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Economy and Environment, Development Management**Planning Committee**

Report of Head of Planning, Engineering and Transportation on 03-Jan-2019

Plans List Item Number: 1.

Reason for bringing to committee: Major Application and consultee objection

Location: SITE OF FORMER 37 AND 38, BRADFORD STREET, WALSALL

Proposal: ERECTION OF FOUR STOREY BUILDING TO ACCOMMODATE 26NO. ONE AND TWO BEDROOM APARTMENTS

Application Number: 18/0715

Applicant: Bradford Street Developments Limited

Agent: Louise Leyland

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

Case Officer: Karon Hulse

Ward: St Matthews

Expired Date: 19-Nov-2018

Time Extension Expiry:

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

This application follows several previous planning proposals and permissions granted since 1994 for the residential development of the former 37 -38 Bradford Street, Walsall.

The most recent planning permission was for the construction of 22 flats in 2007. The planning consent was extended on two occasions however even though the planning permission were extended until 2016 the approved scheme has not been implemented.

This scheme now seeks planning permission for the erection of a five storey (ground, first, second, third and fourth) building to accommodate 26 apartments consisting of:

- 9 no. 1 bed apartments and
- 17 no. 2 bed apartments.

All apartments will include a private bathroom and a combined kitchen / lounge area.

The proposed development will front Bradford Street and extend to the rear towards Bradford Lane. The building would appear as four-storey but would have a recessed fifth floor on the top set back from the front on Bradford Street.

The details of the application are as follows:

- To the rear the building is four-storey.
- Small gaps would be retained along the north and south (side) boundaries of the site.
- The levels slope down towards Bradford Street which results in the ground floor providing 3 apartments positioned towards the front (Bradford Street).
- Floors 1, 2 and 3 would have 6 apartments on each floor with the fourth floor (top) having 5 apartments. The front elevation facing Bradford Street would be finished with smooth render with ashlar feature lines on the ground floor and smooth render to match the local vernacular on the remainder of the front elevation.
- Stuccoed façade, evenly spaced windows, a light rendered finish to its upper storeys, a cornice moulding between 2nd & 3rd floor, 2nd floor windows include stone sills and architrave to cap the perimeter of the ground floor just below 1st floor sill height
- Dummy sash windows will be included where necessary across the frontage to mimic and ensure the formal character of the proposed development is consistent with the character of the conservation area and the style, pattern and layout of Georgian buildings.
- The main entrance to the building has been placed centrally, with dummy doors located on either side to provide consistency to the street frontage.

- On the fourth floor, vertical cladding would be used on the front elevation together with full height casement windows. At street level, steel railings with Fleur-de-lys finials in black would be sited around the small hard surfaced frontage yard area.
- The rear of the proposed building faces Bradford Lane, there are no windows at ground floor level. The elevation would be finished in facing brick. The upper section of the rear elevation would also be finished in vertical cladding being zinc grey in colour. Smooth render is proposed on the edge of the elevation to match that on the front elevation facing Bradford Street.
- All windows to the rear elevation would be casement windows in white.
- The proposed building would be a 'U' shape with windows inwardly facing and a small secure courtyard in the centre for use by residents as informal out door space.
- The building would be accessed primarily off Bradford Street, on the site's western boundary. Further access points are provided to the rear and on the side elevation into the courtyard.
- The density of the site would be 285 dwellings per hectare.

The application has been accompanied by the following documents:

Planning Statement – the planning statement sets out that the proposals represent a sustainable development, utilising previously developed land within the town centre. The proposals would enhance and conserve the Bradford Street Conservation Area and the nearby listed buildings which the existing site currently detracts from. The scale of the proposal is considered essential to the site's delivery and any harm identified is significantly outweighed by the benefits of the proposal, such that it can be found acceptable in line with the Development Plan, the NPPF and all relevant material considerations.

Design and Access Statement confirms that the overall form of the building has been scaled to compliment surrounding structures & streetscape, while providing a suitable density to conform with modern housing needs. Its appearance has been heavily informed by the local context and endeavours to become a future building of interest due to its classical features and composition

Viability Assessment / Financial viability questionnaire - The Viability Assessment submitted with the application demonstrates that the likely profit margin for the developer would be just 10.28%, which is significantly lower than the 18-20% margin considered reasonable for such a development. No financial contributions are considered reasonable given the low profit margin and would certainly render the proposed development undeliverable. In addition, the Viability Assessment demonstrates that the overall height and scale of the building is necessary.

Heritage statement - A Heritage Assessment has been prepared which demonstrates that the proposed development converses and enhances the heritage assets associated with the site, particularly having regard to the negative impact that the site currently imparts on these assets.

Site and Surroundings

The application site is located on land known as 37-38 Bradford Street, and lies within the Bradford Street Conservation Area which is 'at risk' with a condition of 'very bad' and a trend of 'deteriorating change' according to the 2017 Heritage at risk Register, by Historic England on the edge of Walsall town centre.

The site has a total area of approximately 0.06 hectares and bound to the west by Bradford Street and to the east by Bradford Lane.

The surrounding area predominantly comprises of high density mixed commercial/residential properties within the Bradford Street Conservation Area, typically 3 storeys and mainly utilised for commercial purposes on the lower floors and residential use on upper floors.

To the rear of the site on the opposite side of Bradford Lane lies an open-air public car park.

The Bradford Street area lies on the edge of Walsall town centre, with Bradford Street extending southwards from the town's main shopping area. Properties along the street mainly date back to the early 19th century.

Walsall town centre provides public transport services, with Walsall Railway Station located 0.3 km north of the site and bus stops located on Bradford Street 40m away from the site, providing services to and from the town centre along a north to south route.

The site was formerly occupied by a derelict 2 storey Georgian building (probably built between 1830 -1850), only the shell remained until recently after which it was demolished under conservation area consent in 2007 (06/1109/CA/W3). The site is currently vacant and is being used as a private car park.

It is located wholly within Flood Zone 1, where the risk of flooding is at its lowest. There are no active Tree Preservation Orders associated with the site. As well as being located in the conservation area, there are Grade II listed buildings to the north of the site; at 24-30 Bradford Street, 31 Bradford Street and 32-33 Bradford Street.

Relevant Planning History

13/0979/TE – Time Extension Application: Four Storey development to provide 22 flats with associated undercroft parking. Granted. 27th September 2013.

10/0613/TE - Time Extension Application: Four Storey development to provide 22 flats with associated undercroft parking. Granted. 4th August 2010.

10/0351/DOC – Request for Discharge of Conditions 2,5 & am; 6 of 09/1360/FL. Approved. 19th May 2010.

09/1360/FL – Temporary Change of Use to public car park (for 3 years). Granted. 9th December 2009.

07/1795/FL/W5 - 4 Storey Development to Provide Twenty Flats with Associated Undercroft Parking. Grant subject to conditions 17/12/07

07/0526/FL/W5 – Four storey development to Provide Twenty Flats with Associated Undercroft Parking. Refused 22nd June 2007.

06/1109/CA/W3 – Conservation Area Consent: Demolition of Whole Buildings. Granted 22nd September 2006.

04/2233/OL/W2 – Demolition of Derelict Properties & Proposed Development of 16 No. Flats. Granted 10th January 2005.

03/0633/FL/W5 – Outline: Proposed formation of 10 no. self-contained flats. Withdrawn 7th January 2005.

02/0219/FL/W4 – Outline: Change of use and extensions to provided 14 no. flats. Refused. 29th January 2003.

Other relevant planning history is as follows:

Permission was granted in 1994 for the refurbishment of the building to create 6 no. flats and a restaurant (ref: BC42148P) - this included the refurbishment of the single storey building along the southern boundary, and the provision of 8 car parking spaces to the rear of the main building.

02/0219/FL/W4 - Outline Change of Use and extensions to provide 14 flats.

Refused

03/0633/FL/W5 - OUTLINE: Proposed formation of 10 self-contained flats. To be determined at this committee but recommended for refusal on basis of being contrary to policy 8.4 of the Unitary Development Plan.

04/2233/OL/W5 – Development for 16 flats. Grant Subject to Conditions on basis that the scheme demonstrated satisfactory amenity and high quality design within the conservation area. 10th January, 2005.

Relevant Policies

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*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions**, the NPPF says:

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

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

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

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

Reducing Inequalities

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

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

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

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

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

Local Policy

Black Country Core Strategy

- CSP1: The Growth Network
- CSP4: Place Making
- CSP5: Transport Strategy
- HOU2: Housing Density, Type and Accessibility
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN8: Car Parking in Centres
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy

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

- GP2: Environmental Protection
- GP6: Disabled People
- 3.6 and 3.7: Environmental Improvement
- ENV10: Pollution
- ENV27: Buildings of Historic or Architectural Interest
- ENV35: Appearance of Commercial Buildings
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and Use of Water Resources
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S4: The Town and District Centres: General Principles
- S8: Housing in Town Centres
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- 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

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW4 Continuity
- DW6 Legibility
- DW7 Diversity
- DW9 High Quality Public Realm

Open space, sport and recreation

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

Affordable Housing

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

Air Quality SPD

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

Walsall Area Action Plan

The AAP is a long-term plan which will allocate sites for development within the town centre for retail, leisure and offices, as well as setting out policies for other aspects of the town centre. Once adopted, the AAP will form the basis on which planning decisions are made within this area.

The site is located within the 'TC21: Bradford Street Area', where opportunities for mixed town centre uses under policy 'AAPINV6: Secondary Development Sites' are encouraged.

AAPINV16 states that secondary sites provide a key role in meeting other needs in the centre, such as community facilities, conferencing/banqueting, car parking and residential. All proposals in such areas should accord with other policies within the plan, make best use of the site and have consideration of the character of the area and be of high quality design.

With specific regard to residential development, this policy requires that schemes for this sole use will need to support and not prejudice the centre's retail, commercial and leisure function. The TC21 allocation identifies the location within the Bradford Street Conservation

Area, and that there are listed and locally listed buildings present. Furthermore, the allocation is identified as 'high sensitivity' in the Characterisation Study.

AAPLV1: Residential Developments states that the town centre will be an inviting, safe and pleasant place to live. All residential developments in the town centre will be high quality and desirable. This will be achieved by ensuring all residential developments provide high quality, safe and secure environments, which have access to amenity space and sufficient protection against noise and air pollution.

High density developments in the town centre will be encouraged. In all areas of the centre, residential uses will support and not prejudice the centre's retail, commercial and leisure functions, in particular the evening economy. This policy repeats the requirements of AAPINV16, that sole residential use schemes should demonstrate that the proposal supports rather than prejudices the centre's retail, commercial and leisure function.

The supporting text of this policy identifies how creating sustainable communities by encouraging an increased residential population in the town centre is important to bringing life into the centre, improving surveillance and activity in the centre.

AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness seeks to protect local character and respect any heritage assets identified in the Characteristic Study [referred to below]. The policy states that development affecting sites identified as heritage assets should demonstrate how they will be conserved and enhanced. This should include consideration of the need to protect views and enhance the setting of heritage assets and ensuring good design in line with AAPLV6.

Other Policy:

- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)
- Historic England Heritage at Risk study 2015
- Historic Environment Good Practice Advice Notes 2, and 3

Legislation:

- **Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990**
 - **Section 66(1) General duty as respects listed buildings in exercise of planning functions:** In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
 - **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

Consultation Replies

Transportation – objects on the grounds of no off street parking

Pollution control – recommends conditions in respect of electric vehicle charging points, low NOx boilers and land contamination

Seven Trent Water – no objections subject to conditions in respect of

Archaeology Officer – no objections

Police Architectural Liaison Officer – recommends Secure by Design initiatives

Fire Officer – no objections subject to note for applicant

Housing Strategy officer - As this is a block of flats, housing associations would not want to purchase on site affordable housing in a leasehold arrangement. Therefore, in these instances we seek an offsite contribution in the form of a commuted sum to provide affordable housing elsewhere in the Borough.

Strategic Planning Policy, Conservation officer, Clean and Green, Community Safety, Regeneration & Development, Public Health, Car Parks or Walsall Civic Society - No comments received. (NPPG confirms; *'consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice', which is the case in this instance.*)

Representations

One letter of objection from the occupier of no 36 Bradford Street on the following grounds:

- Bradford Street is a mainly commercial area.
- erection of flats will affect existing business
- 26 x 1 and 2 bedroom apartments will affect parking.
- area prone to drug and alcohol abuse.
- no other four storey buildings in local area
- negative impact on value of properties in Bradford Street.
- anti-social behaviour on Bradford Lane
- number of apartments significant for small plot of land
- out of character for conservation area.

Determining Issues

- Heritage Asset / Conservation Area
- Development Opportunity and Principle
- Character/Appearance and Design
- Residential Amenity
- Highway Safety
- Planning Obligations
- Local Finance Considerations

Assessment of the Proposal

Heritage / Conservation area

This site is in the Bradford St Conservation Area and near to several listed buildings.

The application site is within the Bradford Street Conservation Area which is 'at risk' with a condition of 'very bad' and a trend of 'deteriorating change' according to the 2017 Heritage at risk Register, by Historic England.

The legislative background is that a planning authority must preserve or enhance a Conservation Area. This proposal achieves such an outcome, in terms of effects.

In determining any planning application, special attention shall be paid to the desirability of preserving listed buildings and preserving or enhancing the character or appearance of conservation areas as set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is considered that the scheme will result in 'less than substantial' harm to the significance of and character and appearance of the conservation area.

Paragraph 193 of the NPPF states that where there is less than substantial harm that this harm is to be balanced against the public benefits, including the optimum use.

The application is welcomed as it will redevelop a currently vacant site which is used as a car park, and which could potentially be vulnerable to becoming a gap site, within the conservation area. The benefits are that it will infill a gap in the conservation area and will complete the street scene for Bradford Street. Any harm can be mitigated against by the use of appropriate materials which can be conditioned for later approval. As such, the benefits of the development will in this particular circumstance will not cause harm to the conservation area and is in accordance to Sections 66 and 72 of the Planning (listed buildings and conservation areas) Act 1990.

Whilst the proposed density is high the design has allowed the building to be integrated into both the street scene and the conservation area

Development Opportunity and Principle

This application provides an opportunity to develop an infill site within the Bradford Street conservation area with a bespoke designed building taking into account its surroundings. It will be well integrated with, and complements, the neighbouring buildings and the local area in terms of its scale, density, layout and access and its good design, all of which are fundamental to using land efficiently.

The site has now been cleared and currently used as a car park, although the temporary permission for this has since expired. It is within the Town Centre and the proposed use for residential accords with planning policy in general, and would be a positive re-use of the site and beneficial to the local environment and community.

Saved UDP policy S8 and Walsall Area Action Plan (AAP) policy AAPLV1 supports housing in the Town Centre. The NPPF also recognises that residential development can play an important role in ensuring the vitality of centres and also states that housing applications should be considered in the context of the presumption in favour of residential development. This is considered to be a highly sustainable location in a Town Centre position.

On balance, the development would not prejudice the function of the Town Centre, will provide a building which will make a positive impact to the immediate location and the town centre whilst supporting the centre's retail, commercial and leisure functions including the growth of the evening economy.

This proposal would be in accordance with NPPF and saved policies GP2, ENV27, ENV35, ENV29, ENV32, S1, S8, H3, T7, T8, T9, T10, T11, T12 and T13 of the Unitary Development

Plan in so far as the proposal would support and promote an emerging character within this area and on balance is to be encouraged.

Character/Appearance and Design

The scheme includes a number of positive features: courtyard-style development, underground cycle storage, access from the rear as well as the frontage, lift access to all floors and use of materials which replicate and mimic the Georgian style.

