

Development Management - Planning Committee
Report of Head of Planning, Engineering and Transportation, Economy and
Environment Directorate on 27th April 2017

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2	19	16/1883	LAND OFF TEMPUS DRIVE, TEMPUS DRIVE, WALSALL, WS2 8TJ WARD: PLECK	SECTION 73 APPLICATION: VARIATION OF CONDITIONS 2, 3, 13, 15, REMOVAL OF CONDITION 5 AND DISCHARGE OF CONDITIONS 6 AND 10 OF 15/0333/FL.	Grant Planning Permission Subject to Conditions
3	33	17/0195	LAND ADJACENT 16 AND CAR PARK R/O 16-22 HIGH STREET, ALDRIDGE, WALSALL WARD: ALDRIDGE CENTRAL AND SOUTH	REDEVELOPMENT TO FORM 2 RETAIL UNITS AND 37 RETIREMENT LIVING APARTMENTS INCLUDING COMMUNAL FACILITIES, ACCESS, CAR PARKING (PRIVATE AND	To delegate to the Head of Planning, Engineering & Transportation to Grant Subject to Conditions, subject to no new material considerations which cannot be addressed through condition following comments from pollution control and the addition of

				PUBLIC) AND LANDSCAPING.	any conditions as required, plus a section 106 agreement for affordable housing and open space contribution unless a financial viability assessment demonstrates that it is unviable to deliver the section 106 contributions
4	55	16/1515	<p>SITE B GOSCOTE LANE (GOSCOTE LODGE CRESCENT), WALSALL</p> <p>WARD: BLAKENALL</p>	426 NEW DWELLINGS WITH ASSOCIATED LANDSCAPING AND PARKING – 312 FOR PRIVATE SALE, 74 AFFORDABLE RENT AND 40 WELLBEING UNITS. (SITE AFFECTING PUBLIC FOOTPATHS WAL 26 & 28).	To delegate to the Head of Planning, Engineering & Transportation to grant permission subject to conditions; subject to the completion of a Section 106 contribution to provide affordable homes; amendments to the access from Goscote Lodge Crescent onto Goscote Lane and amendments to the scheme to take account of public footpaths including any conditions/obligations as required, to address the concerns of the Highway Authority
5	87	16/1241	<p>LAND TO THE WEST OF TEDDESLEY STREET, WALSALL, WS4 2AH</p> <p>WARD: ST MATTHEWS</p>	33 NO. TWO, THREE AND FOUR BEDROOM DWELLINGS FOR AFFORDABLE RENT AND SHARED OWNERSHIP WITH ASSOCIATED LANDSCAPING	Delegate to the Head of Planning, Engineering and Transportation to grant planning permission subject to conditions and completion of a S106 agreement for affordable

				AND PARKING.	homes and urban open space
6	109	16/1048	<p>FORMER CENTRAL PATTERNMAKING COMPANY LIMITED, 44, STRINGES LANE, WILLENHALL, WV13 1LU</p> <p>WARD: WILLENHALL SOUTH</p>	CHANGE OF USE OF LIGHT INDUSTRIAL UNIT (B1) TO 12 FLATS (C3) AND ASSOCIATED PARKING AND AMENITY SPACE	Grant Permission Subject to Conditions and a Planning Obligation
7	123	17/0312	<p>TRAFFIC ISLAND JUNCTION OF THE KEYWAY/WILLEN HALL ROAD/SOMERFORD PLACE, WILLENHALL</p> <p>WARD: WILLENHALL SOUTH</p>	INSTALLATION OF SCULPTURE ON TRAFFIC ISLAND	Grant Permission Subject to Conditions and a Planning Obligation
8	129	17/0108	<p>FIONA FLORIST, 4, GILLITY AVENUE, WALSALL, WS5 3PH</p> <p>WARD:PADDOCK</p>	SINGLE STOREY SIDE AND REAR EXTENSION TO CREATE LARGER RETAIL UNIT (238 SQ MTS)	Grant Permission Subject to Conditions
9	141	16/1799	<p>136-145, WALSALL ROAD, WILLENHALL, WV13 2ED</p> <p>WARD: WILLENHALL SOUTH</p>	CHANGE OF USE OF PART OF THE EXISTING CONVENIENCE STORE (USE CLASS A1) TO A HOT FOOD TAKEAWAY (USE CLASS A5) PLUS A REAR EXTENSION TO FORM A NEW COLD STORE ROOM AND MINOR EXTERNAL ALTERATIONS	Refuse

				INCLUDING NEW EXTRACT FLUE, CONDENSING UNIT AND FRESH AIR INTAKE GRILLE, NEW STEP AND REFURBISHMENT OF EXTERNAL FINISH OF SHOP FRONT.	
10	153	16/1510	THE SUBSTATION, PARK LANE, DARLASTON, WEDNESBURY, WS10 9SE WARD: BENTLEY AND DARLASTON NORTH	PROPOSED EXTENSION AND CHANGE OF USE TO A 30 BEDROOM HOUSE WITH SHARED BASIC FACILITIES FOR UNRELATED INDIVIDUALS (SUI GENERIS USE) WITH LANDSCAPING AND CAR PARKING	Delegate to the Head of Planning, Engineering and Transportation to Grant Planning Permission Subject to Conditions providing the Coal Authority objection has been resolved.
11	171	17/0168	5, KINNERLEY STREET, WALSALL, WS1 2LD WARD: Paddock	RESUBMISSION OF 16/1341: CHANGE OF USE OF DISUSED TANNERY TO 1NO FLAT, 1NO BEDSIT AND ANCILLARY ACCOMMODATION SERVING 5 KINNERLEY STREET	Delegate to the Head of Planning, Engineering and Transportation to grant planning permission subject to conditions once noise impacts have been satisfactorily addressed including relevant conditions where necessary.
12	185	16/0249	SADDLERS ARMS, FISHLEY LANE, BLOXWICH, WALSALL, WS3 3PS WARD: BLOXWICH EAST	OUTLINE PLANNING PERMISSION FOR THE ERECTION OF ONE HOUSE (ACCESS TO BE CONSIDERED AT THIS STAGE) AND RECONFIGURATION OF PARKING	Grant Planning Permission Subject To Conditions

				FOR THE PUBLIC HOUSE.	
13	201	16/1020	QUEENS HEAD, CHURCH STREET, BLOXWICH, WALSALL, WS3 3JQ WARD: BLOXWICH EAST	OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF 2NO HOUSES WITH ACCESS TO BE CONSIDERED WITH ALL OTHER MATTERS RESERVED AND REALIGNMENT OF EXISTING PUBLIC HOUSE CAR PARK	Grant Planning Permission Subject To Conditions
14	217	15/1635	HOUSE IN THE WOOD, STREETLY WOOD, STREETLY, SUTTON COLDFIELD, B74 3DQ WARD: STREETLY	ERECTION OF 1 NO. DWELLINGHOUSE WITH ASSOCIATED WORKS (RESUBMISSION OF 14/0804/FL)	Grant Planning Permission Subject to Conditions
15	233	16/1825	FOREST HOUSE, 1, WALSALL ROAD, WALSALL, WS5 4QL WARD: PALFREY	PART CHANGE OF USE FROM A1 (RETAIL USE) TO A5 (HOT FOOD TAKEAWAY USE) AND SUB-DIVISION OF 2NO. EXISTING A1 UNITS INTO 4NO. SMALLER A1 RETAIL UNITS.	Grant Planning Permission Subject To Conditions
16	245	16/1900	9, BEACON HILL, ALDRIDGE, WALSALL, WS9 0RH WARD: STREETLY	PROPOSED DEMOLITION AND RECONSTRUCTION OF DWELLING HOUSE	Grant Planning Permission Subject To Conditions
17	253	17/0016	7, ALDIS ROAD, WALSALL, WS2 9AY	RETROSPECTIVE: ERECTION OF GARDEN OUTBUILDING	Grant Permission Subject To Conditions

			WARD: PLECK		
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Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 1.

Reason for bringing to committee: Major Application

Location: LAND REAR OF ARBURY, OFF AIRFIELD DRIVE, ALDRIDGE

Proposal: ERECTION OF B2/B8 WAREHOUSE WITH ANCILLARY OFFICES AND ASSOCIATED YARD, CAR PARK AND EXTERNAL WORKS.

Application Number: 17/0052

Applicant: David Kay

Agent: Ian Page

Application Type: Full Application (Major)

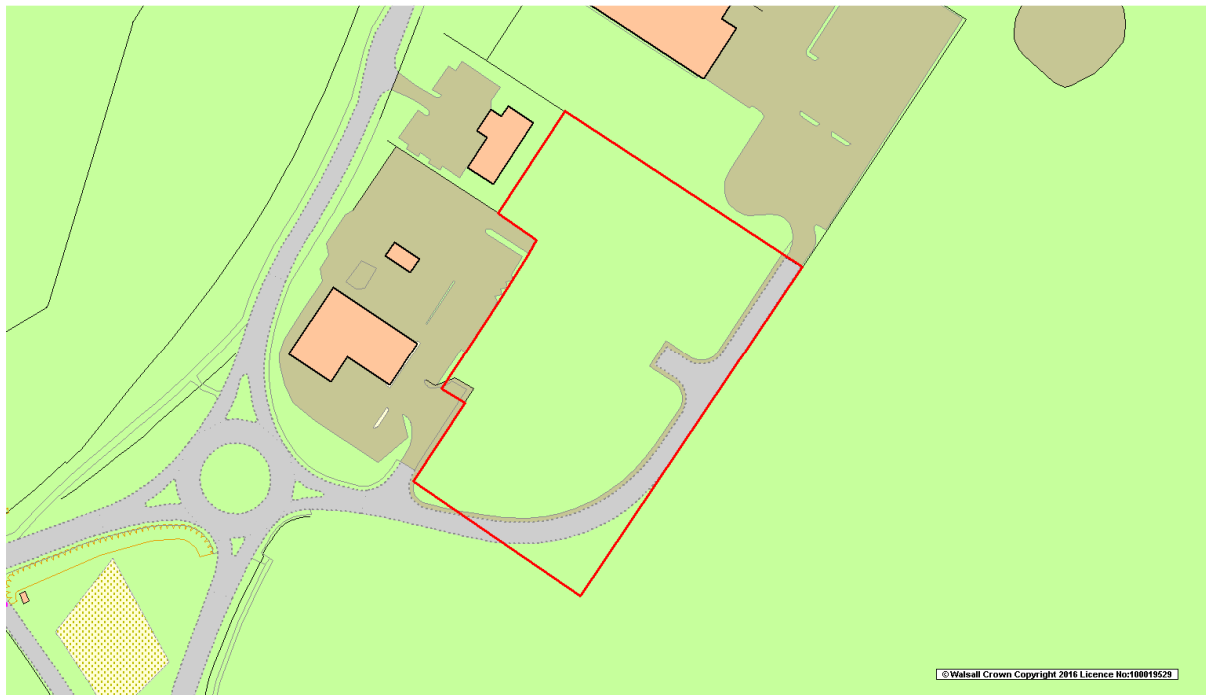
Case Officer: Stuart Crossen

Ward: Aldridge Central And South

Expired Date: 25-Apr-2017

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

The application proposes a 5,120sqm B2/B8 (general industrial/storage & distribution) commercial building with ground floor reception, offices at first floor, associated external yards, car parking, and infrastructure.

