of the cul de sac, with its own front door access, own parking and garaging facilities. The subdivision of the plot with garaging to the rear would not reflect the plot widths of the existing pattern of development being out of character with the existing pattern of development within the cul de sac. The rear parking and garaging would further reduce the plot width and length, so that it is not reflective of the existing character of the street scene and pattern of development within the existing cul de sac.

The proposed layout with rear parking would not provide natural surveillance from the proposed bungalow or the existing house failing to provide good designed development and as such would be out of character with the existing pattern of development with the existing houses within the cul de sac have side garages and parking on frontages..

The garaging to the rear of the proposed bungalow being stepped in, whilst the overall proposal meets the numerical amenity standards set out in Annexe D of Designing Walsall, the amenity area would not be reflective of the existing pattern of development along Coppy Hall Grove where properties have long rear gardens. Furthermore, the reduced amenity space for the retained house would also not be reflective of the existing pattern of development.

The demolition of the existing garage to number 16 would not be detrimental in the street scene, as this can be undertaken without requiring planning permission.

Number 2 Coppy Hall Grove has a rear amenity area of approximately 92 square metres, which is the smallest amenity space within the existing cul de sac. Annexe D of Designing Walsall requires a total amenity area of 68 square metres; the proposed bungalow provides 68 square metres for the proposed bungalow and retains an area of 106 square metres of amenity space for the retained house. Whilst the proposed bungalow would provide the required amenity space to comply with policy, in terms of the existing pattern of development, the proposed amenity space would be smaller than the smallest garden within the cul de sac and therefore the proposal would not be reflective of the existing pattern of development and character of the area.

Neighbouring occupiers have stated that the existing houses are two storeys high and of a traditional design and would be inappropriate. An indicative design of the proposed bungalow has been submitted, showing that the roof design and facing materials would match those as the existing house, number 16 and that the bungalow would be single storey. The design of the proposed bungalow, as shown on the indicative scheme submitted, whilst not being sought as a consideration at this stage, illustrates that the proposed bungalow in terms of its design and roof style would not reflect the general style and roof design of the existing properties within the cul de sac. Whilst the proposal is for a bungalow, in terms of its height, the highest part of the roof of the bungalow would be in line with the eaves of the existing house, which will result in a large structure at the end of the cul de sac.

Neighbouring occupiers state that the design does not take into account wheelchair access. It is not imperative that wheelchair access should be considered as part of this current scheme, if the potential occupiers of the proposed bungalow require wheel chair access to the proposed bungalow then a further application can be submitted at a later stage for such access arrangements.

As such it is considered that the proposed detached bungalow would not overcome the previous reason for refusal with regards to the detached nature of the proposed bungalow, general style, roof design and plot width.

Principle of development

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The application is mostly on garden land, which is not defined as brownfield land, in this context the proposal is considered not to be an effective use of land. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development.

There are three elements to sustainable development, economic, social and environmental. For economic: the need to ensure that sufficient land of the right type is available in the right places and at the right time; for social: providing the supply of housing required to meet the needs of present and future generations and environmental: contributing to protecting and enhancing our natural, built and historic environment. In Walsall, the five year requirement of housing supply is currently being met through the allocation of housing land and granting of planning permission (which is significantly brownfield land). The proposal is considered to be contrary to the economic and social role as defined in the NPPF. The development would not be a sustainable form of development if it also fails to consider the environmental role - protecting and enhancing our natural, built and historic environment. The report considers this further.

Neighbouring occupiers have no objection to the extension of the existing house. The extension of the existing house is a matter for the applicant's to pursue and should the applicants submit a scheme to extend the house then the submission will be considered at that time.

Any development financial gain from the development is not a material planning consideration and not a matter to be considered under planning legislation.

The financial devalue of property is not a material planning consideration in this case.

Impact upon neighbour residential occupiers

The proposed development is an outline proposal for the layout and access to be considered at this stage. Whilst an indicative design scheme has been submitted, the full design details will be considered at the reserved matters stage when the full design details in terms of appearance and scale would be considered.

Residents concerns that the proposal would result in overlooking of front gardens, front doors and habitable rooms of the houses opposite resulting in loss of privacy to habitable room opposite. They also state the proposals do not meet separation distance between proposed bungalow and front of properties opposite and the bungalow would result in loss of view.

Annexe D of Designing Walsall SPD sets out the residential standards which are applied to all new housing and extensions to houses. The residential standards require 24m distances to be met between habitable room to habitable room windows. If there are features on the ground, this can be used to mitigate overlooking to the houses to the north of the site; in particular numbers 23, 25 and 27 would not be applied.

Any side openings on the northern elevation such as windows which would look towards the front of numbers 23, 25 and 27 would not unduly result in loss of amenity to these neighbouring occupiers in terms of overlooking or loss of privacy as any views would be interrupted views and not direct views. Furthermore, the indicative scheme shows planting to the north of the application site which would provide a screen between the proposed bungalow and the existing houses on the opposite side of the road.

Whilst, an indicative design scheme has been submitted, the full design details and impact upon neighbouring amenity would be considered at the reserved matters stage should outline planning permission be granted when the full design details of the bungalow are required to be submitted.

With regards to the issue of loss of view, the proposed bungalow would be single storey and any views from 23, 25 and 27 would still provide a skyline view. Furthermore, loss of view is not a material planning consideration, as there are many factors which could impact upon neighbouring resident's views.

Ecology and trees

Residents have raised concerns over the loss of the mature hedge. The Natural Environment Manager has no objection to the scheme including the removal of the domestic hedge as there is no legislation that requires domestic hedges to be retained, as would be the case with agricultural hedges.

With regards to the issues raised about the protected tree and the impact the proposal would have on the tree. The Arboricultural Officer has advised the proposal would result in the loss of an established Cypress hedge adjacent Coppy Hall Grove along with a single mature Cypress in the rear garden. Both the hedge and tree are of low arboricultural value and in principle there would be no objection to their removal subject to some replacement planting being secured as part of any consent.

In addition, there is a mature Sycamore tree situated within the rear garden of a residential property at 17 Kingshayes Road that is adjacent to the site. The crown of the Sycamore overhangs the boundary into the site by up to 5.0m above the location of the proposed garages and driveway. The tree would appear to be far enough away as to remain largely unaffected by the proposals. However, the overhanging crown might become an issue with honeydew / leaf litter falling on the cars and garages in the future. As the tree is not protected by a Tree Preservation Order under common law any overhanging branches could be removed back to the boundary at any time now or in the future.