The proposed design of the building takes account of its historic context and surroundings, will add to the character and amenity of a conservation area and will respect the height of neighbouring buildings through its careful design. The style of the frontage façade has been redesigned to appear in symmetrical composition reflecting early 20th/late 19th century neoclassicism. This style compliments the local character and reflects that of the prominent listed buildings located to the north on Bradford Street.

The design concept of an apartment block around a courtyard is welcome, particularly given the busy nature of this part of the town centre. It should be inherent with town centre residential developments that opportunities for sustainable living within close proximity to the town centre amenities are maximized whilst also providing the occupants with a high quality residential environment within which to relax when they wish to escape from the activity of the town centre. The premise of the courtyard development is positive in this respect and provides the opportunity for occupants to enjoy a peaceful outdoor environment whilst living in the town centre.

There is an existing character along Bradford St, influenced partly by the building heights and the consistent building line behind the pavement with a strip of private land to the front. The proposed scheme follows this and the use of a main entrance centrally located on the front elevation is a further positive feature as together with the two dummy doors either side, will represent an active street frontage.

Whilst the development will be higher than neighbouring properties it has been designed with the fifth floor set back from the front elevation. Views of the top floor from street level will be limited and therefore the perception is one of the building being four storeys high and at a similar height to its neighbouring properties.

The proposed density of the development is high being 285 dwellings per hectare (DPH). The NPPF states that development should be supported where it makes efficient use of land and takes into account different types of housing, other forms of development, local market conditions and viability, availability and capacity of infrastructure and services, sustainable travel modes, maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places.

In this instance the proposed density is synonymous with town centre living. It is also comparable with other similar developments in and around the town centre namely Midland Road, Station Street, Waterfront, Marsh Street and Shannon's Mill developments which are all of similarly high densities.

Such high density is not unreasonable for a town centre location and whilst it is accepted that more intensive development is not always appropriate, it is considered that this is a well-designed scheme which will enhance the character and quality of the area including the conservation area. It provides an opportunity to infill a gap in the conservation area which has been vacant for at least 15 years and the design and layout of the new development will lead to a more efficient use of land without compromising the quality of the local environment and provide units in an area of the town centre which will benefit from this type of development and promote the enhancement of the area generally.

Consequently, the scheme provides an acceptable form, scale, design, and density on this site and will be well-integrated into the street scene and Bradford Street conservation area.

As such it is considered to be in accordance with BCCS policies HOU2, DEL2, CEN3, ENV2 and ENV3: Design Quality and UDP saved policies GP2, ENV27, ENV35, ENV29, ENV32, S8 and H3.

Residential amenity

In order to address air quality and residential amenity Pollution Control require the installation of low NOx boilers into the development and the undertaking of a contaminated land assessment to determine if the site is suitable for residential use or inform of any mitigation measures required. These requests can be required by way of safeguarding conditions.

The building is based around a central courtyard which provides some external outdoor useable space. This is to be supported and an unusual addition which will enhance this quality town centre living accommodation.

The design and layout of the apartment block provides a satisfactory level of amenity with a mix of one a two bedroom apartments being provided.

Finally, the applicant's attention is drawn to the need to minimise any environmental impact during the course of building works by way of "Note for Applicant".

Highway safety

Car parking and Access

Highways have objected to the application stating that whilst the site is within the town centre and can be considered relatively sustainable, the site is presently vacant and there would appear to be ample opportunity to provide an element of on-site parking in line with the previous approvals on this site and other schemes within the town centre.

Taking into account the NPPF, it is considered that the location is within walking distance of shops, health and leisure facilities including places of employment, the Bradford Place bus station interchange is 200mts along Bradford Street, the main bus station is 400m walking distance away and the Walsall train station being 500mts away, this is considered to be a highly sustainable town centre location. Saved UDP Policy H3 allows for a flexible approach in the application of parking standards for the development of windfall sites on previously developed land. There are a number of public car parks within walking distance in particular to the rear of the application site.

Accordingly, the site has good access to sustainable means of travel and is supplemented by sufficient off-street parking to meet the needs of the development.

Details of waste/recycling management, accessible bin storage area and secure cycle storage can be secured by way of safeguarding conditions.

On balance it is considered the development will not have severe transportation implications and is acceptable in accordance with NPPF and saved policy H3 of the UDP.

Electric vehicle charging points

Pollution control have requested electric vehicle charging points to be installed within the development. There is no provision for off street parking with both Bradford Street and Bradford Lane being traffic controlled with restricted parking close to the development. It

would be difficult to provide safe on street parking where a vehicle could be connected to an electric vehicle charging point close to the proposed development site.

Planning obligations

This development triggers the Council's policies in regard to contributions towards Urban Open Space and Affordable Housing.

For Open Space, a development of this size would require a contribution of £24,442.00 towards open space improvements in the neighbourhood. The council's housing strategy officer requested a 25% affordable housing contribution in accordance with Policy HOU3 in the BCCS. However, as the proposal is for a block of flats, housing associations will not want to purchase on site affordable housing in a leasehold arrangement. Therefore, in these instances an off-site contribution in the form of a commuted sum will be calculated as $26 \times 0.25 \times £31,562.50 = £205,156.25$.

The applicant explains that due to viability issues, they are unable to provide a financial contribution and has submitted a viability assessment that has been considered by the District Valuer.

The District Valuer has confirmed that in this case seeking this contribution in full would make the scheme unviable and further explains:

Although the viability appraisal concludes that the site does not sustain affordable housing/urban open space contribution, the proposed development does provide for the redevelopment of a vacant site which presently detracts from the character and appearance of the conservation area and nearby listed buildings; and provision of 26 no. units of accommodation in a sustainable town centre location, which will contribute towards Walsall's housing requirements.

My assessment shows a Residual Land Value for the proposed scheme in the sum of - £157,501 (negative one hundred and fifty-seven thousand five hundred and one pounds).

Accordingly, I have concluded that the proposed scheme cannot support the provision of any amount of Affordable Housing off-site Commuted Sum in lieu, or open space contribution without being rendered unviable.

As such and on the basis of the DVS conclusions it is considered the development is unviable and as such there is no requirement for any open space financial contributions or off site affordable housing commuted sum in lieu attributed to the application and no Section 106 Agreement is required.

Secure by Design

This proposed development is situated on the St Matthews Neighbourhood Policing Team on the Walsall LPU. This beat has experienced over 10344 police reported incidents over the last 12 months including burglary, vehicle and Assault/ Drug related and robbery/ theft related crimes. In addition, there have been criminal damage to houses and vehicles and Anti-Social Behaviour.

It is recommended that due to the high overall crime experienced in this area that the specifications and guidelines of Secure by Design are taken on board.

If secured by Design is not to be achieved in full on this development it is recommended the following is implemented as minimum standards.

- All ground floor windows and any accessible windows should be fitted with BS EN 356 grade P1A glass. This includes French doors and patio doors and should improve the standard of security to the more vulnerable ground floor windows.
- The frontages and accessible windows of the apartments need to have defensible planting under them. This can be created by dense low level shrubbery which should be around 1m in depth.
- The defensible space should overlap the whole length of the window at least. Low level dense shrubbery is the preferred method to create this barrier with a mature height of no more than 1m and should be suitable for the light and soil environment at its location.
- PAS 24:2016 doors are fitted not only on the entrance doors but on each individual apartment.
- Where euro profile cylinder locks are proposed in doors, shutters etc. consideration should be given to the ever Increasing trend in lock snapping as a means of forcing entry to a building. To reduce such risk a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification should be used instead of the standard 1 Star cylinder.
- Where thumb turn locks are to be installed considerations should be given to the use of the 'BY Pass' method of entry by offenders. There are thumb locks on the market that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.
- No Lead or metal should be used on the ground floor, where possible lead substitute products should be used.
- All properties should have a suitable intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.
- Any communal entry to the apartments to be fitted with an access control system. This may be a proximity access control system, a door entry phone system and electronic lock release or a combination of these to discourage casual intrusion by non-residents;
- CCTV coverage to the flats.
- Entrance and exit doors and frames to the block should be of a robust vandal resistant material, with vandal resistant viewing panels.
- Entrances should be well lit both internally and externally.
- Communal areas for letterboxes should have DAD UK Ltd DAD009 1.5mm steel letterboxes which can be mounted in rows and are secure and anti-identity theft proof.

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 26 new homes.

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

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

Conclusions and Reasons for Decision

The key material planning considerations, neighbour comments and consultee responses have been weighed in assessing the planning application and it is considered that the proposed development accords with the aims and objectives of the National Planning Policy Framework, Black Country Core Strategy policies CSP1, CSP4, CSP5, HOU2, DEL1, DEL2, CEN1, CEN2, CEN3, CEN8, TRAN1, TRAN2, TRAN4, TRAN5, ENV2, ENV3, ENV5, ENV6 and ENV7, Unitary Development Plan saved policies GP2, ENV10, ENV27, ENV35, ENV29, ENV32, ENV40, S1, S2, S4, S8, H3, T7, T8, T9, T10, T11, T12 and T13 Supplementary Planning Documents Designing Walsall, Open space, sport and recreation, Affordable Housing and Air Quality and on balance is considered to be acceptable.

The application has demonstrated sufficiently that the proposed redevelopment of this site for residential purposes is be welcomed and the proposed design, scale, appearance of the building takes account of its historic context and surroundings, will add to the character and amenity of a conservation area, respects the height of neighbouring buildings through its careful design and will not have any additional impact on nearby businesses which currently operate in the area.

The NPPF states that residential development can play an important role in ensuring the vitality of centres and also states that housing applications should be considered in the context of the presumption in favour of residential development. This is considered to be a highly sustainable location in a Town Centre position and whilst the councils transportation have raised issues with the lack of off street parking, it is considered that the close proximity of the town centre within walking distance of shops, health and leisure facilities including places of employment, the Bradford Place bus station interchange being 200mts along Bradford Street, the main bus station being 400m walking distance away and the Walsall train station being 500mts away, this is considered to be a highly sustainable town centre location.

The use of safeguarding conditions in respect of the time, plans, materials, boundary treatment, control of noise etc., drainage, land contamination, air quality, secure by design and cycle storage will ensure that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

Taking into account the above factors, there are no objections from significant consultees and that any community responses are not considered to be contrary to the recommendation it is therefore considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

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

Recommendation

Grant Planning Permission Subject to Conditions

Conditions and Reasons

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Site location plan (18.017.LP.01 rev A) received 5/7/18
- Block site plan (18.017.SP.01 rev C) received 20/8/18
- Ground floor plan (18.019.FP201 rev C) received 3/12/18
- First floor plan (18.019.FP202 rev C) received 3/12/18
- Second floor plan (18.019.FP203 rev C) received 3/12/18
- Third floor plan (18.019.FP204 rev C) received 3/12/18
- Fourth floor plan (18.019.FP205 rev C) received 3/12/18
- 3d views (18.0117.3D.01, 18.0117.3D.02, 18.0117.3D.03, 18.0117.3D.04, 18.0117.3D.05) received 3/12/18
- Proposed Front and Rear street scenes (18.019.SS.101 rev B) received 6/12/18
- Proposed side elevations (18.019.SS.102 rev B) received 6/12/18
- Planning Statement received 1/6/18
- Design and Access Statement received 1/6/18
- Viability Assessment / Financial viability questionnaire received 3/7/18
- Heritage statement received 1/6/18

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

3a. Prior to the commencement of the development hereby approved a schedule of facing materials to be used in the external walls, roofs, windows, doors, rainwater goods and surfacing shall be submitted to and approved in writing by the Local Planning Authority.

3b. The approved scheme shall be fully implemented in accordance with the submitted details.

Reason: To ensure the satisfactory appearance, functioning of the development and in accordance with UDP saved policy GP2 and ENV32.

4a. Prior to the commencement of the development hereby approved measures for controlling noise, dust, flying debris, and drag-out from engineering and construction activities at the site shall be submitted in writing to and agreed with the Local Planning Authority.

4b. All agreed measures shall be implemented and maintained throughout the duration of demolition, site clearance and construction activities.

Reason: To minimise environmental impact during development

5a. Prior to the commencement of the development hereby approved drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted to and approved in writing by the Local Planning Authority.

5b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

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

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

Reason: To safeguard the amenities of occupants and to comply with saved policies GP2 and ENV10 of Walsall's Unitary Development Plan

7a. Prior to first occupation of any part of the development hereby approved details of the frontage boundary treatment including the proposed gates shall be submitted to and approved in writing by the local planning authority

7b. The agreed measures shall be implemented prior to occupancy and thereafter retained.

Reason: To ensure the satisfactory appearance, functioning of the development and in accordance with UDP saved policy ENV 32.

8. No boilers shall be installed and used in any of the units hereby approved, save for

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

- Oil-fired boilers with maximum NOx emissions no greater than 120 mg/kWh.

Reason: To conserve and enhance the natural environment in accordance with

BCCS policies ENV8 and DEL1.

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

- All ground floor windows and any accessible windows should be fitted with BS EN 356 grade P1A glass. This includes French doors and patio doors and should improve the standard of security to the more vulnerable ground floor windows.
- The frontages and accessible windows of the apartments need to have defensible planting under them. This can be created by dense low level shrubbery which should be around 1m in depth.
- The defensible space should overlap the whole length of the window at least. Low level dense shrubbery is the preferred method to create this barrier with a mature height of no more than 1m and should be suitable for the light and soil environment at its location.
- PAS 24:2016 doors are fitted not only on the entrance doors but on each individual apartment.
- Where euro profile cylinder locks are proposed in doors, shutters etc. consideration should be given to the ever Increasing trend in lock snapping as a means of forcing entry to a building. To reduce such risk a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification should be used instead of the standard 1 Star cylinder.
- Where thumb turn locks are to be installed considerations should be given to the use of the 'BY Pass' method of entry by offenders. There are thumb locks on the market that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.
- No Lead or metal should be used on the ground floor, where possible lead substitute products should be used.
- All properties should have a suitable intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.
- Any communal entry to the apartments to be fitted with an access control system. This may be a proximity access control system, a door entry phone system and electronic lock release or a combination of these to discourage casual intrusion by non-residents;
- CCTV coverage to the flats.
- Entrance and exit doors and frames to the block should be of a robust vandal resistant material, with vandal resistant viewing panels.
- Entrances should be well lit both internally and externally.
- Communal areas for letterboxes should have DAD UK Ltd DAD009 1.5mm steel letterboxes which can be mounted in rows and are secure and anti-identity theft proof.

Reason: To ensure the safety and security of the development and its occupiers and to accord with Revised NPPF8 and NPPF12.

10. Prior to the first occupation of any flat on the development, the under-stairs cycle stands/storage areas shall be fully implemented and thereafter retained and used for no other purpose.

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

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

Water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK: <https://www.dropbox.com/s/5s5i45f3m3hrt/national-guidance-document-on-water-for-ffg-final.pdf?dl=0>

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

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

Where fire mains are provided in the building there should be access to the riser inlet within 18 metres and each access point should be clearly visible.

Hours of operation - 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)*

Economy and Environment, Development Management**Planning Committee**

Report of Head of Planning, Engineering and Transportation on 03-Jan-2019

Plans List Item Number: 2.

Reason for bringing to committee: Major application

Location: 42, SLANEY ROAD, WALSALL, WS2 9AF

Proposal: CHANGE OF USE FROM NURSING HOME (C2 USE) TO A 43 X BEDROOM HOSTEL (SUI GENERIS USE) WITH ASSOCIATED AMENITY, RECREATION, TRAINING AND SIGN-POSTING FACILITIES.