The site is situated off Airfield Drive in an area of large commercial units within the green belt. Permission BC27612P granted in May 1984 gave outline consent for "Redevelopment and Refurbishment for Uses falling within Class B1". Following this permission the site has been levelled and prepared for development with defensive bunds installed to the roadside edge on the East and South boundaries. The bund on average is approximately 2.5m above road level and the trees are a mixture of Oak, Alder, Birch, Ash, Hazel, Cherry, Rowan, Hawthorn amongst others. These tree heights range between 3.5-m to 7.0m with the majority towards the upper end of this scale. Airfield Drive includes an access point to the site and there has been tree planting secured as part of previous applications which defines the curtilage of the best quality employment site.

A service yard is proposed to the North of the building with a new separate access off Airfield Drive. The existing hammer-head would be closed and removed. The yard accommodates a single width ramp down to levelled dock access with sectional overhead doors in the proposed building, as well as turning areas for HGV's and level access doors into the warehouse.

To the North West of the site would be an area of undeveloped ground for the purposes of creating ecological habitats to mitigate the loss of grassland as a consequence of the proposals.

The site levels are such that retaining walls are introduced to reconcile the different levels of the building, parking and perimeter land.

The key measurements are:

- Gross External Area: B2/B8 Uses 4,943qm
- Ancillary Uses at Ground & 1st Floor 349sqm
 - Total 5,292sqm
- Gross Internal Area: B2/B8 Uses 4,825qm
- Ancillary Uses at Ground & 1st Floor 308sqm
 - Total 5,133sqm
 - Total Application Area 1.7hectares
- 65 metres deep
- 75 metres wide
- 14.7 metres high
- 10.6 metres high to the eaves

To the North is a large manufacturing warehouse occupied by Rotometrics which is on higher ground by approximately 2 metres and the building is 9.9 metres high, to

the West is a 9.5m high office building and an 8.4m high building which is a car dealership.

Beyond the site to the East are open playing fields with open countryside beyond. To the West is the major local trunk road the A454 linking Aldridge and Walsall, beyond which is open countryside. In the local area there are canals and agricultural buildings. The southern and Eastern boundaries of Airfield Drive are defined by established tall tree planting.

The application proposes 50 parking spaces in the main parking area, including 3 disabled parking bays and 2 electric charging point bays. An additional 4 spaces are identified in the yard area to the rear of the building. A covered cycle shelter is illustrated to the front of the main building.

A design and access statement has been submitted which provides a site analysis, details of the proposed use, the layout, its scale and appearance, landscape and site levels, and access.

An ecological impact assessment has been submitted which makes the following conclusions:

The overall effects of the proposed development are not likely to have any significant impacts on designated sites or protected or notable habitats and species, provided the recommended mitigation measures given are followed.

The presence of invasive plant species on site will be dealt with via appropriate mitigation measures to avoid significant impacts on biodiversity.

No breaches of biodiversity policy or legislation are anticipated and, although there might be a slight net loss of biodiversity in terms of the removal of areas of vegetation on site, this could be readily offset by simple enhancement measures such as planting of nectar-rich species and installation of bird boxes.

If appropriate long-term enhancement measures are adopted, the development has the potential to deliver a net biodiversity gain.

A planning statement has been submitted which concludes that the position in relation to the land allocation, extant permission, surrounding uses and the lack of any other harm outweighs the impact on the openness in this case. That the development is acceptable within the context of maintaining Walsall's Business Park's position as one of the regions key strategic employment locations, attracting significant investment, prosperity and employment to the area.

A flood risk assessment has been submitted which concludes that the site has a low risk of flooding.

A Transport Statement has been submitted to support the application which considers there to be no overriding objections to the proposed commercial development and that the development proposals accord well with planning policy set out in the National Planning Policy Framework. The proposed development is considered to be suitable for approval by the Local Highway Authority.

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

Relevant Planning History

Relevant Airfield Drive Planning History

The site was acquired by the Council in 1932 for the purpose of developing an aerodrome. A number of hangers and associated buildings were constructed along the Walsall Road frontage during the period between 1936 and 1954 when the aerodrome was in use. From 1939 these buildings were also used for manufacturing purposes by Helliwells Works. In the late 1950s planning permission was granted for the alteration of the airport buildings to form offices and laboratories for technology and research. Planning agreements in 1960 and 1979 consolidated this restriction on the use of the site. A subsequent application was approved for a computer block in 1962.

BC27612P Outline-Redevelopment and Refurbishment for Uses falling within Class B1. Granted subject to conditions and section 106 Agreement - Approximately May 1994 (records currently not complete) This application was approved by the Secretary of State, and included conditions restricting to a B1 use only, 210,000m² maximum floor area and 2 storey height limit.

BC43825P - Redevelopment for Class B2 Manufacturing with Ancillary Offices & Processes and 2-Storey B1 Enterprise Unit. Granted Subject to Conditions 26/07/95

BC45593P - Erection of B2 Manufacturing Unit & Ancillary Works, (Amendment to BC43825P). Granted Subject to Conditions 13/06/96

BC50157P - Two no. two storey business units related car parking and landscaping, (Amendment to BC43825P). Granted Subject to Conditions 28/08/97

BC61789P - Proposed motor dealership for the sale and service of motor vehicles with associated parts store, workshop and office facilities. Granted Subject to Conditions 06/10/00

03/0705/FL/E4 - Proposed Extension to Existing Display Parking and Service Parking Areas. Granted Subject to Conditions 04/09/03

04/0311/FL/E5 - Erection of B1 (a) office building with associated car parking and vehicular access. Granted Subject to Conditions 22/06/04

08/0883/FL - Proposed additional showroom within existing motor dealership and new shopfront. Granted Subject to Conditions 28/07/08

Relevant Policies

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning

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system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 7 - Requiring good design***
- ***NPPF 9 - Protecting Green Belt Land***
- ***NPPF 10 - meeting the challenge of climate change, flooding and coastal change***
- ***NPPF 11 - Conserving and enhancing the natural environment***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP3: Local Quality Employment Areas
- EMP4: Maintaining a Supply of Readily Available Employment Land
- EMP5: Improving Access to the Labour Market
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN3: The Efficient Movement of Freight

- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV1: The Boundary of the Green Belt
- ENV2: Control of Development in the Green Belt
- ENV3: Detailed Evaluation of Proposals within the Green Belt
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- JP5: Core Employment Areas
- JP6: Best Quality Sites
- T1 - Helping People to Get Around
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

Designing Walsall

- DW1 Sustainability

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

Policies are available to view online:

Consultation Replies

Transportation – No objections subject to conditions relating to access, parking and highway stopping up.

Tree Officer – No objections. The tree bund is an effective screen with few gaps and lots of growth potential.

Pollution Control – No objection in principle but recommends the implementation of works to investigate and remediate any localised ground contamination and ground gas issues associated with the site. Conditions to address this concern have been provided.

Environment Agency – No objections

Coal Authority – No objections

Environmental Health – No objections

Environment Agency – No objections

Strategic Planning Policy – No objections

Birmingham & Black Country Wildlife Trust – No comments

Representations

One objection has been received on the following grounds:

Loss of openness

Should be located at the business side of Aldridge (Middlemore Lane)

If approved the proposed measures in the Ecological Impact Assessment of page 30 and 31 should be a requirement of the development.

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

Determining Issues

- **Principle of Development and the Green Belt**
- **Design and Character of the Area**
- **Ecology**
- **Contaminated Land**
- **Parking & Access**
- **Drainage**

Observations

Principle of Development and the Green Belt

The site is allocated as a 'Best Quality Site' under UDP Policy JP6 of Walsall's UDP. CSP2 of the BCCS: Development Outside the Growth Network provides support for: *"A limited supply of large-scale development opportunities through allocations on free-standing employment sites and other surplus land."* Walsall's Employment Land Review 2016 identifies the site as a vacant potential high quality industrial site. The UDP allocation is proposed to be carried forward as IN13.2 in the Site Allocation Document (SAD) for which no objections have been received or any main modifications proposed.

Cabinet on 27th July 2016 agreed to this allocation and also resolved to advise Planning Committee that, in making planning decisions, weight can be given to those policies in the SAD where they are not the subject of objections or of Proposed Main Modifications.

This is supported by the NPPF (para.216) which states:

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). Unless other material considerations indicate otherwise."*

The proposed development for employment use is in accordance with UDP Policy JP6, BCCS Policy CSP2, and with the allocations of SAD Policy IND2 which can be attributed weight to a significant degree. The allocation in the emerging SAD is as Potential High Quality Industry and the application is considered to accord with this, proposing high quality provision for employment that will help to support the regeneration strategy set out in the BCCS.

However, despite its allocation with policy support, and the planning history, the site remains in the Green Belt.

National Planning Policy (in the NPPF, paragraph 89) says that the construction of new buildings in the Green Belt should be regarded as inappropriate, but with a number of exceptions, including *"the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."*

The NPPF definition of previously developed land in Annexe 2 is *land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).*

On the above basis the site has been previously-developed and the impacts are considered acceptable in terms of the tests in national policy. The site is within the land surrounded by Airfield Drive and formed part of the curtilage of Helliwells Aircraft works buildings and infrastructure. It also formed part of the previous outline permission BC27612P granted by the Secretary of State in March 1993 for the redevelopment of the site thus establishing the principle of redevelopment. This permission was implemented in part, including Airfield Drive and the access points to the application site. A subsequent reserved matters permission BC43825P for development of the site was also approved.