The tree is in third party ownership and from an arboricultural point of view if the decision was made to remove any of the overhanging branches in the future this would be acceptable (as long as it was done in accordance with good practice).

The indicative layout shows areas of planting, these planting areas would be considered at the reserved matters stage when full landscape details will need to be submitted, if outline planning permission is approved.

Drainage

Residents have raised concerns that there are existing drainage issues within the Grove. Severn Trent Water have no objection to the proposal subject to a drainage condition seeking full details of foul and surface water drainage. A planning condition will ensure these details are sought at the reserved matters stage. During construction works, drainage works would be overseen at Building Regulations stage.

Parking and access

Neighbouring occupiers within the cul de sac have raised a number of concerns with parking and access including existing parking problems, extra parking would not alleviate congestion, encourage on street parking, on street parking block driveways and difficulty in reversing out of neighbouring driveways and egress/ingress to garage result in problems due to narrowness of dead end grove. They also state that there is lack of parking for 16 at present.

The proposed development seeks to provide two parking spaces for the proposed bungalow and three parking spaces for the existing house in the form of a garage and driveway parking for each of the properties, which is in accordance with saved UDP Policy T13.

Transportation have no objection to the proposal, as it is unlikely that the proposal would result in on street parking to the detriment of highway safety and the free flow of vehicular traffic at the end of the cul de sac. The existing parking arrangements for number 16 consist of a garage and three off road parking spaces, which is more than meets the requirements as set out in Saved Policy T13 of the UDP. The residents along Coppy Hall Grove have off road parking facilities for their own needs. The cul de sac is an adopted highway and capable of accommodating two way traffic.

Neighbouring residents also raise concerns of bottle neck congested at the turning head, the impact upon emergency service access, parking result in safety issues for children, elderly and residents. Taking into account Coppy Hall Grove is a relatively quiet residential cul-de-sac and the site being located at the end of the cul de sac in

a position where there is likely to be relatively few vehicle and pedestrian movements. On balance, Transportation considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32.

Transportation, have no objection to the positioning of the garages and have raised no concerns about the proposal having any issues for neighbouring residents to egress or ingress their own driveways. The proposed garages will allow access to both the existing house and the proposed bungalow from the rear garages and from the street scene without impacting upon neighbouring occupiers.

Positive and proactive statement

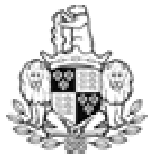
The prospered detached bungalow would fail to overcome the previous reasons for refusal, as such the proposal cannot be supported.

Reasons for Refusal:

1. The proposed development of a residential garden is not an effective use of land and would be out of character with the surrounding pattern of development by reason of its detached nature, general indicative style; and plot width would be out of character with the character of the area and incongruous within the street scene. The rear garaging and driveway parking would provide no surveillance from the proposed bungalow or existing house failing to provide good designed development and as such would be out of character with the existing pattern of development. Furthermore, the amenity space for the proposed detached bungalow would fail to meet the Council's Residential Standards. Together both proposed amenity space for the bungalow and retained amenity area for the existing house would be out of character with the existing pattern of development within the cul de sac. The proposal is contrary to the National Planning Policy Framework, Policies HOU2, CSP4, ENV2 and ENV3 of the Black Country Core Strategy, Saved Policies GP2, 3.6, 3.7, 3.113, 3.114, 3.115, 3.116, ENV32, and H3 of the Walsall Unitary Development Plan, Policies DW3, DW9 and DW10 of Designing Walsall SPD.

Recommendation Summary: Refuse

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 03-Dec-2015

Plans List Item Number: 10.

Reason for bringing to committee: Significant community interest and called in by Councillor Bennett

Location: 54 AND 55 NORTON ROAD, PELSALL, WALSALL, WS3 4AX

Proposal: RETENTION OF EXISTING SHOP 54 NORTON ROAD WITH TWO STOREY AND SINGLE STOREY REAR EXTENSIONS TO 54 NORTON ROAD AND THE DENTAL PRACTICE, 55 NORTON ROAD TO PROVIDE OFFICE, MEDICAL EQUIPMENT STORE, RECORD STORE, EMERGENCY EXITS TO SHOP NO. 54 NORTON ROAD, STOCK ROOM, COSHH STORE ROOM, X-RAY CT ROOM AND WC AT GROUND FLOOR, KITCHEN/STAFF ROOM, CLEANERS CUPBOARD, WC AT FIRST FLOOR AND INSTALLATION OF ROOF LIGHTS ON THE FRONT ELEVATION.

Application Number: 14/1923/FL

Applicant: Dr Gurjit Moore

Agent: Mr Jeetendar Thukral

Application Type: Full Application

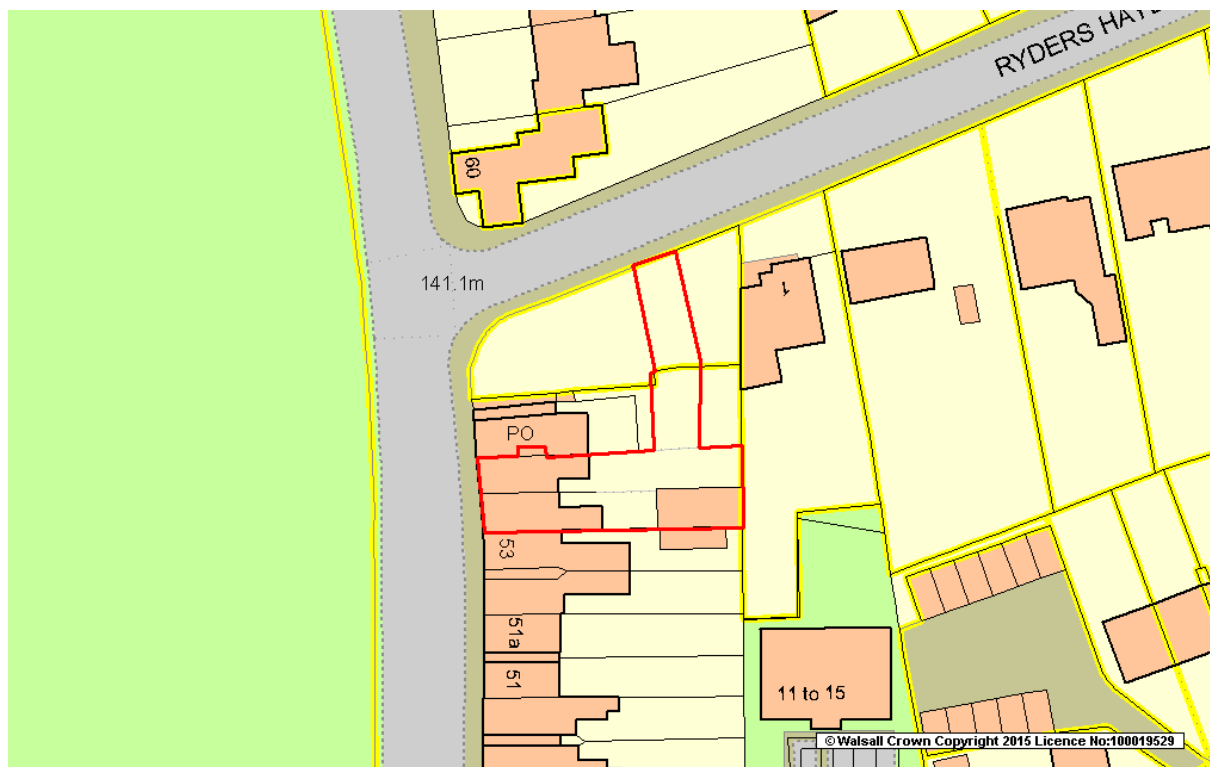
Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Devinder Matharu