Application Number: 18/0941

Applicant: Ayyaz Ahmed

Agent: Gagan Mohindru

Application Type: Full Application: Major Use
Class Sui Generis

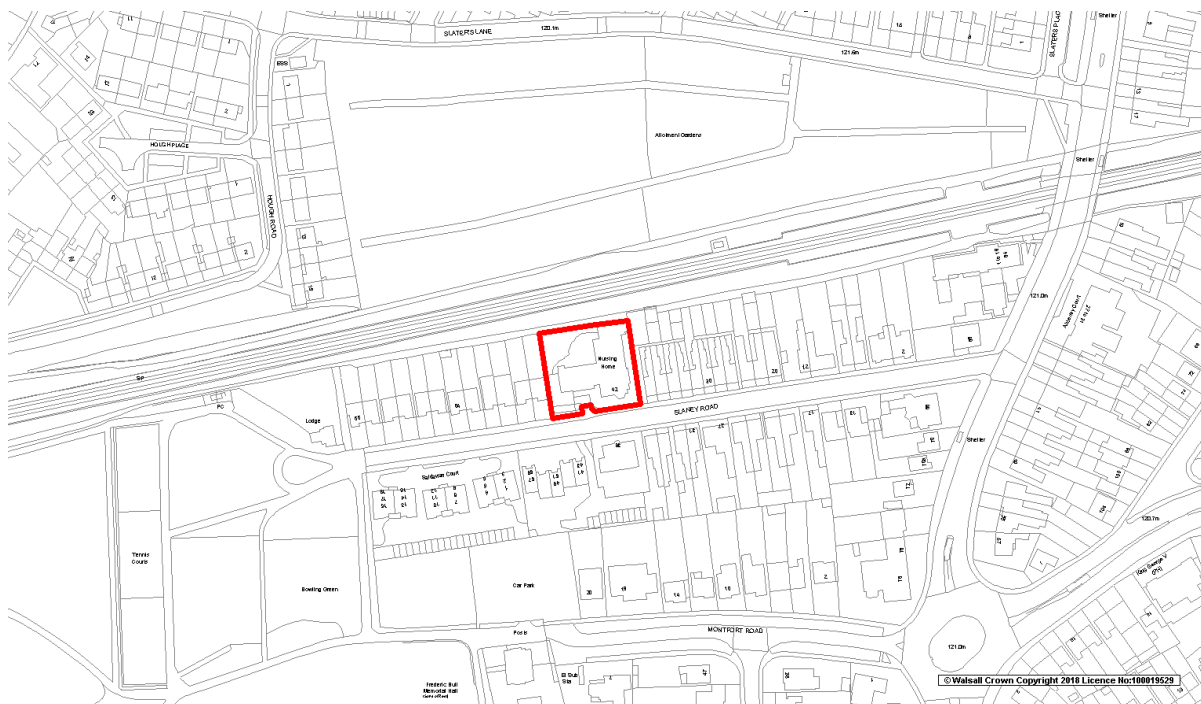
Case Officer: Paul Hinton

Ward: Pleck

Expired Date: 19-Nov-2018

Time Extension Expiry: 10-Jan-2019

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

This application seeks planning permission for the change of use from a 27 bedroom nursing room to a 43 bedroom hostel. The hostel includes the following:

Internally

43 single bed bedrooms
1 office
12 shower/bathrooms/wcs
1 laundry
1 kitchen
1 dining/lounge area

Externally

Relocation of the brick piers and railing to the front elevation to provide new pedestrian and vehicular gates with coded access
Provision of five parking spaces
New external cycle store with space for 8-10 bicycles
New external refuse store
262sqm rear amenity area, with additional boundary fence
Proposed ground floor front facing window.

The following information has been submitted in support of the application:

Design and Access Statement

- Would be operated by Midshire Supported Housing Trust
- Single bed bedrooms
- The premises will alarmed
- External lighting to be provided
- New CCTV cameras to be installed internally and external covering the entire grounds.
- Vehicle and pedestrian access will always be controlled by on site security.
- Security will be present on site 24/7
- Majority of occupiers do not usually own or use a car on a regular basis and rely more on local transport.

Code of conduct (summarised)

- Residents should not behave in public or via social media in a manner likely to bring them of the operators into disrepute.
- Residents should not be abusive or aggressive to other residents or staff
- Residents should not behave in a manner that causes nuisance to the public and shop owners around the hostel.
- Do not bring drugs or alcohol into the building
- Anyone who does not keep to the Code of Conduction will be asked to leave its premises.

Statement of support

- Each resident is carefully assessed prior to being accepted
- Referral system involved referrals from professionals, consisting of face to face meeting and background checks.

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- Provide long and short-term accommodation with provisions of constant supervision, support and care on a 24/7 basis.
- Needs of services users:
 - Users who experience persistent homelessness issues
 - Low to medium level mental health issues – anxiety/depression
 - Low to medium level learning issues
 - Users who have experiences substance misuse issues
 - Users who have become estranged from their family members rendering them isolated
- Support is provided on a weekly basis for an hour per user and includes:
 - Accessing primary care
 - Supporting with benefits/welfare rights and debt issues.
 - Signposting and supporting individuals around substance misuse
 - Supporting with suitable move on accommodation
 - Improving and maintaining mental health
 - Support to access training, employments or volunteering
- Does not accept any high risk users that has a history of sexual offences or arson.
- Staff will ensure there is no loitering outside.
- There will be a signing in and signing out process.
- Staff will engage with local Neighbourhood Watch and Community Police to minimise the fear of crime and anti-social behaviour.
- Users are quite vulnerable and do not normally own their own cars. Some have issues that prevent them from driving.
- Currently there are no residents at Midshires with their own vehicles and none have for the last year.

Further supporting information

- Tenants would be there between 3-6mths
- 60% are referrals from the Glebe Centre
- There is a 10pm curfew, if people are not back before this time they are not permitted to come back to the building until 6am
- Most tenants are unemployed, once they are in employment they move on.

Site and Surroundings

Slaney Road is a cul-de-sac predominately in use for residential purposes. It is understood from residents, that there are a number of properties that are now Houses in Multiple Occupations (HMO). The western part of the street is two storey terraced houses, with semi-detached houses and three storey blocks of flats to the western part of the street. At the western end of the street is Pleck Park. There is no vehicle turning facility at the end of the road. The application property part two storey and part three storey. The road is heavily reliant for on-street parking. There is a group Tree Preservation Order for the site.

Relevant Planning History

13/1329/FL - Change of use of care home (Use Class C2) to house of multiple occupation (Sui Generis). Refused 23/1/14 for the following summarised reasons:

1. Have an adverse impact on the amenity of residents and the character of the area due to the increase in comings and goings from the premises and potential noise and disturbance from the premises.

2. Result in a loss of amenity to residents by virtue of the perception and fear of crime and anti-social behaviour
3. Significant increase on the parking demand and the proposed layout would not be achievable taking into account existing structures and relationship to existing structure. The proposals would result in adding to the limited existing on street parking requirements for the existing residents of Slaney Road

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

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

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

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

Reducing Inequalities

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

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

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

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H5: Housing for People with Special Needs
- H6: Nursing Homes and Rest Homes for the Elderly
- H7: Hostels and Houses in Multiple Occupation
- T7 - Car Parking
- 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

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW7 Diversity
- DW8 Adaptability

Air Quality SPD

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

Consultation Replies

Officer comments are in italics

Highways – no objection. Seeks further clarification on the situation in regard to 15 members of staff and five proposed car parking spaces.

Pollution Control – no objection.

Housing Standards – object

- We understand the property is intended to be used to house ex-offenders, concerns to the number of rooms / ex-offenders being placed in the area

- Additionally there is the Domestic Violence (DV) Unit for Vulnerable Women housing 15 people close to Slaney Road) and there is already the Happy Times Hostel (this is a 40+ Bed Accommodation) in operation in the Walsall Town Centre area for which the primary function is housing Ex-Offenders. *(Not a material planning consideration)*

- Even though there is adequate provision of the toilets and shower room the location of some of these is not acceptable. *(Not a material planning consideration)*

- The shower rooms on the ground floor have communal changing facilities. Residents on the first and occasionally the second floor would rely on the use of the ground floor shower rooms. Such institutionalised shower rooms are not be permitted. *(Not a material planning consideration)*

- On the basis that 2 meals per day would be provided, the kitchen facilities mentioned on page 24 of the attached have to be provided on a ratio of one set of facilities to every ten persons. *(Not a material planning consideration)*

Police Crime Prevention – no objection due to CCTV coverage and secure pedestrian and vehicle entrances. Due to the overall crime experienced in this area recommended security measures including door and window standards, access control measures, CCTV and intruder alarm.

Community Safety – currently have a quiet road, without careful management local residents could be impacted quite significantly.

Fire Services – no objection.

Representations

Site notice displayed and surrounding occupiers notified by letter.

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31 letters have been received objecting to the application on the following grounds (*Officer comments are in italics*)

- Noise impact due to increased comings and goings.
- Already restricted parking
- Significant increase on the parking demand lack of parking in the road.
- Loss of amenity to residents by virtue of the perception and fear of crime and anti-social behaviour through substance misuse and alcohol misuse
- Safety of children in the street (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- Already HMOs in the street (*The Council has no planning policies restricting the numbers of HMO's in a location, consequently, this is not a material planning consideration as the Council has to focus on the current planning application*)
- Parking has been much better since the closure of the nursing home (*not a material planning consideration*)
- Would impact upon children's use of Pleck Park. (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- Crime rates would go up (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- Car thefts (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- Impact upon property values (*not a material planning consideration*)
- More litter (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- More transience
- Loud music during antisocial hours (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- Human rights will be affected – Article 8 – right or home life not to be interfered with.
- Negative impact upon residents' mental wellbeing (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- Works have already commenced. (*Officers are aware of the works commencing to renew the buildings interior. This does not require planning approval on its own and is at the owners risk*)
- There will be needle use in the park and needles discarded in the streets along with beer cans etc. as well as on our front lawns, (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- Loss of privacy

Two petitions with a total of 85 signatures has been received objecting to the application on the following grounds:

- Grounds of previous planning refusal remain
- 3 existing HMOs in the street. (*The Council has no planning policies restricting the numbers of HMO's in a location, consequently, this is not a material planning consideration as the Council has to focus on the current planning application*)
- No enough parking to serve the needs of the development
- Emergency Services would struggle to park their vehicle to attend to the properties in the street (*This is outside the scope of the planning legislation*)
- Tenants are prone to alcohol and substance abuse (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)

- Increase in crime and anti-social behaviour *(there is no evidence to substantiate this claim and consequently, not a material planning consideration)*
- HGVs struggle to turn around *(not a material planning consideration)*
- Fire services may struggle to gain quick access *(This is outside the scope of the planning legislation)*
- Noise and disturbance
- Residents will congregate outside due to small dining room and lounge *(there is no evidence to substantiate this claim and consequently, not a material planning consideration)*
- More undesirables visiting the park affecting the enjoyment of it. *(there is no evidence to substantiate this claim and consequently, not a material planning consideration)*

Following receipt of further information (support statement and revised plans) re-consultation was undertaken.

35 letters have been received re-affirming the above and making the following *additional* comments:

- Increase in anti social behaviour such as drug taking and the use of alcohol in the park as the hostel clientele will be prohibited from such activities on site *(there is no evidence to substantiate this claim and consequently, not a material planning consideration)*
- Number of bedrooms now stated as 48 rather than 44 *(The proposal is for 43 bedroom hostel)*
- Would put further strain on the Police service.
- Work already taken place

Valerie Vaz MP objects to the planning application on the following grounds:

- Already four HMOs in the street, an additional larger HMO will change the character of the area.
- Have failed to offer sufficient guarantees that constituents would not be exposed to anti-social behaviour and other disturbances
- Fails to address the parking grounds of refusal on the last application.
- Is a larger version of a similar centre that was rejected in 2014.

Determining Issues

- Principle of development
- Crime and disorder/fear of crime
- Design and character of the area.
- Neighbouring and occupiers amenity
- Parking and access

Assessment of the Proposal

Principle of development

Hostels in general terms are considered provide accommodation for people with no other permanent place of residence and are a sui generis use

The NPPF and saved UDP policy H3 encourages the provision of residential accommodation through the conversion of existing buildings in sustainable locations. Further, saved UDP policy H7 encourages the provision of hostels where there would be no harm to the amenity of the occupants of neighbouring properties or the occupiers of the accommodation or no harm to the character and appearance of the building or the area, and it would not impair on the free flow of traffic or highway safety.

Neighbours comment that there are existing HMOs in the street. Housing Standards object on the grounds that the Domestic Violence (DV) Unit for Vulnerable Women housing 15 people is close to Slaney Road and there is already the Happy Times Hostel (this is a 40+ Bed Accommodation) in operation in the Walsall Town Centre area for which the primary function is housing Ex-Offenders. While the concerns are noted, there are no planning policies, limiting the number of hostels, HMOs or other residential uses in the borough. The Council recognises the role well managed and appropriately located temporary accommodation play in providing valuable accommodation. The Equality Act places a duty on public bodies to minimise disadvantages by taking steps to meet needs and encouraging participation in public life.

Accordingly the Council is unable to object to the principle of use.

Internal renovations have taken place at the property, but there is no evidence from the officer's visit that an unauthorised use is taking place.

Crime and disorder/fear of crime

The previous planning application for a 40 bedroom HMO was refused on the grounds that it would have a continued perception and result in a loss of amenity to residents by virtue of the perception and fear of crime and anti-social behaviour and concerns from Police and Housing Standards with regard to the management of the premises.

The current application has been supported by a statement which explains the strict vetting process for potential occupiers, including how the site would be managed by 24 hour specialists and that a code of conduct would be used. The Police have not objected to the current proposal.

The current proposal requires a mandatory licence from the Council's Housing Standards Team, in addition to securing planning permission. This process requires the licence holder to pass a fit and proper test, provide safety certificates and comply with the minimum prescribed standards of amenities and facilities. Landlords are expected to work with the Council's housing team and other agencies to combat anti-social behavior caused by tenants and there will be an expectation that landlords will remind tenants of their obligations and take appropriate action to end their tenancy where they breach them. Any license from the Council's housing standards team can be subject to on-going management requirements.

It is recognised that existing residents are concerned about potential future crime and anti-social behaviour. The fear of crime is a material consideration in planning decisions. The weight that can be attributed in the planning assessment, is often limited unless there is significant evidence to show that the increased fear of crime would actually occur. This is reflected in recent appeal decisions, where Planning Inspectors have concluded there is no firm evidence that this form of development, with tenants living together as more than one household would result in crime and anti-social behaviour and that crime prevention measures could be imposed through a planning condition.

The applicant explains that each resident is carefully assessed prior to being accepted and they do not accept any high risk users with a history of sexual offences or arson. There is 24/7 staff who will ensure there is no loitering outside. Future occupiers will be required to sign the Code of Conduct and anyone who breaches the Code will be asked to leave. This includes, occupiers not being abusive or aggressive to other residents or staff, not causing nuisance to the public and shop owners around the hostel and not bringing drugs or alcohol into the building.

Whilst these factors could be conditions of the housing standards licence, the planning proposal is considered with the suitability of its proposed land use and planning conditions could not control the day-to-day running of the hostel as they would not meet the Governments 6 tests for imposing planning conditions.

The Police explain that this beat area has experienced over 6233 police reported incidents over the last 12 months. Of these 1688 were recorded crimes. Of the recorded crimes 176 were burglary, 232 were vehicle related, 387 were Assault/ Drug related, 310 robbery/ theft related crimes, 182 crimes relating to Criminal damage to houses and vehicles plus 320 reports of Anti-Social Behaviour. The area suffers a high proportion of violent crimes and anti-social behaviour.

As a general rule hostels provide multi occupancy accommodation for vulnerable members of our society i.e. persons suffering from various types of vulnerability and issues. The hostel places them all in one building with little privacy and private space apart from one room, with residents sharing kitchens, communal and amenity spaces. Developments of this type tend to become crime hot spots / crime magnets depending on the management of the site and the nature of the tenants that occupy the premises and create a fear of crime amongst the community.