The proposed development would be in scale with existing adjoining development and would help to complete the development of the overall site without increasing its impacts in terms of the openness and purposes of the Green Belt.

This view is supported by considerations of visual impacts on the green belt. The proposed building would be viewed in the context of the existing adjacent buildings within the envelope of this existing road and vacant land. The bund and tree belt sited along the southern and eastern boundary to the open space beyond, where the most prominent views of the development would be, has trees up to 9.5 metres high. Because of the existing relationship between this land and the existing commercial development, the scale of the proposal in this context and given the existing tree belt along Airfield Drive the visual impact is considered to be acceptable.

The proposed design is considered to be high quality utilising a mix of materials on the facing elevations.

The applicant's planning statement concludes that the extant permission is a significant and considerable fall-back position and that in the context of the existing surrounding uses and the lack of any other harm outweighs the impact on the openness of the Green Belt in this case. The applicant considers the proposal to be acceptable within the context of maintaining Walsall's Business Park's position as one of the region's key strategic employment locations, attracting significant investment, prosperity and employment to the area.

The objector's concerns have been addressed in the above comments in relation to loss of openness and reason to allow the proposed use in this location.

Although substantial weight should be given to any potential harm that the development might have on the Green Belt, national policy recognises that building on previously-developed sites need not be inappropriate. In this case the impact on the openness of the Green Belt is limited by the context as part of an area of development for employment, whilst the scale, design and surrounding landscaping limit visual impacts. The applicant's case, based on the planning history and context of the partly developed site is supported by officers. The proposed employment development on this Green Belt site is considered to be supportable in principle.

Design and Character of the Area

The footprint of the proposal is not dissimilar to the neighbouring Rotometric building to the North and would be viewed in the context of an existing industrial estate. The height of the eaves at 10.6 metres would extend above the current tree line which is expected to increase in height and is on lower ground than the Rotometric building.

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Although the apex extends higher the pitch is shallow and the expanse would not be unduly harsh especially considering the set back of the building from these trees. The development would form part of a more coherent industrial site and would be seen in this context. The mixture of elevation materials would result in a quality finish appropriate to such a building in this area and silver elevations would be compatible with the existing buildings here.

To ensure the high quality design of the development reflects the character of the adjoining land it is considered that high quality landscaping is required and this is recognised in the submitted Ecological Impact Assessment. In accordance with the recommendations of chapter 6 of the report a condition can be included to secure a landscaping plan..

Ecology

The Ecological Impact Assessment recommends mitigation against potential impacts on protected species, including the provision of bird boxes, measures to protect wildlife during construction, the requirement to cease work at night, prevent light spill onto adjacent sites and to protect newt species should they be found. These proposals can be secured by condition if permission is granted. This also concurs with the objector's comments that measures for mitigation should be secured. One of the mitigation proposals however relate to restricting vegetation to a "mown height" as no further details are provided as to an acceptable height such a condition is not enforceable and so this measure will be attached as a note to applicant.

The report also highlights evidence of Japanese knotweed at the site and mitigation is proposed, however as this is controlled by separate legislation a note for applicant is recommended.

Suggestions are made in the report about a green roof. It is not clear how this could reasonably be required or maintained and is considered unnecessary to support the scheme.

Contaminated Land

Pollution Control Officers with respect of contaminated land are aware that the site has been historically used for various factory and military uses. There is a likelihood that the land will be contaminated so the developer will need to undertake appropriate investigation in order to assess the extent of the ground contamination at the site and inform of any remedial measures that may be required. Conditions to address this concern have been provided.

Parking & Access

The proposed parking scheme is just below the maximum UPD T13 parking policy requirement for B2 use at 54 spaces plus 6 disabled spaces (10%) and is considered acceptable by Highways Officers.

In terms of highway impact, as a worst case scenario, the development if B2 is likely to generate 14 trips in the am peak hour and 9 in the evening peak hour. This equates one trip every 4 minutes in the am peak and one every 6/7 minutes in the pm peak. This is considered unlikely to have any significant impact on the operation of the local highway network. The Highways Officer has requested a condition that

the site only be used for B2 or B8 use which can be attached to permission if granted.

The layout of the building requires the removal of the existing adopted turning facility in Airfield Drive which will be replaced with a new adoptable turning facility suitable for HGV's which will also provide access to the new rear service yard.

In addition, a review of the existing adopted forward visibility splays along Airfield Drive within the site has concluded that they are no longer necessary as they were based on previous highway design guidance with a 'Y' distance of 70m for a 30 mph speed limit. Under current Manual for Streets guidance a 'Y' distance of 43m is now accepted and this more or less falls within the area up to the back of footway. Highway Officers report that the forward visibility splays have been overgrown for many years and no visibility related incidents have been reported.

The site is considered to have relatively good cycle links and access to public transport which could be promoted to encourage sustainable travel to the site as part of the development's Travel Plan.

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

Drainage

Drawing No. 21311B-2: Land Survey and Underground Utilities (as previously submitted) show the existing storm drainage within Airfield Drive towards the roundabout, into the extent of publically maintainable highway. The location of the outfall into the public sewer is currently unknown, however the flood risk officer considers that on the balance of probability, there is likely to be connectivity.

Drawing No. 201, Rev T0: Proposed Industrial Unit Airfield Drive, Aldridge and the Flood Risk Statement by CCE, refers to tanked porous paving / blocks on designated parking bays, linear drainage channels and includes a full retention separator to help prevent pollution prior to discharge into the surface water system. The drainage design itself may suffice for the site, as uses SuDs principles, pollution prevention methods, attenuation up to the climate change event, restricted to 5.8l/s and identifies that flooding will be contained within the service yard in the 100yr & 20%CC storm event, with no off-site impact – as shown on CCE's Drawing No. 201/1, Rev P0: Site Drainage Temp Flooding / Flood Routing.

Notwithstanding the above comments the Flood Risk Officer is satisfied with the scheme subject to conditions for further surface water drainage plans which can be attached to permission.

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 approved plans: -

Amended Site Location Plan (0300 Rev01) received 23/01/17
Amended Site Aerial Plan (0301 Rev01) received 23/01/17
Amended Site Survey Plan (0302 Rev01) received 23/01/17
Amended Site Block Plan (0301 Rev01) received 25/01/17
Amended Site Arrangement Plan (0311 Rev05) received 14/03/17
Amended Site Building Arrangement Plan (0320 Rev02) received 23/01/17
Amended Building Elevations (0330 Rev02) received 23/01/17
Amended Proposed Elevations 01 (2004 RevD) received 12/04/17
Amended Proposed Elevations 02 (2004 RevD) received 12/04/17
Proposed Sections (2200 RevB) received 12/04/17
Amended Indicative Visualisations (0350 Rev03) received 25/01/17
External Works Layout Proposed Levels (200 RevT1) received 14/03/17
Site Drainage Temp Flooding/ Flood Routing (201 RevT1) received 14/03/17
External Works Surface Finishes and Specifications (202 Rev T1) received 14/03/17
Land Survey and Underground Utilities received 13/01/17
Flood Risk Statement received 13/01/17
Planning Statement received 13/01/17
Ecological Impact Assessment received 13/01/17
Design and Access Statement received 13/01/17
Transport Statement Report received 13/01/17

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

3a) Prior to the commencement of the development, a detailed Construction Phase Method Statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

3b) The development shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the free flow of traffic and pedestrians using the adjoining highway.

4a) Notwithstanding the submitted details and prior to commencement a scheme for the provision of surface water drainage works, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority.

4b) The drainage works shall be completed in accordance with the approved details and fully implemented prior to the commencement of the development.

Reason: To prevent the increased risk of flooding as a result of the development works by ensuring the provision of a satisfactory means of surface water disposal in accordance with BCCS Policy ENV5 and UDP policy ENV40

5a) Notwithstanding the submitted details and prior to commencement a scheme for the provision and implementation of surface water run-off limitation to greenfield run-off rates shall be submitted to and approved in writing by of the Local Planning Authority.

5b) The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with BCCS Policy ENV5 and UDP policy ENV40

6a) Notwithstanding the submitted plans and details, and prior to the commencement of the development details shall be provided to and approved by the Local Planning Authority for nesting boxes to be installed within the elevations of the development.

6b) The approved details shall be fully implemented and retained thereafter.

Reason: To mitigate for potential loss of ecology and to comply with UDP policy ENV23.

7) Prior to the commencement of the development, a Highway Stopping Up Order made under S247 of the Town and Country Planning Act 1990, shall be confirmed to extinguish highway rights over those areas of existing highway within the site boundary and made redundant as a result of the development proposals. The areas to be Stopped Up shall include the existing turning head facility in Airfield Drive and the forward visibility splays along Airfield Drive no longer deemed necessary.

Reason: To ensure all public highway rights are extinguished through the appropriate legal mechanism to enable the development to proceed.

8a) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

8b) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

8c) Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any

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land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

8d) 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.

8e) 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 ii) 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.

8f) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3).

Reason: To ensure safe development of the site and to protect human health and the environment and to comply with UDP policy ENV10.

9) Suitable refuge features for hedgehogs will be carefully dismantled by hand.

Reason: To reduce the likelihood of harm to hedgehogs and to comply with UDP policy ENV23.

10) Any construction materials will be stored on short grassland, bare ground or hardstanding and materials storage will be confined within the application site.

Reason: To mitigate for potential loss of amphibians and reptiles and to comply with UDP policy ENV23.

11) Any landscaping proposals shall respect a 2.4m x 43m visibility splay at the Arbury access in an easterly direction along Airfield Drive, within which no planting or structures shall, at any time, exceed 600mm in height above carriageway level.

Reason: In the interest of highway safety.

12) Notwithstanding the submitted details the elevations, other than the composite panels to be coloured RAL 7016 as indicated on the submitted plans, shall be coloured silver RAL number 9006 and the roof cladding shall be coloured RAL 7038.

Reason: To ensure the satisfactory appearance of the development and to comply with UDP policies ENV4 and ENV32.