Ward: Pelsall

Expired Date: 07-Jul-2015

Time Extension Expiry:



Officers Report

Application and Site Details

Numbers 55 and 54 Norton Road are situated on the eastern side of Norton Road. No. 54 has an original shop front which comprises an original timber sash window and an architrave surround. The original separate entrance door with segmental arched window light over also survives. No. 55 has lost its original shop front and the ground floor has been opened up and the shop window and entrance are set back at an angle within the elevation (typical of 1960's alterations). The first floors front elevation of the properties have windows with numbers 55 and 54 both having a single window at first floor.

Numbers 53 (acupuncture clinic), 54, 55 (former hairdressers) and 56 (ironing shop) are commercial properties with numbers 53 and 56 having first floor residential flats, known as 53a and 56a. Adjacent to number 53 are terrace houses, this part of Norton Road varies with commercial properties in between terrace houses.

Numbers 52 to 56 are rendered properties with 54, 55 and 56 having recessed frontages with the other properties having front entrances that back onto the public footpath.

On the opposite side of the road is Pelsall Common, a parcel of open space. To the north, the side of number 56 is an open parcel of land that sits parallel to Ryders Hayes Lane. In this open parcel of land is a vehicular access to the rear of numbers 55 to 56. Planning permission was granted in 2014 for the change of use of this land to a car park for the dental surgery under planning reference 13/1698/FL.

The rears of numbers 55, 54 and 56 have first floor rear wings and rear ground floor rear extensions that have flat roofs. Number 56 has had a first floor flat roof extension closest to the side with Ryders Hayes Lane. There are air conditioning condenser units on the ground and rear elevation of 55.

Number 56 has a residential flat at first floor with a kitchen window at first floor closest to 55 and sitting to the north of 55. The rear ground floor extension at this property extends beyond the existing ground floor rear extension at the dental practice. The area at the rear of the premises is enclosed by boundary treatment.

Number 53a is a first floor flat with a ground floor rear wing. Within this wing there is a sole kitchen window that looks towards number 55 and a first floor lounge window. The lounge to 53a is served by two first floor windows. The boundary treatment between 53 and 55 is a brick wall approximately 1.8m high.

The rears of numbers 54 to 56 are used as parking for the commercial premises. There are on street parking facilities available along Norton Road.

To the east of the application site is number 1 Ryders Hayes Lane, a detached two storey property with a two storey flat roof side extension nearest to the application site. The garage has three obscurely glazed windows to the garage that face onto the public open space. The rear of the property has a single storey extension with an obscurely glazed window that faces towards the rear of number 55 and 56. The boundary treatment is a wall within the application site approximately 0.5m high and a 1.8m high fence forming the side boundary of this neighbouring site. There is a

tree within this garden that overhangs the application site and a further tree in the eastern corner of the site.

The site is within Pelsall Common Conservation Area and located approximately 102m from the edge of Pelsall Local Centre.

The application proposes:

- The retention of existing shop, 54 Norton Road
- Two storey and single storey rear extensions to 54 Norton Road and the Dental Practice at 55 Norton Road, to provide office, medical equipment store, record store, emergency exits to shop no. 54 Norton Road, stock room, COSHH store room, X-Ray CT room and WC at ground floor, kitchen/staff room, cleaners cupboard, changing room and WC at first floor.
- Installation of roof lights to the front elevation.

The single storey extension would measure 15.1m in length from the end of the existing rear elevation by 7m wide. Part of the roof to the rear single storey extension to 55 would be a tiled mono pitch roof that would tie into the apex roof of the whole single storey rear extension. The apex roof would be 2.45m at the boundary with 53a extending a length of 5m to a height of 4.35m and then levelling to 3m at the boundary with 56.

The single storey extension would include high level windows on the side elevation facing Ryders Hayes Road (northern elevation) and roof lights in the roof space facing adjacent number 53a (southern elevation).

The first floor extension adjacent 53a would incorporate a new wall, from the plans it would appear this part would not be extended from the existing rear elevation. The first floor extension would remain for 2.3m in length for a distance of 4.1m before projecting out 0.4m for a distance of 4m across the whole width of the rear first floor. The roof of the proposed first floor extension would be flat adjacent 53a which would include an extension to the existing first floor outrigger. A new window on the rear elevation of the existing floor adjacent number 53a will be installed. A roof light in the extended outrigger roof would be installed (southern elevation).

The proposed ground floor layout would include an extension to the existing rear hallway of 55 to lead into the stock room and into leading into the dental surgery. An emergency exit from the rear of the retail premises would also lead into the dental surgery rear extension.

The existing ground floor of the dental surgery would remain with the extension providing an x-ray/ct scan room, COSHH store, staff WC, Office, patient's record store and emergency equipment and drug store.

The first floor would retain the surgery, decontamination room and waiting room with a clinical waste store and extended staff room and kitchen.

The front elevation would include the installation of two roof lights.

The proposal would include 2 additional parking spaces in the rear of the premises and a cycle store to the rear of the single storey extension which would be secured by a gate which would be locked and controlled by reception and staff.

Amended plans have been submitted showing the removal of the training facility and board room and first floor extension adjacent 56 that accommodated the staff changing area.