In a survey of 337 HMOs in the West Midlands Police area. The survey found that in a recent 12 month period, 39% of the HMO properties had a crime attached to them and 56% had an incident attached to them. This compares with 4% of other residences having a crime attached to them and 16% having an incident attached to them. Although the nature of the occupiers and the management arrangements of these 337 HMOs are unknown, the Police consider these statistics are sufficiently compelling to suggest that, as a result of the development, the fear of crime or anti-social behaviour by the occupiers of nearby dwellings is not unreasonable.

Recent appeal decisions for multiple occupied properties noted that whilst it is wholly reasonable that the appellant would not wish to entertain bad tenants, Environmental Health and the Police have processes in place to manage and take action against anti-social behaviour and crime. The Police do not object to this application or raise any concerns in regard to the direct impact from the proposal upon Police services.

Whilst Housing Standards have concerns about potential ex-offenders living together there is no direct evidence that this would result in crime and would be outside of the control of the planning legislation who lives in the property.

Whilst neighbours have objected on the grounds of littering, drug and alcohol paraphernalia on their door step, they have not provided evidence that the future occupiers of this hostel would generate these issues to support a planning refusal on these grounds.

The application proposes secure by design measures including, access control measures around the building, CCTV covering internal and external areas and external lighting. The measures are considered to provide appropriate security to the building and assist in reducing the perception of crime for neighbours. In addition door and window standards are

considered necessary and can be secured by a planning condition that would meet the Governments 6 tests for imposing the planning condition.

Crime and anti-social behaviour is ultimately a matter for the relevant authorities and as found in the recent appeal decisions crime and disorder is not an inevitable consequence of multi-occupation as opposed to single occupation of dwellings, but rather a question of individual behaviour and appropriate management of the premises.

In the circumstances the management details submitted show their aim to minimise the fear of crime. These measures could be enforced through the housing standards licence. In the absence of any firm evidence to the contrary, it is considered that the proposal would not have a materially harmful effect on the fear of crime in the locality to support a refusal of the application on these grounds.

Whilst residents have raised their Human rights being affected by the proposal. The planning application considers the land use and potential impacts upon the amenity of residents from the land use in the area. Residents have not provided any evidence to demonstrate the potential future occupiers will impact on their human rights to sustain a reason for refusal.

Design and character of the area.

Along the front boundary a 1.6m high set of railings and gates has been erected at the back of the pavement, with the eastern side located at the back of pavement and the western side set back by 1m. In visual terms they do not cause any further harm compared to the previous ones.

The additional window to the front elevation would cause no additional harm.

The bin and cycle store are positioned away from the street and would cause limited visual harm subject to a safeguarding condition regarding securing the structure and lighting.

A new boundary fence is proposed across part of the rear amenity area which which can be conditioned to be 1.8m high close boarded fence with 0.3m high criss cross trellis would cause limited visual harm.

Neighbouring and occupiers amenity

The previous application was refused on the grounds that the HMO would be to the detriment of the amenities of residents by reason of noise and disturbance.

The previous application did not include details on how the building would be managed. In this case the applicant confirms that there would be 24/7 staff on site and the code of conduct which includes no loitering or causing nuisance to the public. It is also explained that there is a 10pm curfew where occupiers are not permitted back into the building after this time and until 6am.

In addition to two communal lounges and dining room individual bedrooms are between 8.8sqm to 20.8sqm which exceeds the Council's Housing Team's guidance for hostel room sizes require a minimum of 6.5sqm for a 1 person room. Whilst it is recognised there would be an increase in the coming and goings at the site compared to a nursing home the on-site facilities discourage any loitering. The applicant explains that occupiers generally keep themselves to themselves. The people movements would be similar to a high density flatted scheme that are typical of residential areas.

Concern has been raised in regard to loud music during anti-social hours. Due to the 24/7 staffing on the site and the code of conduct any potential disturbance could be prevented and form part of the housing standards licence.

There is an existing rear amenity area of 262sqm that would be available for future occupiers. This amenity area is directly next to the garden of 44 Slaney Road whose ground level is 1m lower than the 42 Slaney Road. The existing 1.8m high boundary fence is measured from 44 Slaney Road lower ground level. To increase the privacy and security between the properties an additional 1.8m high close boarded fence is proposed on the higher part of the garden. This would provide a privacy screen between users which is considered a betterment to the existing relationship. This can be secured by a planning condition to be installed prior to first occupation of the hostel. In addition, the condition will include 0.3m high trellis on top of the fence to meet secure by design principles and add an additional level of privacy.

The use of the building would not give rise to any material increase in overlooking or further loss of privacy to neighbours from the existing habitable room windows. Currently the second floor is used as an office. The proposed second floor bedroom windows would face Slaney Road and across the roof of the existing building.

Parking and Access

The previous application was refused as the applicant failed to demonstrate that the level of parking provided is sufficient to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

The current application proposes five off-street parking spaces. Due to the nature of the users it has been explained they are unlikely to own a vehicle or have access to one. The operators explain that at their other site currently there are no residents with their own vehicles and none have for the last year.

The supporting statement explains that the site would be served by 16 members of staff operating on a shift basis.

Cycle storage is proposed which would encourage sustainable travel. The drawings show this to be cycle stands. A secure, covered and illuminated store will be required via a safeguarding condition that meets the six tests.

The nearest bus stop is on Bescot Road 216m walking distance away with regular services to Walsall Town Centre, Dudley Town Centre. Morrisons Supermarket is the nearest shop, 600m away.

Highways raise no objection to the application.

Having regard to the Air Quality SPD it is necessary that there is provision for one electric vehicle charging point and the infrastructure for one further point in the future. This can be provided by a safeguarding condition that meets the Governments 6 tests.

Concern has been raised about access by emergency vehicles and HGVs. Fire Services raise no objection to the proposal. The proposal would not alter the existing access arrangements along the street and therefore would have no further impact. Obstructions in the highway is outside the scope of the planning legislation.

Conclusions and Reasons for Decision

In weighing the key material considerations, consultee and neighbour responses against the national and local planning policies and guidance, it is considered that the proposal would be an acceptable use of this previously developed site within an existing residential area. The application has demonstrated sufficient measures are in place to manage the use of the site without giving rise to an increase fear of crime in the area; in addition the proposal would require a separate license that can condition these measures. There is no evidence that the proposal would increase crime and anti-social behaviour in the area or give rise to an unacceptable level of noise and disturbance. The proposal would not result in a significant loss of amenity for adjoining neighbours. The application has demonstrated sufficient off-street parking to serve the needs of the development. Accordingly the previous reasons for refusal have been overcome.

Conditions in regard to security measures, boundary treatment, cycle and bin stores, and provision of parking area are necessary and meet the six tests. Taking into account the above factors and weighing the overall planning balance it is considered that the application should be recommended for approval. The development is considered to meet the aims and objectives of the National Planning Policy Framework, policies, CSP4, HOU2, TRAN5, ENV2, ENV3 and ENV8 of the Black Country Core Strategy and saved policies GP2, GP5, ENV10, ENV14, ENV32, H3, H7 and T13 of Walsall Unitary Development Plan.

Positive and Proactive Working with the Applicant

Officers have liaised with the applicant's agent securing amended drawing and additional information to enable a positive recommendation to be made.

Recommendation

Grant Planning Permission Subject to Conditions

Conditions and Reasons

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

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Existing and proposed site plan, block plan and location plan received 11/10/18
- Existing plans and elevations received 7/8/18
- Land survey received 17/7/18
- Demolition plans received 7/8/18
- Proposed plans and elevations received 11/10/18

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

3. Prior to the development first being brought into use the boundary treatment details as shown on the approved drawing shall be fully implemented and retained. For the avoidance

of doubt the 'new timber fence; shall be close boarded and 1.8m in height, with a further 0.3metres high criss cross trellis on top.

Reason: In the interests of visual and residential amenity.

4a. Prior to the development first coming into use, the parking areas shown on the approved plan shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or any highway drain and all parking bays shall clearly demarcated on the ground.

4b. 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.

5a. Prior to first occupation of the building, full details of a cycle shelter to which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority

5b. Prior to the first occupation of any part of the development, the cycle shelter facility shall be implemented in accordance with the approved details.

5c. The cycle shelter facility shall thereafter be retained, available for future occupiers to store/use cycles 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.

6a. Notwithstanding the details submitted and prior to the first occupation of any part of the development hereby approved details of electric vehicle charging points to be provided for one parking bay and infrastructure cabling for a further one space for future demand shall have first been submitted to and approved in writing by the Local Planning Authority.

6b. Prior to first occupation of the development hereby approved the electric vehicle charging points and additional infrastructure cabling shall be installed in accordance with the approved details and shall be retained and maintained for the life of the development.

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

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

- PAS 24:2012 doors should be on all entrance and exit doors.
- A minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond standard certification should be used on all door locks
- Where thumb turn locks are to be installed these should be those that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.
- Communal entry doors shall have access control system, this may be a proximity access control system, a door entry phone system and electronic lock release.
- CCTV covering the car park, building and vehicle entrances.

- All ground floor windows and any accessible windows should be fitted with BS EN 356 grade P1A glass.
- Suitable intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.

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

8a. Prior to the first occupation of the building the bin store as shown on the approved drawings shall be implemented.

8b. The bin store shall thereafter be retained and used for no other purpose.

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

9. For the avoidance of doubt the development hereby permitted shall not exceed 43 bedrooms.

Reason: To define the permission.

Petition

[REDACTED] 15 Slaney Road, Walsall, West Midlands, WS2 9AF.

Mr. Mike Brereton
Development Management
The Civic Centre,
Zone 2B
Darwall Street
Walsall
WS1 1DG

12th September 2018

Dear Mr. Brereton,

Application Number	18/0941
Application Type :	Full Application: Major Use Class Sui Generis
Site Address:	42 Slaney Road, Walsall, WS2 9AF
Proposal :	Change of Use from Nursing Home (C2 use) to a 44 x bedroom Hostel (Sui Generis use) with associated amenity, recreation, training and sign- posting facilities.

I refer to the Notice of a Planning Application dated 4th September 2018, which has recently been received by the residents of Slaney Road, Walsall. We, the residents of Slaney Road, who have signed the attached appendix strongly object to the Planning Application on the following grounds:

The previous proprietor or Manager of Orchard Manor, submitted an application to convert to an HMO, on 24/10/13, Application No 13/1329FL and this was refused by Planning and Building Control. I am attaching a copy of the Grounds cited at the time of refusal of this application which are still valid and represent the Residents' perception and fears regarding the present application. In fact more so this time, as the applicant has already built the extension, and the conversion has already taken place.

We already have 3 HMO operated by J9 accommodation in our street, and parking for residents is already at a premium, with visitors to our homes saying to us that they couldn't find any parking space, and had to park elsewhere, and walk back to their friends/ relations house. This is not ideal, and we fear that if there was a major Emergency, there would not be any space available for the Emergency Services to park their vehicle to attend to the needs of the patients/ residents.

If Planning consent is granted it would be detrimental not only for the reasons quoted in the previous application submitted to the Council and refused, but for the above reasons also.

I trust that you will give this matter very careful consideration, and hope that you will agree that that granting your approval for this application is not in the interest of the present residents of Slaney Road.

Yours faithfully,

[REDACTED]
On behalf of the residents of Slaney Road, Walsall.

Economy and Environment, Development Management**Planning Committee**

Report of Head of Planning, Engineering and Transportation on 03-Jan-2019

Plans List Item Number: 3.

Reason for bringing to committee: Significant Community Interest

Location: 67, CALDMORE ROAD, WALSALL, WS1 3NR

Proposal: CHANGE OF USE FROM GARAGE TO A1 RETAIL PLANNING USE (ADJOINING PUBLIC RIGHT OF WAY WAL78).

Application Number: 18/1303

Applicant: Mr Hussain

Agent: Mistry Design Services

Application Type: Full Application: Change of Use

Case Officer: Karon Hulse

Ward: St Matthews

Expired Date: 22-Nov-2018

Time Extension Expiry:

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

This application seeks consent for a change of use from a currently vacant unit which was previously occupied by the garage associated with the adjoining taxi base business to a separate A1 retail use at 67a Caldmore Road, Walsall.

The application does not include any external alterations.

The previous use of the application site appears to have been for minor vehicle repairs and valeting for the adjoining taxi base. Street views going back to 2009 show that the building had been modified with the installation of a large roller shutter frontages giving access to the covered rear area and open side court area where vehicle have been parked and include private hire vehicles associated with the left hand side of the application site being used as a taxi base by Tomkins Taxis.

The proposed change of use will comprise of:

- Shop floor area (no.67a = 60 sq. mts)

- Office area (left hand side Tomkins taxis – no.67)

- 4 parking spaces (right hand side)

- Storage area to rear

- Centrally located communal hall area giving access to the upper floor (not part of application)

Hours of opening: 0700-0030 Monday to Sundays and including bank holidays.

Provide employment for 2 full time staff and two part time staff

The applicant has submitted a statement in respect of the sequential approach. It sets out the location of the site in relation to Caldmore local centre and Walsall town centre. It identifies that there are little opportunities within the Caldmore local centre for businesses of this size and the financial viability of the unit. It states that there have been a number of interested parties for the unit particularly as the annual rent of the unit would be between £6000 and £10000 as opposed to the rents in the town centre being between £25000 and £40000.

Site and Surroundings

This is a two storey right hand side of a pair of semi-detached properties at the back of the footpath along Caldmore Road, Walsall.

There is a 1.8mt high brick wall running along the side and rear boundaries separating the application site from the public footpath (WAL78) which connects Caldmore Road with Bath Street at the rear.

The application site is not within any defined town centre or local centres but is 40 metres to the south of the Walsall town centre inset plan (saved Unitary Development Plan) and 100metres north of the Caldmore local centre.

The site is 400mts walking distance from the Bradford Street bus station and 600m walking distance from the train station. Bath Street public gardens are 100mts walking distance away.

Relevant Planning History

P20644 – Use of no.67 Caldmore Road for business purposes (car hire) (outline) grant subject to conditions 9/7/1958

P20644/1 – Display of neon sign (Tomkins Taxis) refused 13/4/1960

Relevant Policies

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*".

Key provisions of the NPPF relevant in this case:

- NPPF 6 – Building a strong, competitive economy
- NPPF 7 – Ensuring the vitality of town centres
- NPPF 9 – Promoting sustainable transport
- NPPF 12 – Achieving well-designed places

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
- EMP3: Local Quality Employment Areas
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution

- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW10 Well Designed Sustainable Buildings

Shop Front SPD

- SF1: Historic shop fronts
- SF2: Shop front proportions
- SF3: Materials in shop fronts
- SF4: Colour finishes
- SF5: Access to shops
- SF6: Advertisements
- SF7: Illumination
- SF8: Shop front security

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

Consultation Replies

Transportation – no objections subject to condition requiring parking bays to be marked

Pollution Control – no comments

Environmental Health – no comments

Fire – support

Police architectural liaison officer – no objections subject to secure by design initiatives

Local access forum – no objections

Planning Policy – no comments

Representations

5 letters of representation (two from the same address and one which has no address) objecting on the following grounds:

- Residential road which has a lot of loud noise and rubbish already
- Disruption with parking
- Family area not a business road
- Unsafe environment
- House value would drop
- Shop would cause more nuisance, noise, trouble and disturbance to the residents living there.
- No need for another shop, already a shop at the top of the road
- Noise and disturbance.
- Unwanted dust, debris and increase in human traffic on my door step.
- Possible loitering at the back and front of my house.
- Increase in antisocial activities and possible increase in crime in the area.
- Possible sleep deprivation for my children due to increase exposure to light.