13) Upon the development first coming into use, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained with the Framework Travel Plan dated December 2016 and submitted by

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Waterman shall be fully developed into a full working Travel Plan and implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved Plan.

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

14a) Prior to the development first coming into use, full details of the proposed cycle shelter, which shall be covered and illuminated shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

14b) The approved cycle shelter facility shall be fully implemented and be retained and used for no other purpose.

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

15a) Prior to the development first coming into use, all access ways, parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain. All parking spaces shall be clearly demarcated on the ground.

15b) 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.

16) Prior to the development first coming into use, the following highway related works shall be completed to the Council's specification and to the satisfaction of the Highway Authority, full engineering details of which, including layouts, alignments, widths and levels, together with all necessary drainage arrangements, are to be agreed in advance of the works commencing:-

- i) The new adoptable turning facility in Airfield Drive,
- ii) The removal of the existing redundant turning facility and construction of the replacement footway,
- iii) The upgrade of the existing pedestrian crossing facility across the Arbury access to include tactile paving.

Note: Any relocation or diversion of Statutory Authority apparatus and services necessary to achieve the stopping of the public highway shall be entirely at the applicant's expense.

Reason: To ensure the satisfactory completion and operation of the public highway, to improve accessibility to the site and in the interests of highway safety.

17) Notwithstanding the submitted details the finished floor levels shall be set no lower than 151.50mAOD.

Reason: To protect the development from overland flow, in accordance with BCCS Policy ENV5 and UDP policy ENV40.

18) For the duration of the construction works any excavations will either be covered at night or a ramp will be provided so that should any protected species or wildlife fall in, they can escape. Additionally, pipework left open overnight will be covered to prevent animals entering and getting stuck.

Reason: To mitigate for potential loss of ecology and to comply with UDP policy ENV23.

19) No construction work will be undertaken after sunset.

Reason: To mitigate for potential loss of ecology and to comply with UDP policy ENV23.

20a) If at any point during these activities, or at any other stage during works, a great crested newt or reptile is discovered, all work must stop and a suitably licensed/qualified ecologist will be consulted.

20b) A Telephone numbers of a suitably licensed/qualified ecologist will be held on site.

Reason: To mitigate for potential loss of ecology and to comply with UDP policy ENV23.

21) There shall be no increase in the illumination of Aldridge Airport Potential Site of Importance (PSI) which lies c. 12 m from the development area during the implementation of the development.

Reason: To mitigate for potential loss of ecology and to comply with UDP policy ENV23.

22a) Notwithstanding the submitted details and prior to the occupation of the development a landscape plan shall be submitted and approved by the Local Planning Authority, which includes the enhancements recommended in chapter 6 of the submitted Ecological Impact Assessment prepared by Swift Ecology submitted as part of this planning application.

22b) The approved details shall be fully implemented within one planting season.

22c) If within 3 years any approved species of plant dies it shall be replaced by a suitable alternative.

Reason: To mitigate for potential loss of ecology, to ensure the satisfactory appearance of the development and to comply with UDP policies ENV4, ENV23, ENV32 and JP6.

23) No manufacturing, paint spraying, fabrication, production, servicing or associated operation(s) other than essential building maintenance shall take place externally within the application site.

Reason: In the interests of local amenity in accordance with policies GP2, ENV10 and JP8 of Walsall Unitary Development Plan.

24) There shall be no open storage on the site.

Reason: In the interests of local amenity in accordance with policies GP2, ENV10, ENV32 and JP8 of Walsall Unitary Development Plan.

25) Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) the premises shall only be used for B2 general industry or B8 storage or distribution purposes and for no other purpose.

Reason: To ensure that adequate on-site parking and servicing is available in order to minimise potential indiscriminate parking on the public highway in the interests of the free flow of traffic and highway safety in accordance with policies GP2, T7 and T13 of Walsall Unitary Development Plan.

Notes for Applicant

Contaminated Land

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 +A1:2013 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

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

CL3

Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority. For example, photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported 'clean cover' materials, manufacturer's specification sheets for any materials or systems

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employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to enter into agreements under S38 and S278 of the Highways Act 1980 for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

Ecology

1. Prior to the commencement of the development survey work shall have been undertaken to identify the presence and exact location of any Japanese knotweed or other schedule 9 species.

The presence of Japanese knotweed and two cotoneaster species on site will be included within the “toolbox talk” given to all contractors at the commencement of any works on site, including any pre-commencement works (e.g. site investigation works and removal of vegetation/debris) so that they are aware of the particular issues relating to this site and their responsibilities to prevent the spread of these invasive plant species

The final strategy for any such species shall be discussed with, and approved by, the Environment Agency prior to works commencing.

2. To avoid committing an offence, the removal of the debris piles (or other suitable vegetation which recolonises the site prior to development with the potential to be used by nesting birds) should be undertaken outside the bird breeding season (March to August inclusive). If this is not possible, the piles should be checked immediately prior to works commencing by a suitably qualified ecologist. If there are nesting birds present, works cannot continue until the chicks have fledged and left the nest.

Flood Risk

Depending upon the detailed drainage proposals, in order to comply with the above conditions, the applicant must demonstrate that he has entered into a suitable agreement with the relevant body – i.e. Sewerage Undertaker, EA, Building Control / Technical Services, or Highway Authority - that the receiving system has sufficient capacity to accommodate this proposal.

Ecology

The vegetation on site will be maintained in a mown condition prior to the start of the development and until the development is complete so that it does not become suitable for amphibians and reptiles.

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 2.

Reason for bringing to committee: Major application

Location: LAND OFF TEMPUS DRIVE, TEMPUS DRIVE, WALSALL, WS2 8TJ

Proposal: SECTION 73 APPLICATION: VARIATION OF CONDITIONS 2, 3, 13, 15, REMOVAL OF CONDITION 5 AND DISCHARGE OF CONDITIONS 6 AND 10 OF 15/0333/FL.

Application Number: 16/1883

Applicant: Oakus Developments Limited

Agent: Town Planning Services

Application Type: Full Application (Major)

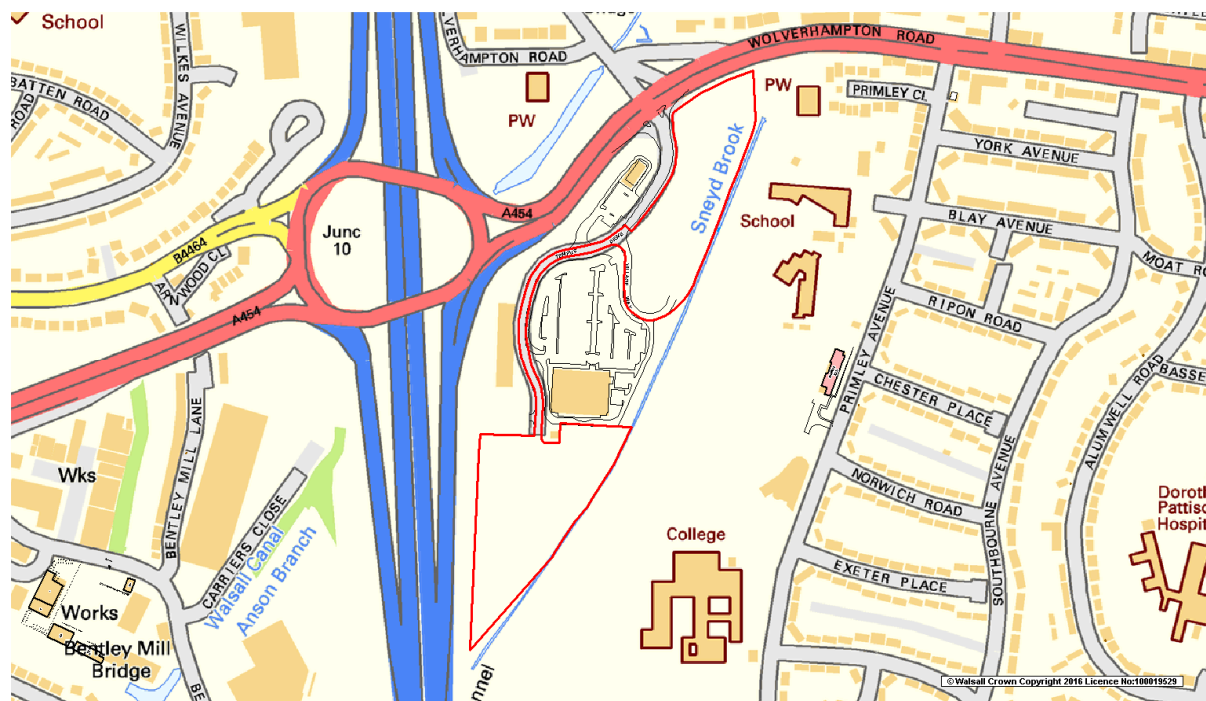
Case Officer: Mike Brereton

Ward: Pleck

Expired Date: 12-Mar-2017

Time Extension Expiry: 05-May-2017

Recommendation Summary: Grant Planning Permission Subject to Conditions



Officers Report

Application and Site Details

The site is part of the 3.1 hectares Tempus Ten site accessed from Wolverhampton Road via private access road. The site area is made up of two different plots of land known as 'Onyx' (the northern plot – 1.4 hectares) and 'Opal' (the southern plot – 1.7 hectares), linked by an internal access road. The Sneyd Brook, which is a Site of Local Importance for Nature Conservation and contains controlled waters, runs along the eastern site boundary, with the West Walsall E-Act Academy on the opposite side. The M6 motorway including junction 10 runs adjacent to the western site boundary.

The site is part of the wider Black Country Enterprise Zone and included in the Darlaston Local Development Order. The land was historically used for grazing and is now safeguarded for high quality employment development. The wider site already contains a drive-through restaurant and two hotels. The site falls within the Coal Authority Development High Risk Area and parts within flood zones 2 and 3. Following approval of 15/0333/FL in 2016, works commenced at the site in October 2016 for remediation and redistribution of spoil to create level platforms for future redevelopment of the site in order to overcome an Enforcement Notice served on the site relating to illegally tipped construction waste. This current Section 73 variation/removal of condition application has been submitted to vary conditions 2, 3, 13 and 15, remove condition 5 and discharge conditions 6 and 10 of 15/0333/FL. The applicant explains the application has been made to allow the following:

- Export of organic waste and additional importation of new material;
- Revised drainage strategy;
- Alternative finish to southern site; and
- Revised approach to management of mining risk.