The difference between the refused scheme under 14/1136/FL and the current scheme are as follows:

- The single storey set in from the side boundary with 53a by 0.6m
- The single storey would extend out the full width of the rear elevation as opposed to being "L" shaped and would project out 2.65m and 3.9m from the side elevation from the previous single storey extension under 14/1136/FL.
- The ground floor plans considered under 14/1136/FL included an enlarged reception area, creation of three offices and creation of two new surgeries.
- The first floor extension would be reduced by 0.7m adjacent number 53a and 4.3m adjacent 56a from the previous first floor extension under 14/1136/FL.
- The first floor plans considered under 14/1136/FL included the creation of an additional surgery, waiting rooms converted to reception areas and an enlarged staff room and kitchen.
- The works to the front elevation have been deleted all but the installation of two roof lights.

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

A planning statement has been submitted which states:

- The proposed extensions are to enable the existing dental practice to meet a need for dental care within the Pelsall Ward.
- The extensions are required to meet new legislation introduced through the Health and Social Care Act 2015.
- The application premises are the only dental practice within Pelsall
- There are other practices bordering Pelsall they have limited or no NHS capacity.
- The extensions will accommodate a range of facilities including patient records storage, designated medical emergency/drugs/equipment store, patient and staff training/meeting rooms, x-ray room and staff welfare space.
- In accordance with Government's health and sustainable communities.
- The site is a commercial premise, whilst the single storey range is visible from Ryders Hayes Lane; the site is still commercial in nature.
- The single storey extension will appear connected in physical and visual terms to the commercial premises fronting Norton Road.
- It will enhance the unattractive car park and present a well designed much needed facility.
- The LPA should weight the significance and demonstrate benefits of enhancing an existing health facility against any limited harm in character terms.
- The proposal is compliant with car parking policy T13
- The proposed development represents an enhancement to an existing health facility within an area of Walsall that is bereft of such facilities
- The extensions will allow one of the few dental practices in Pelsall that take on NHS patients to grow in a sustainable manner providing a substantial benefit to the community.

A covering letter from the agent:

- Clear from local demographic and dental health data that Pelsall is an area of high dental need and there is a high demand for NHS services.
- Extreme difficulty for the local NHS area team to commission dental services to meet the demand and need
- The facilities are needed in order for the practice to meet new legislation

A letter from the British Dental Association has been submitted which states:

- Clear from local demographic and dental health data that Pelsall is an area of high dental need and there is a high demand for NHS services.
- Extreme difficulty for the local NHS area team to commission dental services to meet the demand and need
- The popularity of the practice is a testament to what has been achieved over the years
- The original terrace building is small and the location of the practice on a main busy road makes expansion to the rear possible.
- The proposed extension plans are fully justified and of an appropriate size to meet the dental need for the local and surrounding area
- Expanding the practice will help your compliance with legislation

A letter from the owner of Abbey House Dental Practice stating:

- The practice is short on space with the existing building being a lot smaller than other busy NHS practices within the Walsall area.
- The service is in high demand further complicates the situation
- Shortage of space is restricting capacity and making the running of the practice inefficient
- There is no office
- The recent change in legislation as regards the need for separate decontaminated areas, need for onsite changing facilities, locked storage areas, designated cleaning equipment areas and clinical waste stores means there isn't enough space currently.

A letter from Clive Fern Late Dental Care Public Advisor , Director of Public Health, Walsall Primary Care Trust 2006- 2013 states:

- Applicant has asked as an independent clinical dental advisor to help support his appeal regarding the planning application
- From 2006 the abolition of the Walsall Primary Care Trust in 2013, I acted as Dental Public Health and Dental Practice Advisor for Walsall within the department of public health.
- During this period in was involved in the inspection of dental practices to provide assurance to the department and commissioning team that practices were conforming to various national standards and regulations.
- The problem with providing dental care is the physical constraints within the building often providing challenges to them in delivery of dental care because the surgeries are contained within residential or commercial property. These were not the intended purposes of these properties.
- To overcome such problems dental practice owners often need to apply for planning permission to extend or modify the building.
- Mr Moore is asking that more recent dental public health data of Pelsall and surrounding Walsall district along recent changes in professional and regulatory requirements with respect to High Street primary care dental practice.
- Attached to the letter (no attachment was submitted as part of this document) dental health care of children in the east of the borough is better than the west.

- Pelsall has pockets of deprivation with up to 19% of children presenting with untreated dental decay
- Walsall falls behind Dudley.
- 25% of all 5 years olds in the study of Walsall have untreated active dental decay which can cause young children pain, loss of sleep, poor eating, changes in behaviour and loss of time from school.
- Dental decay is an entirely preventable disease as are other dental diseases.
- Pelsall still remains an area of under capacity with respect to NHS dental services.
- Clear from local demographic and dental health data that Pelsall is an area of high dental need and there is a high demand for NHS services.
- Dental practices have to work within health acts, social care acts and health and safety at work acts
- Create a designed area for patient records in accordance with regulation 17 of the health and social care act 2015.
- Designed medical drugs/equipment store in accordance with Resuscitation Council UK guidelines
- A confidential space for patient education and staff training and meetings to take place in accordance with regulation 17 of the health and social care act 2015
- Provision of store and stock room in accordance with COSHH and regulation 15 of the health and social care act 2015
- Provision of x-ray room in accordance with regulation 12 and 15 of the health and social care act 2015 and Ionising Radiation Regulations 1999
- Improved staff WC's in accordance with regulation 15 of the health and social care act 2015.
- Clinical waste, store cupboard, staff changing area in accordance with regulation 12 and 15 of the health and social care act 2015.

Relevant Policies

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

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

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

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

- Find ways to enhance and improve places in which people live their lives
- 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 2 - Ensuring the vitality of town centres*
- *NPPF 7 - Requiring good design*
- *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

CSP4: Place Making

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

CEN6: Meeting Local Needs for Shopping and Services

Existing facilities that meet day to day needs will not be undermined.

CEN7: out of centre development

Proposals for out of centre will have to demonstrate that development cannot be provided in edge of centre locations of existing centres.

ENV2: Historic Character and Local Distinctiveness

Proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness.

ENV3: Design Quality

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

TRAN4: Creating Coherent Networks for Cycling and for Walking

HOU5: Education and Health Care Facilities

The existing network of education and health care facilities will be protected and enhanced.

Unitary Development Plan

Policies GP2, 3.6, 3.7 seeks to make a positive contribution to the quality of the environment, whilst protecting people and not permitting development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design,

well integrated with surrounding land uses and local character. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

ENV18 and 3.64 seeks to protect, manage and enhance existing trees.