A petition with 37 signatures has been received in support of the proposal.

Determining Issues

- Principle of Development
- Amenity of Nearby Residents
- Highways and Parking
- Security and safety

Assessment of the Proposal

Principle of Development

The application site and its proposed use as a retail unit (total of 60 sq. mts), is a centre use to be located in an out-of-centre location on the busy Caldmore Road, Walsall as such the proposed use is subject to the tests set out in BCCS Policies CEN6 and CEN7 and saved UDP Policies S6 and S7 to control out of centre development and safeguard existing centres.

BCCS Policy CEN6 states new small-scale local facilities outside defined centres 200 square metres gross, or extensions to existing facilities which would create a unit of up to 200 square metres gross will be permitted provided it can be shown that the proposal is of an appropriate scale and nature to meet a specific day-to-day need of a population within convenient, safe walking distance for new or improved facilities; local provision could not be better met by investment in a nearby centre; existing facilities that meet day-to-day needs will not be undermined and access to facilities by means other than by car would be improved.

Whilst there have been a number of objections from nearby residents, the application is accompanied by a petition in support of the application for the retail use. The application is also accompanied by a viability appraisal of the surrounding area. The Council's own assessment of the Caldmore local centre, which is the nearest local centre to this site and approximately 100 metres away to the south, is in "good health" having very little vacant premises, which could accommodate this current proposal.

It is also considered unlikely that a proposal of this scale and nature would have any adverse impact on any established local nearby centres especially Caldmore or even the Walsall town centre which is 40 metres to the north and again has little or no vacancies of the size which could accommodate the proposed use. As such it is considered the proposal would meet the requirements of UDP policies S6 and S7 and BCCS policies CEN6 and CEN7.

The applicant has considered other options for the premises such as a ground floor flat however there would be little amenity space and lack of outside facing windows for habitable rooms.

On balance, it is considered that the proposed use will introduce a facility in this location providing for local need which is supported by a petition which has demonstrated that a local need exists and that in the absence of any appropriate vacant premises within other the local centres nearby and no other sites have been identified and considered which are sequentially preferable to the application site.

Amenity of Nearby Residents

The nearest residential properties are on the opposite side of Caldmore Road, there have been a number of objections received to the proposed use from local residents particularly on the grounds of parking and noise nuisance.

Having checked any relevant and available planning history the use of part of the site as a taxi base appears to go back to the 1960's. Photographic evidence suggests that the site which is accessed by a roller shutter door, has seen used as a garage for the taxi base since at least 2009, with parking of taxis to the side in the area between the side of the application site and the adjacent public footpath.

A change of use from the former garage repair work shop associated with the taxi base at no 67 to an A1 retail shop would remove a bad neighbour use. The previous activities associated with car repairs would potentially have a detrimental impact on neighbouring occupiers and as such the removal of those activities will improve the environment for local residents.

Caldmore Road has restricted parking for residential permit holders only on the opposite side of Caldmore Road to the proposed shop. There are also double yellow lines which restrict on street parking and it is one way away from the town centre.

The use of the application site as shop with hours restricted to those similar within the nearby local centre is likely to have less impact on the amenities of nearby residents than the adjacent taxi base which operates a 24 hour business. It is therefore considered that the use will not result in significantly greater harm arising above that which already exists in this location.

The proposed opening hours will be within those of the taxi base and offer a betterment to the current uncontrolled use of the garage. On balance it is considered acceptable in this instance and would be included as a condition on any permission.

Further conditions requiring details of refuse storage and deliveries to the shop to safeguard neighbours amenity and to accord with saved policies GP2 and ENV32 of the Unitary Development Plan.

Highways and Parking

Caldmore Road is a one-way street with double yellow lines on both sides with designated on street residential permit holders only parking scheme in place opposite the application site

The application looks for a change of use from a car repairs garage to an A1 retail shop (local convenience shop).

The proposed use of the A1 Use Class would require 3 car parking spaces, 1 disabled car park space and 2 bike stands.

The existing use including the retained office area and first floor flat would require 6 car parking, spaces, 1 disabled car park space and 2 bike stands.

As such the proposed use is considered to have less impact on high way safety than that which exists or previously existed. It is considered the development will not have severe transportation implications and is acceptable in accordance with NPPF and saved policy H3 of the UDP.

Security and safety

The proposed development is situated on the St Matthews Neighbourhood Policing Team on the Walsall LPU. This area has experienced over a high number of reported incidents over the last 12 months. The recorded crimes included burglary vehicle related assault/ drug related and robbery/ theft, criminal damage to houses and vehicles and anti-social behaviour.

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

Due to the high overall crime experienced in this area the specifications and guidelines of Secure by Design should be included and the following recommended as minimum standards.

- any replacement of doors or windows are fitted with BS EN 356 grade P1A glass and PAS 24:2016 doors.
- Sensortech Starbox system which is a form of monitoring to assist staff or managers when dealing with groups of rowdy offenders.
- Fogging device fitted to assist in any robbery type offence
- Displays and posters should not obscure staff lines of vision
- cash handling on site kept to a minimum
- access control system to staff areas.
- CCTV : Site cameras covering entrances/exits, and till areas
- install a covert CCTV camera linked to the main recording system at the entrance door
- Panic alarms placed at till counters (unfortunately these can be pressed by staff for the wrong reasons ending up with withdrawal of a response by the Police) however there are systems available for staff to have panic alarms placed in name badges which can be pressed for the monitoring company to open a recording of events and check if there is a problem. They will then in turn call Police avoiding false activations.
- spyhole viewers in rear service doors
- Ensure the premises is well lit both internally and externally
- Fire Exits should be linked to the CCTV and alarm system

It is considered the above can be adequately required by way of a safeguarding condition to ensure it complies with the tests.

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Conclusions and Reasons for Decision

The key material planning considerations, neighbour comments and consultee responses have been weighed in assessing the planning application and it is considered that the proposed development accords with the aims and objectives of the National Planning Policy Framework, Black Country Core Strategy CEN6 and CEN7, Saved Unitary Development Plan GP2, ENV10, ENV32, ENV35, S6, S7, T7, T8 and T13 and Supplementary Planning Document Designing Walsall and on balance is considered to be acceptable.

The application has demonstrated sufficiently that the use of the premises will serve a local need and is unlikely to result in any significant additional harm to existing centres to warrant a refusal reason, its use will allow a business to operate, provide employment opportunities and will not have any additional impact on surrounding residents nearby above those businesses which currently operate in the area.

The use of safeguarding conditions in respect of the hours of use, advertising, refuse and deliveries will ensure that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

Taking into account the above factors, there are no objections from significant consultees and that any community responses are not considered to be contrary to the recommendation and therefore it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

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

Recommendation

Grant Planning Permission Subject to Conditions

Conditions and Reasons

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

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

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

Location Plan received 27/9/18

Block Plan received 27/9/18

Existing and proposed plans (201852/1B) received 27/9/18

Existing elevation (201852/2) received 11/12/18

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

3. No materials, goods or refuse shall be stored or deposited in the side open yard area other than in a refuse container.

Reason: To ensure the satisfactory provision of off-street parking, appearance and functioning of the development

4. The premises shall not be open for business outside the hours of 0700-0030 Monday to Sundays and including bank holidays.

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

5. All loading and unloading of goods shall take place within the curtilage of the site.

Reason: To ensure the satisfactory functioning of the development and in the interests of highway safety.

6. Notwithstanding the information shown on submitted plans, the development

hereby approved shall not be converted/constructed or used otherwise than to meet the following minimum security measures and thereafter the security measures shall be retained;

- i. Any replacement of doors or windows are fitted with BS EN 356 grade P1A glass and PAS 24:2016 doors.
- ii. Sensortech Starbox system which is a form of monitoring to assist staff or managers when dealing with groups of rowdy offenders.
- iii. Fogging device fitted to assist in any robbery type offence
- iv. Displays and posters should not obscure staff lines of vision
- v. Cash handling on site kept to a minimum
- vi. Access control system to staff areas.
- vii. CCTV : Site cameras covering entrances/exits, and till areas
- viii. Install a covert CCTV camera linked to the main recording system at the entrance door
- ix. Panic alarms placed at till counters (unfortunately these can be pressed by staff for the wrong reasons ending up with withdrawal of a response by the Police) however there are systems available for staff to have panic alarms placed in name badges which can be pressed for the monitoring company to open a recording of events and check if there is a problem. They will then in turn call Police avoiding false activations.
- x. Spyhole viewers in rear service doors
- xi. Ensure the premises is well lit both internally and externally
- xii. Fire Exits should be linked to the CCTV and alarm system

Reason: To ensure the safety and security of the development and its occupiers in compliance with saved policy ENV32 of Walsall's Unitary Development Plan.

Note for Applicant

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

Access should be made available to water supplies for the Fire Service.

Please note that any new signage will require separate advertisement consent prior to installation.

Note for Applicant

This permission is for a change of use only and does not grant permission for any significant alterations to the exterior of the premises which would require planning permission including the installation of security shutters.

Note for Applicant

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

Economy and Environment, Development Management**Planning Committee**

Report of Head of Planning, Engineering and Transportation on 03-Jan-2019

Plans List Item Number: 4.

Reason for bringing to committee: Significant Community Interest

Location: 228, LICHFIELD ROAD, RUSHALL, WALSALL, WS4 1SA

Proposal: RETENTION OF CHANGE OF USE FROM RESIDENTIAL TO A RESIDENTIAL HOME FOR UP TO 8 ADULTS WITH LEARNING DISABILITIES.

Application Number: 18/1337

Applicant: Care Solutions Recruitment Agency Ltd.

Agent: Graham Parkes

Application Type: Full Application: Change of Use

Case Officer: Stuart Crossen

Ward: Rushall-Shelfield

Expired Date: 30-Nov-2018

Time Extension Expiry:

Recommendation Summary: Grant Planning Permission Subject to Conditions

Proposal

The application is for a change of use of a house (C3) into a residential care facility (C2) for up to 8 people with a range of ages between 18 and 65. There would also be an office/staff room on the ground floor.

The application proposes 6 car parking spaces.

The application proposes 10 employees (the forms state 8, however the accompanying letter states 10 and the application is determined on this basis), there would be only 2 members of staff on each 12 hour shift rota. The day shifts would be 0800 to 2000 and night shift 2000 to 0800. At shift change over times there will be potentially only 4 cars which can be accommodated on site. This will take place at 07:30hrs and 19:30hrs

The Transport Statement provides the following key information.

- None of the residents are expected to own cars. There would not be the need for double parking. There are two vehicular accesses to the site, and there would not be a need for any reversing from the site to have to take place. Both accesses would be available for use at all times, and the gates would not be closed.
- Residents at this facility would be allowed to come and go without restriction. There are a number of bus services that pass the site. The site is in a sustainable location, and there are good footways in the area, and a toucan crossing.
- The proposed development would not have any adverse effect on the free and safe flow of vehicular or pedestrian traffic.

The agent has provided a **statement** for the attention of committee members which is part of the submission. A summary of the contents is as follows:

A learning disability is a reduced intellectual ability and difficulty with everyday activities for example household tasks, socialising or managing money

People with a severe learning disability or profound and multiple learning disability (PMLD), will need more care and communication.

The aim for the care home at 228 Lichfield Road is to provide 24hour care to vulnerable adults with learning disabilities, these are individuals born with these conditions but need support, care and guidance with their day to day guidance with their daily lives.

- CCTV system to monitor both inside and outside of the premises
- A secure lock/door control system that only staff can access
- Our staff are DBS checked
- Our service users will be referred by the local councils and assessed by social services as in need of 24 hour care
- Our service users will not be law breakers or people who will cause any problems to the neighbours
- Any situations that cause any difficulties will be dealt with guidance of our support plans

The care home at 228 Lichfield Road is not going to be any different from the other care homes on the same road (Rushall Care Home, Leighswood Assisted Living Facility, Lichfield Road Residential Home or Lonsdale House Care Home), as they are all for vulnerable

adults, the only difference is that at 228 Lichfield Road the age range is for 18-65 year olds while the others are for over 55+ years.

Site and Surroundings

The premises comprises of a large detached 2 storey house with existing single storey side extension and double garage to the rear, situated on the western side of Lichfield Rd with a large front drive area with in and out access.

The site is adjoined to the north and south by pairs of semi-detached houses. To the east on the opposite side of Lichfield Rd are large detached houses, to the west (rear) of the site are bungalows within Cartbridge Lane.

Lichfield Rd (A461) forms part of the Strategic Highway Network (SHN) and is a very busy route in and out of Walsall Town Centre.

Relevant Planning History

BC50347P, single storey and 2 storey extension to provide additional 9 bedrooms, internal alterations and alterations to existing elevations. Refused 08-09-97

BC59137P, change of use to private dwelling house. Approved 29-06-99.

BC59747P, replacement double garage, approved 20-10-99

06/0202/FL/E9, Change of Use from residential to a residential home for

adults with Learning disabilities for 6 residents and erection of single storey rear extension. – Refused 20/07/06

1. The use of this site for vulnerable people would be detrimental to their safety and amenity by reason of the high volume of traffic on this major road, in that the day to day needs of residents will include use of the road as pedestrians (visits to local amenities, etc), and at such times they will be exposed to significant adverse road safety and amenity impacts from that traffic.

2.
 - a) The proposed parking layout means some vehicles will be unable to exit or enter their parking space without moving other vehicles.
 - b) The proposed parking layout means some vehicles will be forced to reverse out of the site.
 - c) The proposed provision of parking blocks one of the existing access points on the site which will force larger vehicles entering the site to reverse in or out of the site.

As a result of these factors, the proposal would be detrimental to the safety and free flow of vehicles on the road

3. The parking layout does not make adequate provision for staff and visitor parking, especially at shift changeover times, such that some people will have no alternative but to park on the highway which would be detrimental to the safety and free flow of vehicles on the road

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF says:

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

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

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

Reducing Inequalities

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

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)

- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

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

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU5: Education and Health Care Facilities
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H5: Housing for People with Special Needs
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

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Designing Walsall

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

Air Quality SPD

- **Section 5 – Mitigation and Compensation**

Consultation Replies

Public Health – No objections, recommends disabled access is achieved, landscaping should include space for activities, provision/ access to sustainable travel options. Should encourage greener travel options.

Housing Standards – No objections, will be subject to licencing and all ground floor rooms will require wash basins.

Transportation – No objections subject to conditions to ensure access ways are kept free, one access arrangement and gates are kept open.

Pollution Control – No objections

Police – No objections, secure by design conditions recommended.

Representations

4 Neighbour objections on the following grounds:

The road is too busy and noisy, and it's difficult to cross the road

Not enough parking

There has been a fatality on the road.

Deliveries would need to park on the road

Out of character

Feel cheated by the second consultation which is for the same thing.

Determining Issues

- Principle of Development
- Character of the Area
- Amenity of neighbours and occupiers
- Access and Parking

Assessment of the Proposal

Principle of Development

Policy H5 states that the Council will promote and encourage the provision of housing for people with special needs, including, people with disabilities. It is considered appropriate that the proposed use is provided within a residential area to ensure that occupants have access to community facilities. The location is sustainable and a previous similar use has been accommodated here.

Character of the Area

The character of the area is defined by residential uses, a mix of flats and houses. The change of use is considered compatible with this character.

Amenity of neighbours and occupiers

The rear garden would have sufficient remaining space to provide opportunities for occupiers to use outdoor space in accordance with the Public Health advice. Housing standards have raised no concerns about the layout and any additional requirements are covered through separate legislation.

In relation to neighbouring houses the use is considered to be little different to the existing residential use, the presence of two staff is not likely to raise any significant amenity concerns to justify refusing the application, in addition the noise and disturbance from a changeover in the context of a busy main road unlikely to have any greater impact.