The conditions 2, 3, 5, 6, 10, 13 and 15 currently state:

2. This development shall be completed in accordance will all approved plans and details not later than 12 months after the date of commencements. For the purposes of this condition, completion shall constitute all cut and fill earthworks on Opal and Onyx sites, all required remediation, all works in relation to drainage and flood risk, and re-seeding of the land, in accordance with the application documents and the conditions attached to this permission.

REASON: To ensure that steps are taken to remedy the unauthorised waste on the site as soon as possible.

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

0302 Rev F 'Site Location Plan'

0304 'Block Plan'

BMW/2076/WSK201 Rev P3 'Proposed North Site Finished Levels'

BMW/2076/WSK202 Rev P3 'South Site Proposed Bulk Earthworks'
BMW/2076/WSK203 Rev P3 'Proposed North Site Isopachytes and Section'
BMW/2076/WSK204 Rev P2 'South Site Proposed Bulk Earthworks Sections'
BMW/2076/WSK205 Rev P1 'South Site Proposed Earthworks Drainage'
BMW/2076/WSK206 Rev P3 'Proposed North Site Earthworks Drainage'
0305 Rev C 'Proposed Levels Overlay'

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

5. No materials shall be imported onto the site for the purposes of creating the development platforms.

REASON: As the impacts of the development have been assessed on to basis of reusing on-site materials and not importing new materials.

6. A. Should it be found that significant quantities of materials are not suitable for redistribution and remediation within the site and will need to be exported off the site, no such exportation shall take place until a Transport Statement has been submitted to and approved in writing by the Local Planning Authority setting out the transport-related impacts of such works on the local highway network and any required management or mitigation measures.

B. Any management or mitigation measures approved pursuant to Part A of this condition shall be implemented in accordance with the approved details.

REASON: The application suggests only a small amount of material is likely to be exported from the site but should the amount increase it will be necessary to ensure the vehicle movements would not have an adverse impact on the public highway network.

10 A. No development shall take place until details of the management of surface water run-off from the proposed embankments, and designs for any required mitigation works, have been submitted to and approved in writing by the Local Planning Authority.

B. Development shall take place only in accordance with the details approved pursuant to Part A of this condition.

REASON: To enable the M6 Motorway to continue to be an effective part of the national system of routes for through traffic in accordance with section.

13. No development shall take place until:

- i. A scheme of intrusive site investigations in respect of Coal Mining Legacy has been submitted to and approved in writing by the Local Planning Authority, and*
- ii. The approved scheme of intrusive site investigations has been carried out, and*
- iii. A report has been submitted to the Local Planning Authority setting out the findings arising from the approved intrusive site investigations, and*
- iv. A scheme of remedial works has been submitted to and approved in writing by the Local Planning Authority, and*
- v. The approved remedial works have been completed.*

REASON: To ensure that the risks arising from the coal mining legacy of the site are remediated.

15 A. No development shall take place until technical details and a cross section of the formal piped drainage system, inlet grillage to be fitted and any concrete apron at outlet to prevent erosion of the embankment between the stilling pond and Sneyd Brook, underneath the cycle path, have been submitted to and approved in writing by the Local Planning Authority.

B. No development shall take place until details for the regular maintenance of the formal piped drainage system between the stilling pond and the Sneyd Brook, underneath the cycle path, have been submitted and approved in writing by the Local Planning Authority.

C. Development shall take place only in accordance with the approved details.

D. The approved maintenance details shall be implemented in perpetuity.

REASON: To ensure the cycle path is not affected by surface water run-off.

The application has been supported by a planning statement, interim drainage strategy, coal site investigation report and mine entry technical note.

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

Relevant Planning History

BC56152P - Outline: Mixed uses including combined 3 Storey Budget Hotel and 5 Storey Complex including Hotel, Conference and Leisure Complex; B8 (storage and distribution) depot, B1 (offices) and A3 (hot food takeaway/restaurant) – granted 07/05/02

02/2279/FL/W2 – 1. Hotel with Conference/Leisure facilities 2. Restaurant with 'Drive-Thru' facilities – granted 06/06/03

04/1431/RM/W7 - Reserved Matters to BC56152P Creation of B1 Office Development and B8 (Storage and Distribution Building) – withdrawn 01/09/04

05/0217/RM/W2 - Reserved Matters to BC56152P - B1 office development – granted 12/05/05 (not implemented)

05/0262/FL/W2 - Variation of Condition 1A of Planning Permission BC56152P to Extend Time for Submission of Applications for Approval of Reserved Matters – granted 07/04/05

07/1281/RM/W2 - Erection of B8 distribution and storage building to the south of the site – granted 22/10/10 (not implemented)

09/0605/FL - Erection of Three stand-alone, gateway office units of 3 and 4 storeys, with related landscaping, balancing pond, car parking and infrastructure at J10, M6, Tempus Way, Walsall – granted 16/11/09 (Not implemented)

12/1254/ND - Screening opinion for earthworks and development of a restaurant/public house and new access – EA required 11/03/14

E13/0042 – Change of use from land formerly used for grazing purposes to the deposition of waste material, substantially raising land levels – Enforcement Notice

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served 21 June 2013, took effect 25 July 2013 with a 9 month compliance period with an end date of 25 May 2014. The notice required the cessation of the use of the land for the deposition of waste materials, removal from the land the overburden of deposited waste, leaving an even gradient across the site and seeding the surface with grass

14/0457/SCOP - Environmental Impact Assessment Scoping Opinion for remediation, site levelling and treatment of waste material to create a development platform for future development. – scoping response issued 16/05/14

14/1239/FL - Installation of a standby electricity generation plant – withdrawn 17/11/14

14/1728/SCRE - Screening opinion as to whether an environmental statement is required for earthworks comprising the redistribution of spoil from the south of the site to the north, including on site remediation as necessary, to provide a level platform for future development – EA not required 11/12/14

15/0333/FL - Earthworks comprising the redistribution of spoil from the south of the site (the Opal site) to the north (the Onyx site), including on-site remediation of material as necessary, to provide a level platform for future development. GSC 08/01/2016

Relevant Planning Policy Summary

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

National Planning Policy Framework 2012 (NPPF) and associated guidance

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

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

- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and characters of different areas
- Support the transition to a low-carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Encourage the effective reuse of land
- Actively manage patterns of growth

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

On **planning conditions** the NPPF says:

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

The Black Country Core Strategy (BCCS)

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

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

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

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

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

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

CSP1: The Growth Network

CSP3: Environmental Infrastructure

CSP4: Place Making

CSP5: Transport Strategy

EMP1: Providing for Economic Growth

EMP2: Actual and Potential Strategic High Quality Employment Areas

EMP4: Maintaining a Supply of Readily Available Employment Land

TRAN2: Managing Transport Impacts of New Development

ENV1: Nature Conservation

ENV3: Design Quality

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

ENV8: Air Quality

WM1: Sustainable Waste and Resource Management

WM5: Resource Management and New Development

These Policies are considered to be consistent with the NPPF.

Walsall's Unitary Development Plan (UDP)

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

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

GP2: Environmental Protection

GP5: Equal Opportunities

GP6: Disabled People

ENV10: Pollution

ENV11: Light Pollution

ENV14: Development of Derelict and Previously-Developed Sites

ENV17: New Planting

ENV18: Existing Woodlands, Trees and Hedgerows

ENV23: Nature Conservation and New Development

ENV24: Wildlife Corridors

ENV25: Archaeology

ENV32: Design and Development Proposals

ENV33: Landscape Design

ENV40: Conservation, Protection and Use of Water Resources

JP1: New Employment Sites

JP4.1: East of M6 Junction 10

T1: Helping People to Get Around

T4: The Highway Network

T8: Walking

T9: Cycling

T11: Access for Pedestrians, Cyclists and Wheelchair Users

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

Emerging Site Allocations Document

The emerging Site Allocations Document is currently at 'Preferred Option' stage and proposes to allocate the site for industry. However limited weight can be afforded to this document due to its status.

Supplementary Planning Documents

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

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

- Designing Walsall
- Conserving Walsall's Natural Environment

Consultations (*Officer comments in italics*)

Coal Authority – No objection to discharge of condition 13.

Economic Regeneration – No comments received (*the scope of application does not alter the overall aim to re-develop the site and any comments are unlikely to change the officers recommendation*).

Flood Risk Manager – No objection, however the proposed temporary drainage features may not fully accord with BCCS Policy ENV5 (*further advice is being sought on this point and members to be updated*).

Highway Authority – No objection.

Planning Policy – No comments received (*the scope of application does not alter the overall aim to re-develop the site and any comments are unlikely to change the officers recommendation*).

Pollution Control – No objection subject to inclusion of a new condition to require the testing and verification of any new imported material.

Public Participation Responses

No representations have been received from local residents.

Determining Issues

- Acceptability of Varied / Removed Conditions
- Updating of Planning Conditions

Observations

Acceptability of Varied / Removed Conditions

Variation of conditions 2, 3, 13 and 15 of 15/0333/FL

Condition 2 sets out the requirement for the north and south sites (known as Onyx and Opal) to be reseeded following the previously approved works and the applicant has explained that the southern Opal site is to be imminently developed for employment purposes and proposes that the Opal site is capped in weatherproof material to provide a more stable development platform and avoid abortive work in top soiling the site. No details have been submitted to the Council confirming the end-user for the southern site or the time frame for this to happen, or a Pre-Application/application/or an LDO submission. A condition could be included to require the Opal site to be top soiled and seeded in the event that the site is not brought forward for development within 6 months of completion of the development hereby approved, so that the site does not deteriorate visually in this prominent location. The northern Onyx site would continue to be top soiled and seeded.

Condition 3 sets out the 15/0333/FL list of approved plans and documents. The applicant is seeking to vary this condition to reflect the revised drainage scheme as submitted. The revised drainage scheme proposes the use of a swale and removes the need to install an underground piped drainage system. The proposed variation of condition 3 is considered acceptable and would be in-line with the recommendations of the Flood Risk Manager.

Condition 15 requires details of a piped drainage system and the applicant is seeking to remove this condition. The proposed removal of condition 15 is considered acceptable and would be in-line with the recommendations of the Flood Risk Manager.