ENV29, 3.104: Conservation Areas

Determine whether a development preserves or enhances the character and appearance of a Conservation Area in terms of:-

- I. The degree of loss or alteration to property which makes a positive contribution to the character of the area.
- II. The impact of any new buildings on the special townscape and landscape features within the area.
- III. The scale, massing, siting, layout, design or choice of materials used in any new building or structure.
- IV. The nature of its use and the anticipated levels of traffic, parking and other activity that will result.

The Council has a duty to preserve or enhance the character and appearance of conservation areas.

ENV35: Appearance of Commercial Buildings

Policy ENV35: Appearance of Commercial Buildings

The design of frontages to shops and other commercial premises should be appropriate to their setting and sympathetic to the building on which they are situated. In considering proposals for shop fronts, shutters and grilles, canopies, blinds and signs, the Council will take the following factors into account:-

- I. The architectural and historic merits of the building.
- II. The character of the area in which they are located.
- III. The prominence of the building.
- IV. Whether the building is subject to surveillance by CCTV.
- V. Any exceptional justification for the proposal.
- VI. Any proposals and initiatives for the enhancement of the centre in which they are located.

S1 identifies health facilities as town centre uses.

S6: Meeting Local Needs

Outside the identified centres, existing local shopping, service, leisure, community and other facilities - in the form of shopping parades, clusters, single shops and other local provision - will be encouraged to continue to meet the day-to-day needs of their communities.

Extensions to existing facilities, will be permitted if it can be shown that all of the following

requirements will be met:-

- I. The proposal is of a scale and kind to meet a local need for improved facilities.
- II. The local need cannot be better met by investment in a nearby centre.
- III. There will be no likelihood of an adverse impact on the vitality and viability of any established centre in the Borough or elsewhere within the affected catchment area.
- IV. There will be no impact on existing local provision such as to leave some local needs unmet, contrary to efforts to promote social inclusion.
- V. The proposal will improve accessibility to facilities by means other than the car and, in particular, will be within convenient, safe walking distance of the community it is intended to serve.
- VI. The proposal will help to reduce the need to travel, especially by car.
- VII. There must be no significant loss of amenity for neighbouring homes.

To ensure this, the establishment of shops or other uses that attract the public in terraced properties adjoining dwellings will not normally be permitted.

VIII. Servicing and parking associated with the proposed use must not create any significant road safety or traffic problems.

S7: out of centre development

Proposals for the expansion of other town centre uses in edge of centre locations will only be permitted if the proposal complies with the sequential test.

T4 – District distributors are important routes connecting the main residential and employment areas of the Borough. Street parking and direct frontage access will be strictly regulated.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T13: Parking Provision for Cars, Cycles and Taxis

Health Centres and surgeries 4 car park spaces per consulting room and 1 bike stand for every 10 car parking spaces,

Supplementary Planning Documents

Designing Walsall (2013)

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies.

The following are the relevant policies;

DW3 – Character -design to respect and enhance local identity;

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

DW10 – new development should make a positive contribution to creating a sustainable environment.

Annexe D: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Shop fronts

- SF1: Historic shop fronts

Other legislation

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

- Section 72(1) General duty as respects conservation areas in exercise of planning functions: In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policies are available to view online: http://cms.walsall.gov.uk/planning_policy

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

Section 72(1) General duty as respects conservation areas in exercise of planning functions: In the exercise, with respect to any buildings or other land in a conservation area, of any [F1functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policies are available to view online: http://cms.walsall.gov.uk/planning_policy

Relevant Planning History

09/0642/FL- 54A Norton Road -First floor rear extension- Refuse permission 09/07/2009. Dismissed at appeal on 9th July 2009 on the grounds that the proposal would cause significant harm to the occupiers of the flat 53a.

09/1011/FL- 54A Norton Road - Resubmission of 09/0642/fl: first floor extension Refuse permission 17/09/2009.

13/1698/FL - Vacant land at the corner of Ryders Hayes Lane and Norton Road- Change of use of vacant land to parking for dental surgery, Dental Clinique - Grant permission subject to conditions 11/04/2014.

14/1136/FL - Change of use of hair salon, No. 54 Norton Road, into Dental Practice to enlarge existing dental practice at No. 55 Norton Road, two storey rear extension, single storey rear extension to create office for dental practice, loft conversion and installation of sky lights on front and rear elevations. Refused November 2014 for the following reasons:

1)The excessive and unsympathetic alterations to the traditional design of numbers 55 and 54 Norton Road would:

- Result in the loss of a traditional shop frontage and replacement with a poor quality combined shop frontage.
- Rationalise the existing windows and inclusion of two additional windows at first floor on the front elevation would adopt the squat and distorted proportions at numbers 54 and 56 Norton Road.
- Introduce Upvc windows with a small transom light.
- Increase the number of first floor windows and together with the number of roof lights on the front elevation would be excessive.

As such the proposal would have a harmful impact on the appearance of the front elevation within Pelsall Common Conservation Area.

2) The proposal to significantly extend the rear of the building at ground, first and roof level across the entire rear elevation with the large flat roof dormer, the long extension to the first floor outrigger and the long single storey extension at ground floor would constitute overdevelopment of the site and as such the proposed development of the properties would be harmful in scale, appearance and design when viewed from Ryders Hayes Lane. Furthermore, the use of the dormer window sitting directly above a single aspect crown roof and an asymmetrical valley gable arrangement would result in piecemeal design where the number of flat roofed components sit together in an ad hoc manner.

3) The proposed two storey rear extension would have an overbearing impact to both the ground floor kitchen window and first floor lounge window at 53a Norton Road and the first floor kitchen window of 56a Norton Road resulting in a significant harm to the amenity and outlook for these occupiers.

4) The proposed development has failed to justify the proposed level of parking for the proposed extension to the existing dental surgery and also fails to provide a secure covered cycle shelter provision for the use of staff and patients.

Consultations

Transportation– No objection subject to a condition relating to parking and use.

Pollution Control Contaminated Land – No objection

Fire Officer – No objection

Police – No objection but makes comments on windows and doors, CCTV, rear access points, emergency escape doors, direct access and an alarm system.

Environmental Health – No objection

Building Conservation Officer – No objection as the works to the front elevation have been withdrawn. The rear will have a dominium impact upon the conservation area.