The Police have recommended that the building includes secure by design changes to the windows, doors locks and landscaping. These measures are normally secured on a new building as a condition. In this instance the application is for the conversion of an existing building used for residential occupation and it is considered that the continued occupation of the property throughout the day with the presence of staff would improve security and that the secure by design recommendations as a condition would not be reasonable. For this reason the proposed security measures are attached as a note for applicant.

Access and Parking

The application looks for a change of use to retain the present unauthorised use Residential Home use for up to 8 adults with learning disabilities. It will provide supported living with a degree of independent for residents. The building was previously used as a Care Home up to 1999 then reverted to single residential use.

The application is a similar application that was refused under 06/0202/FL/E9 - 'Change of Use from residential to a residential home for adults with Learning disabilities for 6 residents and erection of single storey rear extension'. It was refused on the following transportation related grounds:-

1. The use of this site for vulnerable people would be detrimental to their safety and amenity by reason of the high volume of traffic on this major road, in that the day to day needs of residents will include use of the road as pedestrians (visits to local amenities, etc), and at such times they will be exposed to significant adverse road safety and amenity impacts from that traffic.

2 a) The proposed parking layout means some vehicles will be unable to exit or enter their parking space without moving other vehicles.

b) The proposed parking layout means some vehicles will be forced to reverse out of the site.

c) The proposed provision of parking blocks one of the existing access points on the site which will force larger vehicles entering the site to reverse in or out of the site.

As a result of these factors, the proposal would be detrimental to the safety and free flow of vehicles on the road.

3. The parking layout does not make adequate provision for staff and visitor parking, especially at shift changeover times, such that some people will have no alternative but to park on the highway which would be detrimental to the safety and free flow of vehicles on the road'.

The Transport Statement confirms that there will be only two members of staff on site at any one time and residents are unlikely to be car owners.

There is a forecourt parking area capable of accommodating several cars as well as rear parking for staff if necessary.

At shift change over times there will be potentially only 4 cars which can be accommodated on site. This will take place at 07:30hrs and 19:30hrs which is outside peak traffic periods.

A one-way in and out access arrangement is proposed to ensure vehicles can exit in a forward gear and to minimise the potential of reversing movements onto the main road.

The site is located on a major bus route with frequent services to a number of destinations whereby staff and visitors have an option to travel by public transport.

There is a controlled pedestrian crossing point on Lichfield Road about 170m north of the site.

Taking into account the above factors, on balance the Highway Authority considers the development has overcome previous refusal reasons which in any case were applied over 10 years ago prior to the NPPF.

Conclusions and Reasons for Decision

The change of use to C2 care home is considered an acceptable use in a residential area in accordance with UDP policy H5.

The proposed use is similar to the existing C3 dwellinghouse use with the addition of two members of staff. For this reason there would be little impact on neighbouring amenity and the proposed amenity for occupiers would be acceptable to accord with UDP policy GP2.

It is considered that the scheme would not have severe transportation implications and would be acceptable in accordance with NPPF 2018 para 109. The National Planning Policy Framework states that planning applications should not be refused on transport grounds unless there would be severe residual cumulative impacts.

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

Positive and Proactive Working with the Applicant

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

Recommendation

Grant Planning Permission Subject to Conditions

Conditions and Reasons

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

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

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

Location Plan received 05/10/18

Proposed Block Plan received 05/10/18

Existing Floor Plans received 05/10/10

Proposed Floor Plans received 05/10/10

Design and Access Statement received 05/10/18

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

3) The one-way vehicular access and egress arrangement identified on the proposed block plan received 05/10/18 hereby approved shall be carried out and be clearly signed, internally and externally within three months of the date of the decision and thereafter retained.

Reason: To minimise vehicular conflicts at the site access points, to avoid undesirable reversing movements onto the A461 Lichfield Road, to ensure the safe and satisfactory operation of the accesses in accordance with UDP GP2 and T4 and in the interests of highway safety.

4) The existing gates on the entrance only shall remain in an open position when the building is in use.

Reason: To enable vehicles to manoeuvre quickly off the main carriageway when visiting the site to minimise disruption to the free flow of traffic along the A461 Lichfield Road, on account that the gates are not set back the usual 5 metres from the carriageway kerb edge and in the interests of good design in accordance with UDP policy ENV32.

5) The frontage and rear parking areas and access ways identified on the proposed block plan received 05/10/18 hereby approved shall at all times be kept free from obstructions and thereafter shall be retained and used for no other purposes.

Reason: To ensure adequate parking is available on site in accordance with UDP GP2, T4, T7 and T13, in the interests of the safe and satisfactory operation of the development and to minimise potential overspill parking on the main A461 Lichfield Road, which is a strategic highway and in the interests of highway safety.

Notes for Applicant

Police

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

If any doors and windows are to be replaced they should be fitted with BS EN 356 grade P1A glass this includes French doors and patio doors and should improve the standard of security to the more vulnerable ground floor windows. The frontages and accessible windows of the development need to have defensible planting under them. This can be created by dense low level shrubbery which should be around 1m in depth. This will assist in stopping Unauthorised persons gaining access to vulnerable windows and make it more difficult for persons to peer in through window or have access to the locking mechanisms. The defensible space should overlap the whole length of the window at

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least. Low level dense shrubbery is the preferred method to create this barrier with a mature height of no more than 1m and should be suitable for the light and soil environment at its location. This is extremely important around the development as Anti-Social Behaviour with youth knocking windows can cause residents to be fearful and stressed.

I recommended the developer to be made aware of and fit the PAS 24:2016 doors on internal doors to resident's bedrooms. Where euro profile cylinder locks are proposed in doors, shutters etc. consideration should be given to the ever Increasing trend in lock snapping as a means of forcing entry to a building. To reduce such risk a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification should be used instead of the standard 1 Star cylinder. Also where thumb turn locks are to be installed considerations should be given to the use of the 'BY Pass' method of entry by offenders. There are thumb locks on the market that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks. These should be not only fitted to external doors but to all individual units.

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

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

Economy and Environment, Development Management**Planning Committee**

Report of Head of Planning, Engineering and Transportation on 03-Jan-2019

Plans List Item Number: 5.

Reason for bringing to committee: Significant community interest

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

Proposal: PROPOSED BUNGALOW WITH ASSOCIATED ACCESS, LANDSCAPING AND PARKING.

Application Number: 18/0976

Applicant: David Stone

Agent: Mr Chris Jarvis

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

Case Officer: Paul Hinton

Ward: Paddock

Expired Date: 26-Nov-2018

Time Extension Expiry: 18-Sep-2018

Recommendation Summary: Grant Planning Permission Subject to conditions



Proposal

This application seeks planning permission for the erection of a two bedroom bungalow on land which forms part of existing residential curtilage. The bungalow would have a width of 7.8m, a depth of 10.6m and with eaves of 2.9m in height. The dual pitched hipped roof would have a height of 6m. The bungalow would be sited on a grassed area between the side of the detached house 1A Woodside Road and 1 Woodside Road. The ground level of the application site is 1m lower than 1A Woodside Road. The existing access would be moved 6.2m closer to the road traffic island. The bungalow would be positioned behind an existing electrical substation that fronts Woodside Road.

Dormer windows are proposed to the front and the rear with the front door positioned on the side of the building but angled to face the road. The bungalow would have a bedroom on the ground floor served by front and side facing windows, a bathroom with an open plan kitchen/lounge/dining room with principal rear facing window to the 68sqm garden. At first floor there would be the second bedroom served by a rear facing dormer window and served by the front facing dormer window a bathroom. The property would have facing bricks and concrete interlocking tiles. Two parking spaces are proposed.

In June 2016 committee resolved to grant planning permission for a bungalow in this location, the current application proposed the following changes to that approval:

- Amending the location from two side-by-side approved parking spaces at the front of the site to one parking space at the front set back a further 2m into the site and one to the rear of the site.
- Reduction in the size of the rear garden from 155sqm to 68sqm.

Site and Surroundings

This 0.04 hectare site is on the southern side at the corner of Woodside Road and Woodside Close and forms part of the curtilage of an existing pitched roof two-storey 1960's building set at an angle across the corner of the junction facing a small traffic island. The building was originally constructed as four retail shops with living accommodation above but has subsequently been converted to entirely residential purposes. The frontage of the site has an extensive tarmac surface used for parking.

There is a large beech tree within the rear garden of 56 Skip Lane to the side and rear of the site, which is protected by a Tree Preservation Order. An area of amenity for the existing residential accommodation is set to the rear of the building. The site is located in a residential area characterised by two-storey detached houses, set back from the road in relatively large plots. Overall the area has an open and spacious appearance, with the density of Woodside Close 20 dwellings per hectare (dph), Woodside Road 22dph, Calthorpe Close 17dph, Calthorpe Road 20dph, Burnside Gardens 37dph and the neighbouring part of Skip Lane 14dph. The density of the current proposal is 26 dph.

Relevant Planning History

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

Appeal dismissed 21/05/08.

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

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

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

10/1650/FL – Demolition of existing building and erection of 14 x 2 bed apartments – Refused 4/511. Appeal dismissed 30/8/11

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

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

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

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

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

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

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

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

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**

- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

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

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

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

Reducing Inequalities

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

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

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

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality
- WM5: Resource Management and New Development

Saved Unitary Development Plan

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

- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

Highways – no objection.

Pollution Control – no objection subject to use of recommended conditions in regard to provision of low NOx boiler and electric vehicle charging point.

Police Crime Prevention Officer – no objection. Recommends security measures in regard to types of doors and windows, areas of defensible space, position and type of fencing and security alarm.

Fire Services – no objection.

Representations

Surrounding occupiers notified by letter, site notice displayed. Officer comments are in *italics*

7 letters have been received objecting to the application on the following grounds:

- Description refers to single storey extension which has already been removed (*officers confirm the previous single storey extension has been removed, the development description has been amended accordingly*).
- Parking spaces to front of flat development is unsightly, unworkable and could obscure access and view from flats. (*This parking arrangement is not part of the planning application and was approved under application 15/1517*)
- Proposed plan refers to proposed house adjacent to 5 Woodside Close which is currently being built (*Proposed application description is clear for a bungalow at Woodside Road and application boundary clearly identifies the application site*)
- The amenity space to the existing flats has been reduced, gives the appearance of a larger space available (*noted that the fence to the existing flats is different to the boundary approved under 15/1517. The applicant has confirmed this will be revised. This is not material to the determination of this application.*
- Will tenants of flats have a right of access across the bungalow site (*this part of the site does not include any means of enclosure that would prevent access to the first floor flats*)
- There does not appear to be provision for bins for the flats (*this is not part of the current planning application, but bin storage takes place within the rear amenity area for the existing flats*)
- Rendering to the front of the flats has not been completed which was a planning condition (*not material to this application, but planning approved 16/1284 approved a render finish, currently this is exposed brickwork which the applicant intends to render in the spring*)
- Application form refers to four parking spaces, only two are shown. (*Two parking spaces are proposed as part of the proposal*)
- Reducing the amenity space may result in application for further bungalow to rear. (*Planning permission for a second bungalow was refused in 2016, each application is considered on its merits*)
- Access to garages and flats is shared and should be clarified (*plans do not demonstrate cessation of shared access*)
- The plan is annotated as showing 13 parking spaces for the flats when only 12 are shown (*The application is for the proposed bungalow which includes two parking spaces*)
- Proposed two parking spaces will be virtually impossible to manoeuvre into and out of (*Highway Authority have no objection to the proposed layout*)
- The three parking spaces at the front of the site will not allow for easy manoeuvrability (*These spaces are outside of the application boundary. The parking provision for the flats was considered under planning approval 15/1517*)
- Amenity space for the proposal has been vastly reduced compared to the previous approval (*the proposed amenity space meets the guidance of Designing Walsall SPD*)
- A covering letter dated 2nd November 2015 from the Pegasus Group stated that the garages are to provide parking in association with the new bungalow. (*Use of the garages for the bungalow was not a condition of the previous planning permission*)

- Would lead to on-street parking (*the application proposes sufficient parking that meets the requirements of saved UDP policy T13*)

Determining Issues

- Relationship with current planning permission
- Principle of residential development
- Impact on the character and appearance of the surrounding area
- Impact on residential amenity
- Access and parking
- Relationship with planning application 15/1517
- Local Finance Considerations

Assessment of the Proposal

Relationship with current planning permission

Planning permission was secured at appeal in March 2015 for the demolition of existing buildings and the erection of 14 two-bedroom apartments and an electricity substation, together with a new access and parking facilities (14/1014/FL). This planning permission has expired without being implemented.

The current position on site is a planning approval for a bungalow in the position to that currently proposed (15/1515), the change of use of 1 Woodside Road to two apartments and the erection of a detached house next to 3 Woodside Close (15/1517) where the house is near completion and external alterations including external render, replacement windows replacement roof and additional roof lights to the flat (16/1284) where works have taken place but not been completed.

Principle of residential 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 wholly 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. In Walsall, the five year requirement of housing supply is currently being met through the granting of planning permission and allocation of land for housing (which is significantly brownfield land); therefore there is no requirement to release garden land at this time. The development of brownfield land, however, is encouraged and not the only way to support sustainable economic development to deliver the homes that the country needs.

Housing applications should be considered in the context of the presumption in favour of sustainable development. As agreed by the Inspectors findings on applications 10/0038/FL, 10/1650/FL and 11/1217/FL and in granting planning permission 14/1014/FL the application site is a sustainable location. As demonstrated by the current planning approval for the bungalow the principle of housing in this location is acceptable, subject to impact upon the character of the area, residential amenity and parking.

Impact on the character and appearance of the surrounding area

This has previously been found to be acceptable. The visual changes would be moving one of the parking spaces to the rear of the site which would have no impact.

The reduced amenity space which still accords with the Council's Designing Walsall SPD, would cause no harm to the character of appearance of the area.

Impact on residential amenity

In regard to the relationship with adjoining occupiers there are no material changes to the proposed scheme compared to the extant permission.

The rear ground floor window to 1 Woodside Road (the end block of the former shops) was blocked up as part of the previous planning permission to ensure there was no loss of amenity. This condition is no longer required.

The reduced amenity area at 68sqm is in accordance with Designing Walsall SPD

The relationship of the substation to potential occupiers has been considered by appeal Inspectors previously, concluding that the evidence provided demonstrated that the potential electromagnetic fields pose minimal risk to the occupiers. There is no evidence to reach a different conclusion.

Substations tend to generate a low frequency tonal noise when they are working, mitigation measures to protect internal areas will be required. These can be secured by condition that would meet the Governments 6 tests.

It is understood that part of the site was a pond or marsh that was filled in. A site investigation report was provided as part of the condition discharge for the 15/1517 which concluded no remediation was required. While a contamination condition was required for the previous bungalow permission, this detailed report means the condition is not necessary for this current application.

The Police do not object to the planning application, making security recommendations to be used throughout the development. It is considered that appropriate boundary treatment and doors and window sets can be achieved through the use of planning conditions that meets the Governments 6 tests. The requirement of a security alarm would not be necessary in planning terms.

Since the previous planning permission the Black Country Air Quality SPD has been adopted. The SPD sets out guidance on minimising air quality impacts. The proposed new dwelling could assist with reducing potential air quality impacts by providing electric vehicle charging points so that future occupiers are encouraged to use electric vehicles and low emission boiler. This would be relevant and necessary and can be secured by condition that meets the Governments 6 tests.

Access and parking

The previous planning permission for a bungalow in this location was found acceptable in highway terms. The changes to the location of one of the parking spaces does not have severe implications.