Condition 13. The applicant has submitted additional coal related reports and technical notes following requests from the Coal Authority which included further site investigations and the Coal Authority has advised the additional submitted information is sufficient to discharge the requirements of condition 13. Condition 3 of 15/0333/FL would be updated to include the additional submitted coal related documents.

Removal of condition 5. The applicant explains that following commencement of works a large amount of on-site organic waste material has been identified which is unsuitable for creation of the development platforms. They seek the removal of condition 5 which restricts the importation of additional material. Pollution Control has advised that the removal of condition 5 would be acceptable subject to inclusion of a new condition requiring the testing and validation of new imported material which would be included in line with these recommendations.

Furthermore, the Highway Authority has also advised that the HGV movements already undertaken to remove the unsuitable material and the number of HGV trips associated with the importation of new material is likely to be below the accepted level of trips to and from the Tempus Ten site is fully built out as industrial uses. On balance, the Highway Authority considers it would not result in a significant impact on the local highway network. On this basis, it is considered that condition 5 can be removed and a new condition imposed for the testing of the imported material.

Discharge of conditions 6 and 10

Condition 6 of 15/0333/FL required the submission of a Transport Statement in the event that on-site material needed to be exported in order to assess any impacts on the highway network. The applicant explains the exportation of material resulted in 690 HGV movements and the Highway Authority has confirmed that this did not result in any significant impact on the operation of the local highway network and does not object to the retrospective discharge of this Condition. It is considered that condition 6 can be discharged on this basis and would not need be re-attached to any new permission.

Condition 10 of 15/0333/FL required the submission of details for the management of surface water run-off from the proposed embankments. The applicant explains that a revised drainage scheme is proposed in the form of surface water disposal via a swale to the Sneyd Brook removing the need for condition 10. The Flood Risk Manager has advised that the proposed solution would provide at least a 158.95l/s run off rate which is significantly over and above the envisaged greenfield rate for the southern site. They also advise this temporary solution would be ineffective in holding back suspended solids, although this is only likely to be an issue during major storm events. Further advice is being sought on this matter and members will be updated.

Updating of planning conditions

This Section 73 planning application is to vary conditions 2, 3, 13 and 15, to remove condition 5 and discharge conditions 6 and 10 of 15/0333/FL. Section 73 applications, are is essentially the issuing of a new planning approval. Consequently, the Council will need to update any planning conditions to meet the NPPF/NPPG tests (necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects) and take account of any case law since the last decision was issued.

Planning approval 15/0333/FL included 17 planning conditions. Where necessary, these have been updated to take account of the details approved through discharge of condition and as approved under this application along with the inclusion of any new necessary conditions.

Conclusions

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

Positive and Proactive working with the applicant

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

growth, suitable housing and other forms of development so long that they safeguard the natural and built environment, highway network and the amenity of citizens. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including any representations that may have been received and recommends approval in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Recommendation: Grant Planning Permission Subject to Conditions

New Conditions included on permission:

A1. Prior to any materials being imported onto or deposited at the site, they shall comply with the specification detailed in Table C1. 'Remedial Target Values' contained within Appendix C 'Combined Remedial Target Values' of 'Oakus Developments Ltd. Tempus 10, Walsall Remediation Plan' by AA Environmental Limited Job No 163108 August 2016

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

All conditions under planning permission 15/0333/FL remain fully in force and are updated where necessary and set out below:

2. This development shall be completed in accordance with all approved plans and details not later than 14th October 2017. For the purposes of this condition, completion shall constitute all cut and fill earthworks on Opal and Onyx sites, all required remediation, all works in relation to drainage and flood risk, capping of Opal site and re-seeding of Onyx site, in accordance with the application documents and the conditions attached to this permission.

REASON: To ensure that steps are taken to remedy the unauthorised waste on the site as soon as possible.

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

- 0302 Rev F 'Site Location Plan'
- 0304 'Block Plan'
- BMW/2076/WSK201 Rev P3 'Proposed North Site Finished Levels'
- BMW/2076/WSK202 Rev P3 'South Site Proposed Bulk Earthworks'
- BMW/2076/WSK203 Rev P3 'Proposed North Site Isopachytes and Section'
- BMW/2076/WSK204 Rev P2 'South Site Proposed Bulk Earthworks Sections'
- 0305 Rev C 'Proposed Levels Overlay'
- Drawing WAL.MDG.00.ZZ.DR.V.BL83.02.P03 'Interim Drainage Works South Site'
- Drawing WAL.MDG.00.ZZ.DR.V.BL83.01.P03 'Interim Drainage Works North Site'
- Drawing WAL.MDG.00.XX.DR.V.BL83.03.P01 'Interim Drainage Works Drainage Layout'
- Interim Earth Moving Works Drainage Strategy (Sir Robert McAlpine dated November 2016)
- Drawing MCA/GEO/CG/51002/5252 Rev A 'Southern Plot Cut – Fill Volumes'

- Drawing MCA/GEO/GM/51002/5251 Rev A 'Northern Plot Cut – Fill Volumes
- Annotated mine abandonment plan (Sir Robert McAlpine dated 22/02/2017)
- Tempus 10 Mining Investigation (Sir Robert McAlpine dated 16/03/2017)
- Tempus 10 – North Onyx Site Plan (identifying location of trenches), dated 16/03/2017

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

4A. Ground profiling and drainage works shall be completed in accordance with the approved plans. Finished floor levels shall be a minimum of 122.98m above Ordnance Datum (AOD).

4B. Once completed, an 'as built' topographical survey of the site, including the area of floodplain compensation, shall be submitted to the Local Planning Authority.

4C. No raising of ground levels or erection of any building, structure or other obstruction to flood flows within the areas of floodplain compensation approved pursuant to this permission shall take place at any time.

REASON: To ensure that the earthworks are completed as approved and do not encroach into the existing floodplain of the Sneyd Brook and to ensure the floodplain compensation area is constructed as approved, to prevent increased risk of flooding.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or in any equivalent provision in any statutory instrument revoking and re-enacting that Order with or without modification, no external lighting shall be installed on the application site.

7B. The approved scheme shall be complied with following installation of the approved lighting scheme.

REASON: in the interests of visual amenity, residential amenity and nature conservation and to enable the M6 Motorway to continue to be an effective part of the national system of routes for through traffic in accordance with section.

8. The development shall take place only in accordance with the Construction Management Plan Rev No.0 by Sir Robert McAlpine approved on 15/09/2016 under discharge of conditions reference 15/0333/FL.

REASON: To protect local amenity mitigate adverse impacts upon nearby commercial developments and enable the M6 Motorway to continue to be an effective part of the national system of routes for through traffic in accordance with section.

11A. The development shall take place only in accordance with the findings of the site investigation, ground contamination survey and ground gas assessment and

Remediation Method Statement approved on 20/09/2016 under discharge of conditions reference 15/0333/FL.

11D. The remedial measures as set out in the approved Remediation Method Statement shall be implemented in accordance with the approved timetable.

11E. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered, development shall cease until the Remediation Method Statement has been amended to address any additional remedial or mitigation works required and has been approved in writing by the Local Planning Authority. Any additional approved remedial or mitigation works shall be implemented in accordance with the approved timetable.

11F. Upon completion of the development, a validation report confirming the details of the measures implemented and imported materials together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to the Local Planning Authority (see Note for Applicant CL3).

REASON: To ensure safe development of the site, to protect human health and the environment, including Controlled Waters.

12A. The development shall take place only in accordance with the long-term monitoring and maintenance plan approved on 22/09/2016 under discharge of conditions reference 15/0333/FL.

12B. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To demonstrate the long-term effectiveness of any remedial works carried out.

14A. Prior to the infiltration of surface water drainage into the ground surface taking place details shall have been submitted to and been approved in writing by the Local Planning Authority, demonstrating there is no resultant unacceptable risk to controlled waters.

14B. The development shall be fully carried out in accordance with the approval details.

REASON: To ensure that infiltration drainage is restricted only to those areas of the site it does not increase the risk of contamination of Controlled Water Receptors.

16A. Within one month of completion of the development, the exposed soil on the northern Onyx site shall be vegetated in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority, such details to include management and maintenance schedules. As a minimum, a deep rooting grass/legume seed mixture to maintain soil structure and aeration is required.

16B. The vegetation to northern site shall be managed and maintained in accordance with the approved details and shall not be removed.

16C. Within one month of completion of the development, the southern Opal site shall be finished in weatherproof capping material in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

16D. The capping to southern site shall be managed and maintained in accordance with the approved details and shall not be removed.

16E. In the event that the southern site has not been brought forward for re-development within 6 months of completion of development, topsoil and grassing shall be added to the southern site in accordance with the details approved under part a) and the southern site shall be managed, maintained and retained as such.

REASON: To prevent soil blowing away from the site, to provide some landscape / biodiversity value before the site is redeveloped and to recognise the potential imminent development of the southern opal site.

17A. Prior to any piling or any other foundation designs using penetrative methods taking place details shall have been submitted to and been approved in writing by the Local Planning Authority, demonstrating there is no resultant unacceptable risk to groundwater.

17B. The development shall be fully carried out in accordance with the approved details.

REASON: To prevent pollution of the water environment.

Informatives:

Environment Agency

A flood defence consent would need to be submitted for the works. The applicant is advised to contact Pio Chinyere on 020 3025 3083 to discuss this.

In relation to contamination, the Environment Agency recommends that the developer should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to www.environment-agency.gov.uk for more information.

Contaminated Land

CL3 : Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported 'clean cover'

materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Highway Authority

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

A permanent or temporary closure or diversion order may be required in respect of the cycle way adjacent to the site.

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

Future applications for development at the North Site must retain and improve the existing cycleway and applications for the South Site must introduce the continuation of the cycleway, ultimately to connect over Sneyd Brook into Phoenix 10, either along new estate road(s) or as separate traffic free cycle way(s).

Lighting

Any planning application submission for external lighting will need to demonstrate how a dark corridor will be maintained along the Sneyd Brook corridor frontage and shall be designed to ensure orientation away from the adjacent M6 motorway and local road networks. Submitted details should include the location, type, height, technical specifications, angle of installation and hours of operation for the lighting, and light spill plans.

End of Officers Report

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

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 3.