Representations

Eight letters have been received from five residents objecting to the proposal on the following grounds:

- Facilities could become readily available in village centre
- Over development
- Proposals lack visual coherence.
- Makes area look industrial
- Site not suitable for volume of clientele proposed
- More staff employed leading to parking problems
- Loss of light to habitable and non habitable neighbouring areas
- Loss of outlook
- Overlooking
- Loss of privacy
- overshadowing
- Noise problems – residents can hear drills and conversations within practice, stairwell located in neighbouring property and constant thud from use of stairs heard in neighbouring properties
- Working hours condition to control hours of work
- Lots of additional office space
- Training board used for external training
- Loft conversion would have visual impact
- Roof spaces are connected and will need dividing wall to reduce fire risk
- Walsall prides itself on retaining original features
- Are trees on the boundary to be retained
- Hazardous waste and bins currently left out and unsightly
- Parking issues- existing parking issues proposal will increase problems, up to 7 cars parked in car park behind practice, extension reduce parking space

and exacerbate parking problems, use of training board for external training result in traffic and parking problems, customers utilising three neighbouring parking spaces, additional parking next to 56 will not resolve disabled parking requirements, construction traffic and vehicles and delivery access problems.

- Impact upon sale of property

One of the objection letters above has three signatures on it.

Councillor Bennett has call in this application before planning committee, on the grounds of the length of time taken to determine the application.

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

Determining Issues

Whether the proposal has overcome the previous reasons for refusal in respect of:

- excessive and unsympathetic alterations to the traditional design of numbers 55 and 54 Norton Road
- loss of traditional shop front
- rationalise existing windows and addition of windows and introduction of Upvc
- increase in number of first floor windows and roof lights
- overdevelopment of the site that is harmful in scale, appearance and design when viewed from Ryders Hayes Lane
- piecemeal design
- overbearing impact and significant harm to the amenity and outlook for 53a and 56a Norton Road.
- failure to justify the proposed level of parking for the proposed extension to the existing dental surgery
- Failure to provide a secure covered cycle shelter provision for the use of staff and patients.

Observations

Principle of development

The existing dental practice is located on the eastern side of Norton Road, a mid terrace property. Adjacent the site to the north is an ironing shop and to the south a vacant hair dressing business. Policy S1 identifies health care facilities as town centre uses. The site is located approximately 102m from the edge of Pelsall local centre.

Policy HOU5 of the BCCS seeks to enhance and protect existing healthcare facilities. The application is an extension to the existing dental practice and the retention of the retail unit.

The layout plans for the internal arrangements to the premises have been altered to provide, on the ground floor, a larger reception area, surgery room, x-ray / scan room, medical store, office and patients record store and at first floor a surgery room, reception area, decontamination room, clinical store and staff room and kitchen. The Director of Public Health, Walsall Primary Care Trust 2006- 2013 has written a letter of support on behalf of the applicant stating that these facilities are required to ensure the existing practice complies with current legislation, the Health and Social Care Act 2015.

The site is in an out of centre location and the use is an existing health facility. The supporting documents state that this existing dental facility is the only dental facility in the area and that Pelsall is an area of high dental need where there is a high demand for NHS services. The documents also state Pelsall has pockets of deprivation with up to 19% of children presenting with untreated dental decay and up to 25% of all 5 years olds in the study of Walsall have untreated active dental decay which can cause young children pain, loss of sleep, poor eating, changes in behaviour and loss of time from school. The documents also state Pelsall still remains an area of under capacity with respect to NHS dental services.

On this basis, it can be clearly seen that there is an established local need and demand that means the use would need to stay in this area (UDP Policy S6).

To the Council's knowledge there is only one vacant unit within the current boundary of Pelsall Local Centre and this may not be large enough to accommodate the proposal so the application is likely to meet the requirements of UDP S7. Overall the centre appears to be in good health and the expansion of this facility in this location is unlikely to have a negative impact on the centre. The proposed use is in-keeping with the surrounding area as the street is made up of some centre uses amongst residential.

Objectors have raised that facilities could become available in the local centre, the site is not suitable for volume of clientele proposed and there is lots of office space.

Planning conditions can ensure the rooms are utilised as per the details on the layout plans and not utilised for any external training events.

Excessive and unsympathetic alterations to the traditional design of numbers 55 and 54 Norton Road

The proposal under this current application seeks to retain the existing shop fronts.

The proposal overcomes the previous reason under planning reference 14/1136/FL for refusal in this aspect.

Loss of traditional shop front

No. 54 has an original shop front which comprises an original timber sash window and an architrave surround. The original separate entrance door with segmental arched window light over also survives. No. 55 has lost its original shop front and the ground floor has been opened up and the shop window and entrance are set back at an angle within the elevation (typical of 1960's alterations).

The works proposed under planning reference 14/1136/FL to alter the front elevation of both numbers 54 and 55 Norton Road have been withdrawn from this current scheme, as the Conservation Officer has previously advised it would be unacceptable on conservation grounds to remove the shop front at No. 54 and the rebuilding of No. 55 to bring it out in line with the rest of the elevation. On these grounds, the current scheme has been amended to eliminate any alterations to the front shop front of either of the commercial properties.

The proposal seeks to retain the existing commercial frontages and as such the proposal overcomes the previous reason under planning reference 14/1136/FL for refusal in this aspect.

Rationalise existing windows and addition of windows and introduction of Upvc
No. 54 has a single first floor window on the front elevation that is reduced in size from the original portrait window. No. 55 retained the original portrait segmental arched window at first floor, although this is fitted out with a UPVC plastic window.

The works under planning reference 14/1136/FL proposed to rationalise these windows to adopt the squat and distorted proportions of the existing window at No.54 and those at the neighbouring property at No. 56 as well as adding two further windows across the front elevation of both numbers 54 and 55 Norton Road. These alterations have been withdrawn from this current scheme, as the Conservation Officer has previously advised that it would only be appropriate to accept the insertion of new windows if they reflected the more traditional portrait proportioned windows with segmental arches with only two further windows being added on the front elevation. On these grounds, the current scheme has been amended to eliminate the inclusion of any new windows at first floor of both 54 and 55 Norton Road.

With regards to the introduction of Upvc, the Conservation Officer previously advised that any new window design should replicate a sash design and use a hard wood timber product. On these grounds the current scheme has been amended to withdraw any alterations to the front elevation of both of the commercial properties.

The proposal seeks to retain the existing commercial frontages and as such the proposal overcomes the previous reason under planning reference 14/1136/FL for refusal in this aspect.