Conclusions and Reasons for Decision

In weighing the key material considerations, consultee and neighbour responses against the national and local planning policies and guidance, it is considered that the principle of development is consistent with the provisions of the development plan. The design of the bungalow would cause no further harm to the character or appearance of the area. The proposal would not result in a material loss of amenity to neighbouring occupiers. The proposal would also provide sufficient amenity for potential occupiers, including external amenity space. Sufficient off-street parking is provided to meet the needs of the development.

Safeguarding conditions in regard to, noise mitigation, materials, drainage, boundary treatment, ground levels, landscaping, surfacing, electric charging points, low NOx boilers, no further openings, removal of permitted development rights for extensions and security and parking provision are necessary and meet the six tests. Taking into account the above factors it is considered that the application should be recommended for approval. The development is considered to meet the aims and objectives of the National Planning Policy Framework, policies CSP4, HOU2, TRAN2, ENV2, ENV3, ENV8 of the Black Country Core Strategy and saved policies GP2, ENV10, ENV32, H3, and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents Designing Walsall and Air Quality.

Positive and Proactive Working with the Applicant

Due to the nature of the application it has not been necessary to undertake positive or proactive working.

Recommendation

Grant planning permission subject to conditions.

Conditions and Reasons

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

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Site location plan received 1/10/18
- Existing site plan received 1/10/18
- Proposed site plan received 1/10/18
- Proposed floor plans received 1/10/18
- Proposed elevations received 1/10/18
- Proposed section received 1/10/18

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

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

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

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

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

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

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with NPPF10, BCCS Policy

5a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved until a schedule of facing materials to be used in external walls and roofs that includes details of the colour, size, texture and specification of the materials shall be submitted to and approved in writing by the Local Planning Authority.

5b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

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

6a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved a scheme setting out full details, including heights, extent of the boundary treatment, materials and finishes of the proposed boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. All gates should have access control measures, be self closing with hinges mounted to the rear of the public side.

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

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary

Development Plan.

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

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

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

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

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

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

9a. Prior to the first occupation of the new dwelling, access way and parking spaces shall be consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

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

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

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

Reason: In the interests of community safety.

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

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

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

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

Note for applicant

Note to Applicant Air Quality SPD

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

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have maximum NOx emissions of 56 mg/kWh for gas and liquefied petroleum gas (LPG) boilers and a maximum of 120 mg/kWh for oil-fired boilers.

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

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

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

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

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

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

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the realignment works of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654663.

West Midlands Police

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

Economy and Environment, Development Management**Planning Committee**

Report of Head of Planning, Engineering and Transportation on 03-Jan-2019

Plans List Item Number: 6.

Reason for bringing to committee: Called in by Councillor Russell

Location: 19 , CAMERON ROAD, WALSALL, WS4 2ES

Proposal: TWO STOREY SIDE AND REAR EXTENSION, REPLACEMENT ROOF RAISED BY 0.6 METRES INCLUDING THE ADDITION OF REAR DORMERS, PLUS TWO STOREY FRONT GABLE ADDITION, SINGLE STOREY REAR EXTENSION AND GARDEN STRUCTURE.

Application Number: 18/1348

Applicant: Faisal Razaq

Agent: PAUL CLIFTON ASSOCIATES

Application Type: Full Application: Householder

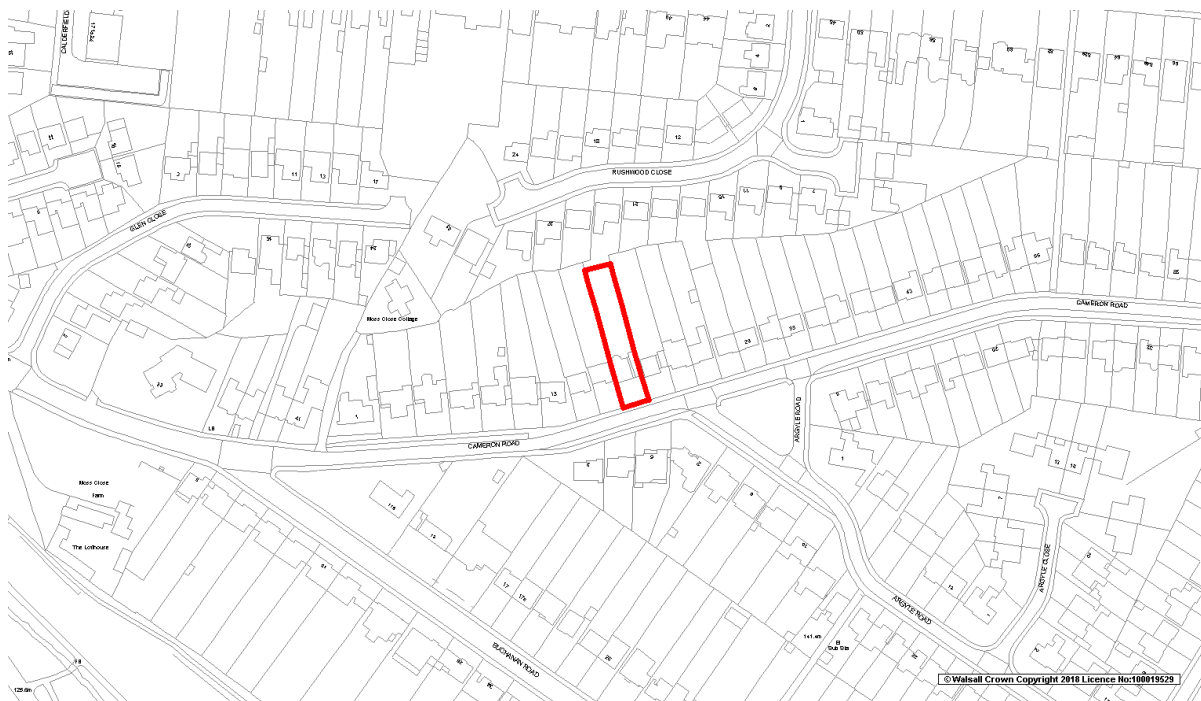
Case Officer: Helen Smith

Ward: St Matthews

Expired Date: 04-Dec-2018

Time Extension Expiry: 18-Jan-2019

Recommendation Summary: Refuse



Status

Councillor Russell has called this planning application before Planning Committee as she considers the proposed development would not be detrimental to the street scene and area.

Proposal

The application house is a 1960's detached property with a plain and simple design. This property is located in a residential area consisting of a mix of detached and semi-detached houses and bungalows. Properties along this street have varying designs with first floor gaps between houses of variable width.

The street level increases in a westerly direction and is reflected by the existing property ridge lines.

This proposal would provide a new garage, utility, kitchen and dining area at ground floor with a total of 4 bedrooms, games room, study, en suite, 2 bathrooms and 2 dressing rooms above. The proposed garden structure would enclose an existing open-air swimming pool and provide a gym and male and female changing rooms.

Amendments to the original scheme have been made including the reduction of the height of the proposed new roof and garden building.

This proposal includes the following additions;

Two Storey Front Extension

- 1.2 metres deep
- Gable roof design
- 5 metres high to the eaves
- 6.7 metres high to the ridge
- Include the main front entrance door

Two Storey Side Extension

- 3.7 metres wide
- Set in 0.2 metres from the side boundary with 21 Cameron Road
- In line with the original first floor front elevation of the host dwelling
- Eaves height of 5 metres
- Side facing obscurely glazed, first floor bathroom window would be installed

Two Storey Rear Extension

- 1.5 metres deep
- To be added across the full width of the extended rear elevation of the host dwelling
- 5 metres eaves height

Replacement Roof including the addition of Rear Dormers

- The proposed new roof would be 8.3 metres high to the new ridge line
- Increase in roof height by 0.6 metres
- Two front facing roof lights to be added

- New side facing roof light to be installed above the existing front gable
- Two rear facing dormer windows serving habitable room
- Each rear dormer window would be 3.6 metres deep by 2 metres high by 4.1 metres wide

Single Storey Rear Extension

- 0.7 metres deeper than the existing lounge area
- Pitched roof between 2.5 and 3.7 metres high
- Three rear facing roof lights would be installed

Detached Garden Structure

- 3.65 metres high
- 9.7 metres wide by 9.7 metres deep
- Set in 1 metres from the side and rear garden boundaries with neighbouring rear gardens
- Hipped roof design
- Side and rear facing windows to serve male and female changing rooms

Site and Surroundings

The neighbouring houses include;

17 Cameron Road

This house sits to the west of the application house and has front and rear facing habitable room windows along with a side facing obscurely glazed non-habitable room window. This neighbouring house ground level is approximately 0.4 metres lower than the application house with a garage to the side near to the shared side boundary with no. 19.

No. 17 sits 1.3 metres further back than the front elevation of the existing application house.

21 Cameron Road

No. 21 sits to the east of the application house and has a blank side elevation facing the application house. This neighbouring house has front and rear facing habitable room windows. No. 21 has a ground level approximately 0.4 metres higher than the application house.

The front elevation of no. 21 is 1.3 metres forward of the front elevation of the application house.

6 Cameron Road

No. 6 is a bungalow that sits on the opposite side of Cameron Road to the application house with an existing habitable room window to window separation distance of 31.7 metres.

2 Argyle Road

No. 2 is a bungalow that sits on the opposite side of the highway to the application house with an existing habitable room window to window separation distance of 35 metres.

23 Rushwood Close

No. 23 sits to the rear and north of the application plot with a shared rear garden boundary. This neighbouring house has a rear conservatory extension which is positioned 10 metres from the rear garden boundary with the application house.

25 Rushwood Close

No 25 sits to the rear and north of the application plot with a shared rear garden boundary. The rear garden of no. 25 is 13.5 metres deep at its shallowest point and this property has rear facing habitable room windows.

Relevant Policies

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf

The 2018 NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development"*.

Key provisions of the NPPF relevant in this case:

- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF says:

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

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

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

Relevant Planning History

None

Consultation Replies

Transportation - None

Representations

(Officers' comments in italics)

Objections and comments have been received from 16 neighbouring properties to both the initial and amended plans as follows;

Initial Plans

- Due notice of the planning application has not been given and all residents of Cameron Road should be notified of the proposal *(The Governments national planning legislation requires Council's to notify any adjoining owner or occupier to the planning application site. Whilst neighbours' may wish for the Council to notify everyone in Cameron Road, this would be outside the scope of the Governments planning legislation)*
- Wishes to make a formal request under the Freedom of Information Act as to whom was notified of this application between 25/10/18 and 13/11/18 *(details of neighbours notified can be found by searching for the planning application via the planning pages of the Councils website. The request has been passed to the Council's Information Governance Team)*
- Dismayed that only those neighbours immediately opposite and either side were notified *(The Governments national planning legislation requires Council's to notify any adjoining owner or occupier to the planning application site. Whilst neighbours' may wish for the Council to notify everyone in Cameron Road, this would be outside the scope of the Governments planning legislation. Adjoining neighbours' to the rear have also been notified in Rushwood Close)*

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- Proposal too large, vast, overwhelming, out of proportion and overbearing for the area
- Out of character and wider and higher than any house on Cameron Road
- Increased shading
- Three levels of rooms overlooking the road and will resemble a block of apartments
- Elevations of the ground levels not evident on the drawings (*a street scene drawing has been provided detailing the levels change*)
- Increased parking requirements and a smaller garage included and increased on-street parking
- Regular bus on Cameron Road and busy traffic mornings
- Large rear detached building may impact on neighbours at the rear and looks like a small bungalow
- Impact on light and sunlight to the rear of 21 Cameron Road
- Changing roof angle by 90 degrees would overshadow and cause a loss of privacy to 4 Cameron Road which is a small bungalow
- Roof line would no longer be in line with the rest of Cameron Road's incline
- Roof size and front dormers a true monstrosity and totally out of keeping
- Properties on Cameron Road are designed in pairs and 19 and 21 Cameron Road are the same and this proposal would impact on this continuity with a negative impact on the area
- Question 4 of the application form doesn't explain the extent of works proposed (*application descriptions are often amended by officers to include the full scope of the proposal before neighbours' are notified as it was in this instance*)
- Question 9 of the application form stating no the site can be seen from a public road, public footpath, bridleway or other public land is incorrect as the proposal will have a massive impact on the street (*this question is included to indicate to the case officer that the site will need to be entered to view the development from the rear when assessing the proposal as not all of the proposal is visible from the highway*)
- Increased roof volume would cause an undesirable bulking and massing effect
- Property surrounded by bungalows and proposal would have an undesirable effect
- Located within one of Walsall's major conservation area (the Arboretum) and will have an adverse effect of the character and appearance of the conservation area (*the application address is not within or adjacent to the Arboretum Conservation Area and this is not a material planning consideration in this instance*)
- Loss of existing views from neighbouring properties (*there is no right to a view in planning legislation*)
- No. 19 and surrounding houses have their front (*pedestrian*) access leading to the rear of the property positioned on the front right of the property and the proposed plan would contradict this specific design and undermine the aesthetic design of the road and surrounding houses
- The proposed extension plans do not show the neighbouring properties 17 and 21 Cameron Road to demonstrate the true adverse impact of the new proposed building (*Case Officer's make site visits to each application site as part of assessing potential impacts from a development*)
- Loss of side access to rear garden (*subject to meeting current planning policy and guidance, the retention of the side access is not a planning requirement*)
- No working or in use swimming pool at the rear. The swimming pool has never been in use and it seems unlikely the building will be used as proposed (*no evidence has been provided to support this statement and the Local Planning Authority (LPA) is required to accept plans at face value*)
- If the garden building is accepted this should be on a conditional basis that the said building should be used in perpetuity to house a functioning swimming pool of the same size and capacity as the current swimming pool if the application is made on this basis (*a planning condition could not be included for the retention of a functioning*

swimming pool as this would not meet the Governments 6 tests for imposing conditions. The use of the building to be ancillary to the main house may be conditioned, if the proposal is approved)

- Building property line would impact on the right of light on the neighbouring properties no's 17 and 21 Cameron Road and will be out of line with the continuity of the building line as it runs along the road
- The application would harm the symmetry of that side of the road
- No objections to a smaller extension (*the LPA is required to determine plans as presented*)
- No shortage of larger homes for sale locally without the need for this development (*the LPA is required to determine plans as presented*)
- Only received notification letter dated 25/10/18 on 13/11/18 leaving 2 days to give views (*the LPA has no control in respect of postal service delivery times*)
- Loss of privacy to rear gardens
- 4 metre high detached outbuilding will block light to rear garden on Rushwood Close
- Why is a 4 metres high rear garden building necessary? (*the LPA is required to determine plans as presented*)
- Separate changing rooms suggests a commercial use (*the LPA has no evidence to support this view*)
- Noise and disturbance concerns as the proposed garden building would be 1 metres from the rear garden on Rushwood Close. (*There is no evidence that this would be the case and any noise disturbance issues could be reported to Environmental Health Officers to investigate if they arise*)
- Rear facing window in detached garden building would look out over decking and garden on Rushwood Close
- Size of building suggest it could have a different use at a later date (*a planning condition could be included in relation to the use of this building, subject to meeting the Governments 6 tests, if approved*)
- Difficulties for emergency vehicles using Cameron Road (*The extensions do not block the highway and the Highway authority have no objections on this basis*)
- Drawings are simple in style and may not be sufficient to identify a significant change in architectural style to the frontage (*there is considered to be sufficient detail included to enable this proposal to be determined with certainty*)
- Disappointed there was no external notice of the application (*The Governments national planning legislation requires Council's to notify any adjoining owner or occupier to the planning application site and the display of a site notice is not a requirement in this instance*)
- Modest properties designed in open, un-fenced front gardens with generous rear gardens with trees (*noted*).
- Tree surgery is believed to have already taken place (*there are no protected trees in the vicinity of this proposal and it is a matter for the property owner*)
- Difficult to put three cars on the frontage and this will disrupt this quiet neighbourhood with deliveries, skips, and trades
- Will there be a timescale for completion? (*if planning permission is approved the land owners would have three years to implement the works but planning legislation does not require completion within a specific timescale*)
- If the pool is being retained would there be an internal sound proofed plant room for pumps, air con etc. (*this could form part of a planning condition if the proposal is approved however the swimming pool is already in situ*)
- Neighbours are blessed with newts and frogs at the ends of gardens and that may be a consideration before work commences (*no evidence has been provided to support this comment. Should the application be approved, a note regarding the protection of reptile ecology can be imposed*)