Reason for bringing to committee: Major Application

Location: LAND ADJACENT 16 AND CAR PARK R/O 16-22 HIGH STREET, ALDRIDGE, WALSALL

Proposal: REDEVELOPMENT TO FORM 2 RETAIL UNITS AND 37 RETIREMENT LIVING APARTMENTS INCLUDING COMMUNAL FACILITIES, ACCESS, CAR PARKING (PRIVATE AND PUBLIC) AND LANDSCAPING.

Application Number: 17/0195

Applicant: Churchill Retirement Living

Agent: Mr Chris Geddes

Application Type: Full Application (Major)

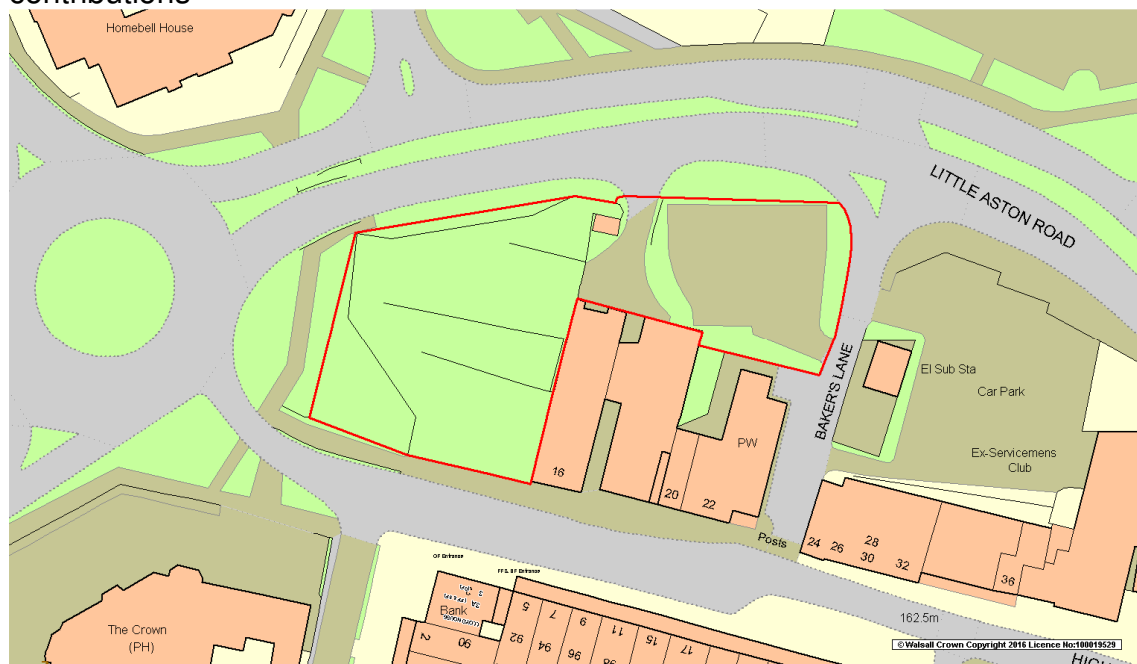
Case Officer: Stuart Crossen

Ward: Aldridge Central And South

Expired Date: 14-May-2017

Time Extension Expiry:

Recommendation Summary: To delegate to the Head of Planning, Engineering & Transportation to Grant Subject to Conditions, subject to no new material considerations which cannot be addressed through condition following comments from pollution control and the addition of any conditions as required, plus a section 106 agreement for affordable housing and open space contribution unless a financial viability assessment demonstrates that it is unviable to deliver the section 106 contributions



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Officers Report

Site Description and Proposals

The application is a resubmission of proposals for a sheltered housing development of 37 apartments including Lodge Manager's office, associated communal facilities, two ground floor retail units to face High Street, landscaping, vehicular access and car parking at a site in High Street, Aldridge. Additional public car parking is also proposed, separate to the private site.

The previous refused application proposed a larger development including 41 apartments and four ground floor retail units in addition to the other ancillary developments.

The application site is within the Aldridge Conservation Area and Primary Shopping Area. The site comprises a vacant plot of land and adjacent car park. It fronts on to High Street and the rear of the commercial units on High Street along the southern boundary. The northern and western boundaries face towards Little Aston Road and the eastern boundary adjoins Baker's Lane. The application site slopes down from North to South. There are no built structures on the land just a hardstanding area from a previous development at the site. The site is largely overgrown and includes a number of trees.

Vehicular access is currently taken from points on Little Aston Road and Baker's Lane, with pedestrian access taken from High Street.

The boundaries to the site are a mixture of timber fences and hedges to the main vacant land plot on High Street and open boundaries to the existing car park plot on the corner of Baker's Lane and Little Aston Road.

A public footpath circles the site, leading along High Street and round through the adjacent 'Garden of Reflection' which is between the application site and the traffic island.

Along the High Street the majority of properties have retail at ground floor accessed from the High Street, with residential or office above, accessed from the rear. Predominantly the buildings in this part of Aldridge are flat roofed, there are differences between their heights in relation to one another but a common characteristic on both sides of High Street are that they are built fairly uniformly in line.

The proposed building facing the roundabout would be 4 storeys in height dropping to three storeys adjacent Lloyds bank and Keeling Dance Studios to the East of the site on High Street. The elevations would be a mix of red, blue and cream brickwork with a number of projections on all elevations. The roof would be flat with a number different steps reflecting the drop in height between the proposed building and existing premises in High Street.

Ground Floor

There would be two retail units facing High Street, a plant room, refuse area for the retail element at the side of the building accessible from the front, the Lodge

Managers Lounge, 4 one bedroom apartments and 2 two-bedroom apartments each with a shower and a kitchen and a single guest room with en-suite.

First Floor

8 one bedroom apartments and 3 two-bedroom apartments each with a shower and a kitchen.

Second Floor

8 one bedroom apartments and 3 two-bedroom apartments each with a shower and a kitchen.

Third Floor

6 one bedroom apartments and 3 two-bedroom apartments each with a shower and a kitchen.

The proposed public car park would be accessed off Baker's Lane as existing. The same access would provide a goods access for vehicles to the rear of 18, 20 and 22 High Street. The proposed car park would have 17 spaces.

The application also proposes:

A vehicular access to the rear of number 18 High Street from the car park to serve the proposal.

24 car parking spaces to serve the development.

The main access to the site from Little Aston Road

A buggy store and refuse store (no elevations have been provided)

1.8 metre high close boarded fence around the boundary of the site adjacent the footpath off Little Aston Road and along the boundary to the 'Garden of Reflection'.

1.8 metre high metal fence with access gates adjacent of the footpath to High Street

Amenity space to be the strip of land between the building, site boundary and car parking, none of which would be private.

A Design and Access Statement has been provided which provides the following additional information:

The apartments are within one block with all owners having shared linked access around the building. This is typically achieved by attractive and efficient communication areas, and with lift access to all floors.

The average age of its purchasers is 78 years, and the town centre location of most sheltered developments, car ownership is much lower than the general population and a parking ratio of 1 space per 3 flats is considered appropriate.

Amenity space around sheltered developments is more important for its passive visual quality and as an attractive setting for the building, rather than in any need for large areas of land for active recreational use. Within this amenity space activity is encouraged by the installation of raised planting beds and seating areas.

Ground floor flats generally have patio doors and some flats at the upper levels have Juliette style balconies.

The proposed development will use soakaway drainage for storm water disposal if viable following necessary ground investigations at site clearance and demolition. Paths and other hard standings will be constructed in permeable materials and specification. Water butts are routinely installed to collect rainwater for gardening use.

CCTV equipment is provided linked to an access control system allowing either residents or the lodge manager to remotely identify any visitors from within the building and release the doors accordingly.

A Planning Statement has been provided which provides the following additional information:

The apartments are sold with a lease containing an age restriction which ensures that only people of 60 years or over, or those over this age with a partner of at least 55, can live in the development. The accommodation will be managed by Millstream Management Services Ltd, an in house Company which specialises in the management of retirement developments.

A guest suite is provided for use by relatives of owners who wish to stay overnight. The room is fitted with twin beds and has a shower room and tea/coffee making facilities. The room can also be used by residents of other Churchill Retirement Living apartments who may wish to visit friends or family in the nearby area or indeed take a holiday away in an equally safe and secure environment.

Provides policy justification for the scheme.

An Air Quality Assessment has been provided which provides the following conclusions:

The impacts of local traffic on the air quality for residents living in the proposed development have been shown to be acceptable at the worst-case locations assessed, with concentrations being well below the air quality objectives.

The overall operational air quality impacts of the development are judged to be 'not significant'. This conclusion, which takes account of the uncertainties in future projections, in particular for nitrogen dioxide, is based on the concentrations of all pollutants being below the objectives at the worst-case locations assessed.

A Noise Impact Assessment has been provided which provides the following conclusions:

The survey has allowed the minimum sound reduction requirements of the external building fabric to be established as a performance specification.

Mitigation measures including acoustically specified double-glazing, have been recommended.

An alternative means of ventilation such as trickle vents will be required.

An **Arboricultural Assessment** has been provided which provides guidance on landscaping and provides a tree protection plan which will allow for a comprehensive landscaping scheme to include extra heavy standards trees which can be conditioned.

A **Landscape Strategy** has been provided which provides a plan for where planting would take place and photos of preferred plant species.

A **Phase 1 Ground Report** has been provided which concludes there are no ground gas issues, no significant sources of mobile contaminants which could impact the ground water, strip/trench fill foundations are recommended or pile foundations, soakaways are also considered likely to be feasible. Landscaping recommendations are made in the report.

A **Preliminary Ecological Appraisal Report 2** has been provided which concludes that the site has negligible and low suitability for bats, badgers, dormice, great crested newts or invertebrates, with medium suitability for reptiles and high suitability for birds. No other relevant species were found.

A **Phase 2 Reptile Survey** has concluded there were no reptiles on the site.

An **Archaeological Assessment** has been provided which concludes that in view of the proposed development's potential to impact only archaeological assets of minimal significance, it is considered that no further archaeological investigation is necessary or justified in this instance.

A **Drainage Strategy** has been provided and concludes that the site is free from any existing flood risk and there are suitable points of connection for the disposal of the foul effluent and surface water run-off generated by the proposed development.

A **Heritage Statement** has been provided which concludes that the existing site does not make any contribution to the special interest and significance of the conservation area and that the proposal would not affect the character of the conservation area.