Increase in number of first floor windows and roof lights

The previous scheme under planning reference 14/1136/FL sought to increase the number of first floor windows from one on each frontage to two at first floor on each frontage. Given the previous comments made by the Conservation Officer, the current scheme seeks to retain the existing commercial premises with no further windows being proposed. The current proposal overcomes this part of the reason for refusal.

With regards to the roof lights the Conservation Officer previously advised roof lights can be used in conservation areas where they are of a 'conservation type'. This is important considering the impact they have on the external appearance of the building. Roof lights are generally placed on the rear elevation of the building not the front. Under the previous scheme, the inclusion of four roof lights and the increased number of first floor windows was considered to be excessive and would have a harmful impact on the appearance of the front elevation. It was suggested that the roof lights were either relocated to the rear elevation or reduced to just two roof lights.

Objectors have stated that the loft conversion would have a visual impact. The current scheme illustrates two roof lights to be installed on the front elevation and if the scheme was to be granted, it can be conditioned that the roof lights are of a conservation type.

The proposal overcomes the previous reason under planning reference 14/1136/FL for refusal in this aspect.

Objectors have stated that the roof spaces are connected and will need dividing wall to reduce fire risk. This is a matter that can be dealt with through Building Regulations.

Overdevelopment of the site that is harmful in scale, appearance and design when viewed from Ryders Hayes Lane

The previous scheme under planning reference number 14/1136/FL sought to significantly extend the building at ground, first and roof level across the entire rear elevation. The scheme included a large rear flat roofed dormer window, a long extension to the rear of the first floor outrigger and a long single-storey extension at ground floor that constituted over development of the property that was harmful in its scale, appearance and design when viewed from Ryders Hayes Lane.

The proposed scheme, whilst having been reduced at first floor by 0.7m adjacent number 53a and to keep the original building line adjacent 56a.

The first floor extension would include a flat roof which would be screened behind the existing outrigger at first floor.

The proposed single storey extension is significantly larger than that considered under planning reference 14/1136/FL and this development would dominate the whole of the rear of both numbers 55 and 54 Norton Road with high level windows. The area is mixed in nature with commercial and residential properties in close proximity. On balance, the proposed single storey extension would be seen as an extension to the existing facilities.

The proposal overcomes the previous reason under planning reference 14/1136/FL for refusal in this aspect.

Piecemeal design

Objectors have stated that the proposed development lacks visual coherence and makes the area look industrial.

The proposal still seeks to significantly extend the building at ground floor with ground floor extension being larger than that considered under reference number 14/1136/FL. The first floor would remove the first floor pitched roof element adjacent number 53a and include a flat roof to the first floor extension. The design of the scheme would appear as an extension to the existing commercial premises.

The proposal overcomes the previous reason under planning reference 14/1136/FL for refusal in this aspect.

Overbearing impact and significant harm to the amenity and outlook for 53a and 56a Norton Road.

Objectors have raised concerns over loss of light, loss of outlook, loss of privacy, overshadowing and overlooking to the bathroom, stairwell and interior hallway to the neighbouring shop, 56 and to the kitchen window of the flat above, 56a and the lounge and kitchen windows of 53a and to 11 Woodcroft Close.

Number 53a Norton Road is a first floor flat with a ground floor rear wing that accommodates the kitchen and bathroom. The kitchen window faces the boundary wall between numbers 53 and 54. At first floor there is a first floor lounge window.

The existing first floor projection at 54 currently contravenes the Council's 45 degree code and already reduces the amount of daylight reaching this lounge window.

The current scheme shows that the area adjacent number 53a at first floor is not to be extended; however, a new boundary wall to the rear elevation is shown with the removal of the existing pitch and replacement with a flat roof. It is considered that the proposal would not unduly impact upon the amenities of the occupiers of 53a, as the first floor adjacent this property would not be extended. With regards to the flat roof this would be visually detrimental when viewed from the lounge window at number 53a.

The proposed rear single storey extension has been set off the boundary by 0.6m and would have an eaves height of 2.2m and the total height of the roof being 2.4m adjacent number 53a. The proposed extension would run the length of the rear garden of 53a. The apex roof would slope to 4.35m at a distance of 5m. Above the boundary fence between number 53a and 54, 0.4m of the roof would be seen. However, the apex roof would slope away from number 53a. It is considered that the design of the roof would still allow light into this kitchen and courtyard area, so as not to unduly impact upon the amenities of the occupiers of 53a. The boundary treatment between 53 and 54 would remain.

Number 56a has a first floor rear kitchen window which sits on the main first floor rear projection in line with the first floor rear projection at 55. The first floor adjacent number 56 will not be extended out, as the plans have been altered. The proposal would not unduly impact upon the occupiers of number 56a by way of loss of light or loss of privacy.

A hallway is not classed as a habitable room and whilst there will be loss of light to the area that lights the stairwell to the neighbouring commercial property at 56, it is considered that a refusal on these grounds cannot be sustained.

The proposal overcomes the previous reason under planning reference 14/1136/FL for refusal in this aspect.

The occupiers of 11 Woodcroft Close have objected to the proposal on the grounds of loss of privacy, overshadowing and loss of daylight. Number 11 Woodcroft Close is located towards the rear of 51a, two properties away from the application site. Towards the rear of the application site is the rear garden of number 1 Ryders Hayes Lane. It is considered that the proposed development would not unduly impact upon the amenities of the occupiers of this property to warrant refusal of the application on the grounds of loss of privacy, overlooking or overshadowing. There are no windows on the rear elevation of the proposed single storey extension. If planning permission was to be granted then a condition ensuring the first floor window is obscurely glazed would be attached.

From the rear of number 1 Ryders Hayes Lane the proposed roof of the extension would be seen. However, due to the design of the roof, views across the roof would be available and it is considered that the proposal would not unduly result in loss of light or shading to the rear garden of number 1 Ryders Hayes Lane to warrant refusal of the scheme on those grounds.

With regards to construction vehicles, construction traffic and deliveries, there is on street parking in front of the premises and if any deliveries are made to the rear of the premises they would only be for a short period of time and would not unduly impact upon the amenities of the neighbouring commercial or residential occupiers to warrant refusal of the scheme. The construction works would only be undertaken for a short period of time. If planning permission was to be granted then any works on site can be controlled through planning conditions.