- Question no. 6 of the application form seems to suggest the residents of 17 Cameron Road were given 21 days to remove/prune a number of trees and shrubs in the vicinity of the proposed garden structure. This has allowed the applicant to answer this question favourably (*this is a private matter for neighbours*).
- Concerns about a possible change in occupancy at some point in the future particularly with male and female changing rooms/bathrooms in the garden structure (*A change of future occupancy is not a material planning consideration. A planning condition could be included in relation to the use of the garden building, if approved*)
- The gym and swimming pool will lead to more visitors and more cars (*the proposal is for use by the residents' only and could be conditioned accordingly*)
- Your regulations state that extensions and other buildings should not exceed 50% of the total area of land around the original house and has this been taken into account? (*This 50% limit relates to the criteria for extensions under Permitted Development allowances granted by National Government. This limit does not apply to planning applications*)
- Two storey entrance door feature and increased roof height would create the appearance of a mansion house
- The area around the proposed detached garden building is surrounded by trees and an attempt has been made by a neighbour to cut down a preserved tree on Rushwood Close (*there are no protected trees in the vicinity of the application plot*)
- Drainage issues for the pool have not been considered as this is a long way from the existing drainage system (*drainage from the existing pool is not a material planning consideration in this instance as it already exists*)
- Matters relating to the maintenance of the swimming pool water from a health point of view and it is unlikely that Severn Trent or South Staffs Water are aware of the current pool and the proposals (*this is not a material planning consideration in this instance and householders may install swimming pools without planning permission from the LPA subject to the requirements of the Governments Permitted Development allowances*)
- The garden building is big enough to start a business (*the use of the proposed garden building can be conditioned to restrict the use of this development if it is approved*)
- The façade of the house would look more like a church than a dwelling
- May not comply with Building Regulations (*this is not a material planning consideration*)
- A business is being run from the property (*no evidence has been provided and this matter has been referred to Planning Enforcement Officers' to investigate*)
- Height of the garden structure would affect their outlook on Rushwood Close and yet would be at the end of the garden of the application house
- An outbuilding of this scale would set a dangerous precedent (*there is no precedent in planning and each application is determined on its own merits. Permitted Development allowances provide permission for similar large garden buildings*)

Amended Plans

- Amendment to the front elevation means it is probably not so invasive but it does make it bigger from the side
- Scale is too big and totally out of keeping
- Front aspect would be out of keeping with nearby houses
- Vehicle obstruction from additional parking
- 3 car parking spaces are inadequate for the potential number of occupants

- Why is there a requirement for male and female toilets in a domestic dwelling? *(this is a matter of personal choice for the applicants not a material planning consideration)*
- Noise and disturbance during the construction phase particularly for shift workers
- Overlooking and loss of privacy
- Loss of outlook is not desirable *(there is no right to a view in planning legislation and the Council's 45 degree guidance is used to protect neighbours' outlook)*
- Height of garden building within 1 metres of their garden boundary on Rushwood Close is a concern
- Garden structure is for a building which is nearer two storeys
- Fine for the applicant as it will be at the extremity of their property yet much closer to surrounding houses dramatically affecting their outlook
- An outbuilding of this scale would set a dangerous precedent *(there is no precedent in planning and each application is determined on its own merits. Permitted Development allowances provide permission for similar large garden buildings)*
- Potential for noise and nuisance from the garden building *(there is no evidence that this would be the case and any issues could be reported to Environmental Health Officers if they arise)*
- House would be far too large, tall and wide and forward of the buildings to either side *(the frontages of the application house and properties to either side are stepped and this relationship would continue with the proposal to a lesser degree only)*
- The garden building would look like a bungalow
- No significant change to the initial plans
- Roof would be too high and the house out of proportion with other houses
- 0.35 metres height reduction of the garden building is hardly significant and will create an eyesore for properties on Rushwood Close
- Garden building will take up the whole of the width of the rear garden
- Parking and volume of traffic a concern particularly if the gym becomes a business
- Replacing the front dormer windows with roof windows does nothing to lessen the impact and view of this property
- Large 90 degree roof is too large and will overshadow the bungalows opposite
- Invasion of privacy and upward view from the facing bungalow
- Roof line would not be at the proper roof incline with neighbouring properties *(there is no planning policy to control the angle of the roof incline)*
- Roof size is a true monstrosity and totally out of keeping with all the properties on Cameron Road
- Question 4 of the application form doesn't explain the extent of works proposed *(application descriptions are often amended by officers to include the full scope of the proposal before neighbours' are notified as it was in this instance)*
- Question 9 of the application form stating no the site can be seen from a public road, public footpath, bridleway or other public land is incorrect as the proposal will have a massive impact on the street *(this question is included to indicate to the case officer that the site will need to be entered to view the development from the rear when assessing the proposal as not all of the proposal is visible from the highway)*
- Two storey front porch out of keeping with the road, houses and surrounding area
- Resembles a new build rather than extensions *(the proposal is extensive however most of the original house will remain and the existing front gable would be partly visible from the street)*
- Overdevelopment with a two storey front porch, double apex frontage, proposed roof height increase and two rear dormers which would be out of keeping with the area and neighbouring houses *(the application plot is 742 square metres and the proposal is not considered to be overdevelopment when considering the scale of the existing plot)*
- Unacceptable bulking and massing effect of new roof giving a negative visual effect

- Overlooking from substantive rear dormers
- Overshadowing
- Loss of views
- Loss of side access to rear garden (*this design would be a personal decision for the applicant when designing their proposal*)
- Drawings lack key details such as details about materials (*there is considered to be sufficient detail for the application to be determined with certainty and the application form states that the development shall be of facing brick and render with concrete roof tiles all to match the existing building*)
- Plans are inaccurate and do not show the true adverse impact of the proposal. The roof height of no. 17 is lower than shown and should be shown on all drawings (*the roof height of no. 17 is shown to be lower than the application house on the street scene drawing and this difference was noted at the time of the case officer's site visit*)
- The swimming pool is not used and it seems highly unlikely the garden building will be used as proposed (*there is no evidence to suggest the garden building would not be used as stated. A planning condition could be included in relation to the use of this building, if approved*)
- If the garden building is accepted this should be on a conditional basis that the said building should be used in perpetuity to house a functioning swimming pool of the same size and capacity as the current swimming pool if the application is made on this basis (*A planning condition could be included in relation to the use of this building, if approved*)
- Side facing changing room window is unacceptable opposite the garden boundary with 17 Cameron Road and could be replaced with a roof light (*side facing windows can be conditioned to be obscurely glazed with opening 1.7 metres higher than the room it serves if approved*)
- The garden building should have a flat roof rather than a four pitch roof to tower over the garden at no. 17
- Building property line would impact on the right of light on the neighbouring properties no's 17 and 21 Cameron Road and will be out of line with the continuity of the building line as it runs along the road
- The application would harm the symmetry of that side of the road
- No objections to a smaller extension (*the LPA is required to determine plans as presented*)
- No shortage of larger homes for sale locally without the need for this development (*the LPA is required to determine plans as presented*)
- The applicant's wife is alleged to be the niece of a serving member of Walsall Council and this has not been disclosed (*the applicant has confirmed that his wife has no family members working for Walsall Council*)

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Trees
- Parking

Observations

Design of the Extensions and Character of the Area

The proportions of the new roof with an increased height of 0.6 metres would disrupt the rhythm of the stepped neighbouring ridge lines as the gradient of Cameron Road increases

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in a westerly direction and would introduce an incongruous addition to the street scene resulting in the host dwelling appearing overly prominent to the detriment of the character of the area and the amenity of local residents.

The proposed smaller, front two storey gable feature, is considered would create a bulky and overly complicated front elevation, when added to the existing front gable, amongst neighbouring houses which have a plain and simple design like the existing host dwelling, which would be to the detrimental amenity of neighbours and the street scene

Furthermore the proportions of the side extension would not be subordinate to the host dwelling which adds to the bulk and massing of the proposal as a whole. A first floor set back of 1 metres at first floor and a lower ridge height were requested but have not been included on the amended plans.

Whilst there is a reduction of space between the application house and 21 Cameron Road, leaving a 0.9 metres wide gap wholly within the boundary of no. 21 (plus 0.2 metres wide gap between the application house and the boundary with no. 21) it is considered that as the width of first floor gaps between properties on Cameron Road vary this would not by itself have a harmful effect on the street scene as a terracing effect would not arise.

The front elevations of 17, 19 and 21 face south and it is considered this orientation would limit the impacts of this development on neighbours' existing light and amenity. Rear windows to no's 17 and 21 face north and existing shading is considered would not significantly worsen.

The separation distance of 31 metres between the proposal and facing bungalows is considered would not result in overshadowing from this proposal and the distance would exceed the Council's minimum recommended separation distance of 24 metres between facing habitable room windows to protect residents' privacy.

The removal of the proposed front dormer windows was considered to be an improvement to the initial design and the reduction in the increased roof height by 0.4 metres are considered to be helpful changes but are considered do not go far enough to be enable support of this proposal.

The planning agent has commented that Cameron Road and the surrounding roads have a variety of building types and styles including detached and semi-detached houses of varying configurations, large and small bungalows all in a very eclectic mix of properties into which they consider the extended property would fit well.

The agent has provided details of a number of addresses in Argyle Road, Fernleigh Road and Cameron Road where there are examples of full width two storey or first floor extensions which have been given planning permission.

There are differences between the designs of dwellings along Cameron Road and whilst there are other examples of extensions in the wider area, the application house is viewed within a row of detached houses with stepped ridge heights which form a rhythm in the street scene. As such, the varied character of properties in the wider street scene and the wider area is considered does not justify the harm identified.

The proposed rear dormer windows would be to the rear of the property and there would be limited views of these from the public realm between existing houses. Consequently, it is considered the rear dormers on their own have limited impact on the wider character of the area.

Amenity of Nearby Residents

The proposed extensions to the host dwelling meet the separation distances recommended in Appendix D of SPD Designing Walsall and is considered would not cause any significant harm to the residential amenities of neighbouring properties in terms of outlook, privacy or daylight.

The proposed extensions meet the Council's 45 degree guidance, as referred to in Appendix D, in relation to the adjacent houses 17 and 21 Cameron Road. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

The proposed front roof lights would be angled upwards and are considered would have little additional impact on neighbours' amenity and privacy.

It is acknowledged that the proposed rear dormer roof extension would result in increased overlooking of neighbours' rear gardens. In weighing the planning balance, the local planning authority has taken into account, the applicants have a fall-back position to add a similar rear dormers of 50 m³ with rear facing windows utilising the Governments existing national permitted development allowances to the existing roof, subject to not raising the ridge height of the main roof beyond the current height.

It is considered, the permitted development allowance would have a similar impact on neighbours' privacy as the current proposal.

The proposed first floor side facing bathroom window can be conditioned to be obscurely glazed and any opening parts 1.7 metres higher than the floor of the room this window serves to protect residents' privacy at 21 Cameron Road.

The proposed garden building is not visible from public areas and has little impact on the existing street scene.

This garden building could not be built using current Permitted Development allowances because it is 1.15 metres taller than the permitted development rights allow for a structure in this position. Householder permitted development allows in most instances for a garden structure to be built up to 2.5 metres high when measured from the natural ground level (at its highest natural ground level point), within 2 metres of a boundaries.

The amended proposal has reduced the height of the proposed structure from 4 metres to 3.65 metres and the roof design has been amended from a gable design to a hipped roof to reduce the bulk and massing of this proposal. This proposal would be positioned to the south and 1 metre from the rear garden boundaries with 23 and 25 Rushwood Close.

This orientation and the close proximity of this structure to 23 and 25 Rushwood Close, coupled with their shorter rear gardens of less than 15 metres is considered would have an overbearing and unacceptable impact on neighbours' outlook from rear habitable room windows. The applicant has a fall-back position under permitted development for a detached garden building in this position with a lower roof or to increase the distance of the garden building from the common garden boundaries as detailed in Permitted Development legislation, which is considered would reduce the potential impact to neighbours amenity.

Should the application be approved, rear and side facing windows in the proposed garden building could be conditioned to be obscurely glazed and any opening parts 1.7 metres higher than the floor of the room this window serves to protect residents' privacy at 17 Cameron Road and Rushwood Close.

Occupiers of dwellings have a Right to Light by virtue of the length of time which unobstructed windows have existed. The Council uses its published 45 degree guidance to guide development and planning applications in relation to neighbour's light and outlook. In this instance, it is considered the proposal meets the 45 degree guidance. This does not prevent neighbours pursuing their Right to Light through separate legislation outside the planning process. There is no right to a private view in current planning legislation.

Planning applications are determined on the merits of the individual case without setting a precedent. In determining a planning application regard should not be given to land law issues including covenants.

The construction of extensions will often result in some noise and disturbance to neighbours'. As this proposal for an extension to a house it is unlikely that a development of this small scale will have a significant impact.

The character of an area evolves over time and is never static as individual householders wish to make improvements and changes to their homes to meet their current needs. Whilst witnessing these changes may be difficult for some residents it is unrealistic to expect that areas will not change over time.

Trees

There are no protected trees within or adjacent to the application site and the removal of trees and shrubs in this instance is a private matter between neighbours.

Parking

The increase in the total number of bedrooms above 4 requires the provision of three off-street parking spaces. The proposed new garage is of a sufficient size to accommodate one parking space and the drive has space for two further parking spaces. This proposal would meet the requirements of UDP saved policies T13 Parking and Highways Officers have no objections to the proposal.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbours objections and comments, it is considered that the proposed extensions would not be compatible with the existing dwelling and neighbouring properties or the street scene because of its design, bulk, mass and increased height. The height of the proposed rear garden building to the south and close to the rear garden boundaries of properties on Rushwood Close is considered would be overbearing and detrimental to neighbours' outlook and amenity.

As such the development is considered fails to meet the aims and objectives of the National Planning Policy Framework (paras 127), policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy and saved policies GP2 and ENV32 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall.

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

Recommendation

Refuse

Reasons for Refusal

1. The design of the proposed extensions are considered unacceptable on the following grounds;

- The proportions of the new roof with an increased height of 0.6 metres would disrupt the rhythm of the stepped neighbouring ridge lines as the gradient of Cameron Road increases in a westerly direction and would introduce an incongruous addition to the street scene resulting in the host dwelling appearing overly prominent to the detriment of the character of the area and the amenity of local residents.
- The proposed smaller, front two storey gable feature is considered would create a bulky and overly complicated front elevation, when added to the existing front gable, amongst neighbouring houses which have a plain and simple design like the existing host dwelling, which would be to the detrimental amenity of neighbours and the street scene.

The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no. 127; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular saved policies GP2, ENV32 and Designing Walsall SPD.

2. The southerly orientation, scale, height and the close proximity of the proposed garden building to 23 and 25 Rushwood Close, along with the shorter rear gardens of these neighbouring properties of less than 15 metres, is considered the garden building would have an overbearing and unacceptable detrimental impact on neighbours' outlook and amenity from their rear habitable room windows and reduce their enjoyment of their gardens. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no. 127; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular saved policies GP2, ENV32 and Designing Walsall SPD.