Objectors have raised concerns over existing noise problems from the dental practice where residents can hear drills and conversations within practice. They also state the stairwell located in neighbouring property and constant thud from use of stairs heard in neighbouring properties. The terrace commercial and residential properties are situated adjacent each other and from time to time noise transmission through the properties is not uncommon. Whilst it is not convenient and distracting, the commercial premises only operate during the working day and residential occupiers can expect some noise relief during the evening. The issue of existing noise nuisance from the existing premises can be dealt with through Environmental Health. With regards to the proposed development, if planning permission was to be granted it can be conditioned that the rear single storey extension is not used outside of business hours for the dental practice.

Objectors have raised concerns that hazardous waste and bins currently left out and are unsightly. The proposed scheme does not illustrate where refuse bins would be located within the site and with the whole site being developed, it would appear that there is no space on site for the waste bins. With bins left outside of neighbouring property this would unduly impact upon the amenities of neighbouring occupiers by way of obstruction and potential smells.

Impact upon the sale of property is not a material planning consideration in this case.

Failure to justify the proposed level of parking for the proposed extension to the existing dental surgery

Neighbouring occupiers have objected to the proposal on the grounds of parking as there are existing parking problems with up to 7 cars being parked behind the dental practice, neighbouring spaces being occupied by the customers to the dental practice and the proposal to build the extension will reduce parking space and exacerbate parking problems. They also have concerns that the use of the training board for external training result in traffic and parking problems, additional parking next to 56 will not resolve disabled parking requirements and there are delivery access concerns.

The plans have been amended to delete the board and training room. A planning condition as referred to above in the report would ensure no external training events are undertaken at the premises.

The proposal now seeks to retain two existing consulting rooms. As the number of consulting rooms would not alter in parking policy terms there is no additional parking requirement.

However, the development looks to extend onto the existing parking area car park for the development reducing the existing parking provision retaining 2 spaces. The car park previously approved under 13/1698/FL for 9 spaces will need to be built out

and brought into use prior to the development first coming into use. There is parking for 2 additional cars to the rear of the proposed surgery making 11 spaces overall. The site is about 100m from the Pelsall District Centre where there is public and private parking as well as on street parking available in front of the application site on Norton Road. There are opportunities for linked trips to other businesses and facilities in the Centre.

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

The proposal overcomes the previous reason under planning reference 14/1136/FL for refusal in this aspect.

Failure to provide a secure covered cycle shelter provision for the use of staff and patients.

The revised scheme shows an area for cycle parking towards the rear of the single storey extension that would be gated and the gate access controlled by staff and reception.

The car park scheme previously approved adjacent number 56 Norton Road under 13/1698/FL showed an area for cycle parking. Due to the proposed single storey extension this area can no longer be utilised for cycle parking. Whilst the cycle parking can be considered under this scheme for the whole development, the conditions on the original permission for the car park remain and the relevant condition for cycle parking will need to be amended to reflect the revised location of the cycle park under that permission.

The proposal overcomes the previous reason under planning reference 14/1136/FL for refusal in this aspect.

Trees

There is a maturing Cherry tree within the rear garden of number 1 Ryders Hayes Lane that overhangs the application site. There is another tree in the eastern corner of the site. The trees are not protected and not worthy of protection under a tree preservation order and on these grounds the Arboricultural Officer has no objection to the scheme.

Positive and proactive statement

The existing dental facility is an existing much needed facility that needs to be extended to meet the requirements of the Health and Social Care Act 2015.

The proposal would not unduly impact upon neighbouring commercial or residential occupiers to warrant refusal of the scheme.

The proposal overcomes the previous reasons for refusal under planning reference 14/1136/FL and as such the proposal can be supported.

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 completed in accordance with the following plans:

- drawing no. 54Nr_2 Rev 7 entitled 'block plan' submitted on 30 October 2015
- drawing no. 54Nr_1 Rev entitled 'location plan' submitted on 30 October 2015
- drawing no. 54Nr_4 Rev 6 entitled 'proposed ground floor' submitted on 21 April 2015
- drawing no. 54Nr_5 Rev 5 entitled 'proposed first and loft floor' submitted on 30 October 2015
- drawing no. 54Nr_7 Rev 5 entitled 'proposed elevations' submitted on 16 November 2015
- drawing no. 54Nr_8 Rev 5 entitled 'proposed elevations' submitted on 30 October 2015
- drawing no. 54Nr_10 Rev 4 entitled 'proposed roof plan' submitted on 30 October 2015
- drawing no. 54Nr_11 Rev 45 entitled 'proposed sections' submitted on 30 October 2015

Reason: To define the permission.

3. The external finish of the proposed two storey and single storey extensions to the rear of number 55 and 54 Norton Road shall comprise facing and roofing materials that match, in size, colour and texture as those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

Reason: To ensure the satisfactory appearance of the development in the Conservation Area and to comply with policies ENV29 and ENV32 of Walsall's Unitary Development Plan.

4a. Prior to the development first coming into use, the car park approved under 13/1698/FL shall be fully implemented and brought into use to serve the proposed dental surgery.

4b. All car parking spaces shall thereafter be retained and used for no other purpose.

Reason: To compensate for the loss of the existing parking to the rear of the premises and to ensure adequate parking is provided for the use of the surgery in accordance with UDP Policy GP2, T7 and T13.

5a.Prior to the development first coming into use, the secure area for cycle parking shown on drawing no. 54Nr_2 Rev 7 submitted 30 October 2015 and 54NR_4 Rev6 submitted on 21st April 2015 shall be fully implemented and brought into use.

5b. The cycle storage area 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. The roof lights hereby approved and as shown on drawing number_7 Rev 5 submitted on 16th November 2015 shall be of a conservation type.

Reason: To preserve the character and appearance of Pelsall Common Conservation Area.

7a. The proposed ground floor rooms of the premises shall only be utilised for the purposes as shown on drawing number 54Nr_4 Rev 6 submitted on 21 April 2015. The ground floor rooms shall not be used for any external training or external training events.

7b. The proposed floor floor rooms of the premises shall only be utilised for the purposes as shown on drawing number 54Nr_5 Rev 5 submitted on 30 October 2015. The first floor rooms shall not be used for any external training or external training events.

Reason: To control the use of the site, to protect the amenities of neighbouring commercial and residential occupiers and due to the limited parking facilities adjacent the site.

8. The first floor window serving the staff WC as shown on drawing number 54Nr_5 Rev 5 submitted on 30 shall be top hung and obscurely glazed.

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

9. No side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

10.No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday*, and otherwise such works shall only take place between the hours of 0700 to 1800 weekdays and 0800 to 1400 hours Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (*Bank and Public Holidays for this purpose shall be: Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday.)

Reason: To safeguard the amenity of occupiers of premises within the vicinity.

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report