A **Transport Statement** has been provided which provides the following relevant conclusions and information:

The proposed development would be in a very accessible location in relation to local bus stops, local shops and other local services;

The existing bus service and their frequencies would provide a good level of service for residents of the proposed development;

With dropped kerbs and the provision of footways on local roads, residents would be encouraged to access a range of local shops, services and public transport by foot.

The provision of 24 parking spaces associated with the development is considered to be appropriate given the location of the site and on the basis of evidence from similar sites elsewhere, and will ensure there is no overspill parking onto surrounding roads;

The main vehicular access will be taken from Little Aston Road from an existing access point;

The proposed development would generate few daily trips and there will be no detrimental impact on the local highway network.

A **Tree Protection Plan** has been provided which provides illustrative details of tree protection measures.

A **Viability Statement** has also been provided.

Relevant Planning History

BC19003P, erection of retail complex, 1 x retail unit with residential at first floor and 4 further retail units, service yard, service road and landscaping, approved subject to conditions 10-04-87.

BC29890P, two storey shop and office development plus access road and car parking, approved subject to conditions 03-07-90.

BC48443P, display of 8 hoardings and fencing, refused 24-04-97. Subsequent appeal dismissed 27-10-97.

BC54573P, erection of 7 retail units with offices at first floor level and provision of car park for public and private use, approved subject to conditions 06-08-98.

07/1908/FL/E9 - Proposed residential and retail development with associated car parking (40 dwellings and retail unit) refused 11-12-07

16/0950 - Redevelopment to form 4 retail units and 41 retirement apartments – Refused for the following reasons:

1. The proposal, due to its excessive scale, bulk and predominantly five storey height, would result in an overly prominent structure within a street scene defined by two and three storey buildings and which is not sufficiently mitigated for by the drop in ground level across the site and would be especially prominent when travelling towards the Western elevation from Leighswood Road, as such the proposal would adversely affect the visual amenities of the area.
2. Flats 1, 2, 6, 16, 17 and 27 are single aspect and are flanked by two storeys or more of building to the South or West, this relationship would result in a significant lack of light for occupiers and the part of the development which flanks each affected window would have an unacceptable overbearing impact on their occupiers.
3. Due to the design of the building flats 1, 2, 6, 16, 17, 27, 36 and 41 all have windows to main habitable rooms which are between 1 and 6 metres away at 45 degrees from neighbouring main habitable room windows, which would result in overlooking to the detriment of the amenities of occupiers.
4. The application has failed to provide the following details which are required to assess whether there would be significant highway safety issues:

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- adequate servicing arrangements of the development and to adjacent premises.
 - demonstrate the arrangements for the management of the public car park element.
5. The development would contribute to a lack of affordable housing in the area and in an unacceptable demand on limited public open space provision in the locality in the absence of any provision to address the shortfalls.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***
- ***NPPF 8 - Promoting healthy communities***
- ***NPPF 9 - Protecting Green Belt Land***
- ***NPPF 10 - meeting the challenge of climate change, flooding and coastal change***
- ***NPPF 11 - Conserving and enhancing the natural environment***
- ***NPPF 12 - Conserving and enhancing the historic environment***
- ***NPPF 13 - Facilitating the sustainable use of minerals***

On **planning conditions** the NPPF says:

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

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

Local Policy

The Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- CSP5: Transport Strategy
- CEN2: Hierarchy of Centres
- CEN4: Regeneration of Town Centres
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

The relevant policies are:

- GP2: Environmental Protection
- GP3: Planning Obligations
 - H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings.
 - H10: Layout, Design and Dwelling Mix
 - ENV14: Development of Derelict and Previously-Developed Land
 - ENV29: Conservation Areas
 - ENV32: Design and Development Proposals
 - ENV33: Landscape Design
 - ENV34: Public Art
 - ENV35: Appearance of Commercial Buildings
 - LC1(d): Urban Open Space
 - S2: The Hierarchy of Centres
 - S3: Integration of Development in Centres
 - S4: The Town and District Centres: General Principles
 - S8: Housing in Town Centres
 - T7 – Car Parking
 - T13: Parking Provision
 - AL1: Primary Shopping Area
 - AL5: Land at High Street/Little Aston Rd
 - AL9: Car Parking

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

Seeks to guide development and deliver high quality design through local distinctiveness and sustainable design.

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

Other Policy/guidance:

- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)
- Historic environment Good Practice Advice Notes 2, and 3
- Aldridge Conservation Area Appraisal and Management Plan

Consultations

Transportation – No objections subject to conditions relating to occupancy, use, parking and access

Police – No objection subject to secure by design

Pollution Control – No comments yet received previously recommended conditions to mitigate the effects of contaminated land and noise. Conditions are also recommended in order to prevent or minimise environmental impact during the course of building works. Details have now been provided with the application comments to follow.

Strategic Planning Policy – No objections

Trees – No objections subject to conditions for replacement trees.

Severn Trent Water – No objections subject to drainage plan condition

Housing Strategy– No objections not suitable or practical to seek on site affordable housing on these developments, a commuted sum is recommended to provide affordable housing elsewhere in the Borough.

Housing Standards – No objections

Clean & Green – Provided indication that section 106 monies are to be spent on Anchor Meadow, formal comments to follow prior to committee.

Environmental Health – No comments received, however no objections on previous scheme and this is a similar scheme smaller in scale.

Fire Officer – No comments

Conservation – No objections subject to amendments and conditions

Archaeological Officer - No further archaeological work required.

Representations

18 objections have been received on the grounds set out below

- 4 storeys is too high for that location and will dominate everything around it.
- The application does not allow Keeling Dance School pupils and parents safe access to their building.
- Vehicle access to Keeling Dance School and their parking would be lost
- Loss of parking spaces from public car park from 30 to 17

- Parking charges would impact on local business
- Proposed tree would impact on Keeling Dance School signage
- Proposed footpath no lighting and not easily visible
- Flooding issues at site
- Building too high loss of light out of character.
- Concerns about construction disruption including noise, access, dust and air pollution
- Too tall
- Increase in traffic
- Loss of view
- Eyesore
- Too many retirement homes not all are fully occupied
- Ground already cleared before a decision has been made indication of applicant's character.
- There are already retirement homes nearby and housing is needed for young people.
- Increase pressure on health and social care
- No rear access to Simply Delicious
- The plans have already been passed before notifications sent out.
- Shops are closing
- Not enough parking.
- Dangerous access
- Loss of trees
- Path at rear too narrow and has fire doors opening on to it
- It is unclear from the plans if the 1.8m timber fence runs along the pathway and also encloses the car parking at a 90 degree angle (or not). Also, it is unclear whether the fence is actually surrounding the (new) tree proposed immediately at the rear of No.16.
- Vehicle access to rear of No.18-20 High Street could be blocked if there isn't a barrier.
- How will refuse bins be managed will they enter the site

1 letter in support

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

Determining Issues

Whether the proposals have addressed the earlier reasons for refusal of 16/0950 in terms of:

- Design and Character of the Area.
- Conservation Area
- Access and parking
- Amenity
- Trees & Ecology
- Provision for Urban Open Space and Affordable Housing

Also the following matters

- Principle of the use
- Vitality of the Town Centre

Observations

Design and Character of the Area.

Design:

Predominantly the buildings in this part of Aldridge are flat roofed, there are differences between their heights in relation to one another but a common characteristic on both sides of High Street are that they are built fairly uniformly in line with little or no difference in their front projections. The number of roof steps proposed by the design is a reduction to the previous refusal, and is considered would integrate better with the simpler lines of the existing developments in this location. The Noddy Park Road three storey flatted development on the other side of Little Aston Road also shares this common characteristic, it has a uniform elevation and the main roof is one height with a number of bay windows to break up the mass. The use of different elevation materials combined with the reduction in scale has reduced the mass of this proposed design.

Character of the area:

The height of the development has been reduced which is now considered would integrate with the neighbouring 2 and 3 storey developments and be more compatible with the character of Aldridge District Centre.

The proposed height reduction to 3 storey's next to the Lloyds bank combined with the 600mm ground level drop helps to ensure the proposal integrates well with the character of the existing buildings in the High Street.

For the above reasons the proposal overcomes refusal reason 1 of 16/0950.

Conservation Area

In relation to the boundary fencing the Conservation Officer would prefer a softer visual appearance such as a hedge or lower brick wall or railing fence than a close timber boarded fence. A close boarded timber fence which separates the development from the parking area is also proposed. Given that this is potentially overflow parking for visitors to the units, it would be suitable to have gated pedestrian access to the development from this direction rather than the defensive appearance to the development caused by the use of a close boarded timber fence. The 1.25m high metal railing appears appropriate in principle. A plan showing details of boundary treatments can be secured by condition.

The Conservation Officer in principle supports the scheme subject to the changes identified below.

- The amending of boundary treatment to address concerns detailed in formal comments;
- Change in windows from UPVC to aluminium
- Details of proposed windows, their colour and material;
- Details of type of jointing and pointing for brickwork, its colour, type of pointing and gauge

- Details including a cross section plan showing the glazed shopfronts, detailing the materials used and their colour

It is considered that these details could be secured by condition if the proposal was otherwise acceptable.

The Conservation Officer considers the proposal would result in 'less than substantial' harm to the conservation area as a whole. Pursuant to Paragraph 134 of the NPPF the harm should be balanced against the benefits of the proposal.

Access and parking

The previous submission was considered by Highways Officers to lack details of adequate servicing arrangements of the development and to adjacent premises or to demonstrate the arrangements for the management of the public car park element. The transport statement confirms that the car park would be managed by a private operator which the Highways Officer accepts subject to further details which can be secured by condition. Additional access is provided on the plans for unit 18 and there is pedestrian access to the rear of the commercial units 16-22. These details are sufficient for support from Highway Officers and overcome the previous fourth reason for refusal on 16/0950.

Servicing of the two retail units will be off High Street where there are no loading and unloading restrictions.

Parking for the apartments is around 65% which is shown to be adequate to serve their specific operational needs. The site is also in a sustainable location in the District Centre.

Additional conditions are recommended to ensure:

- the occupants are of an age as indicated by the agent which have been used to demonstrate the parking requirements,
- the parking areas are consolidated and drained, details are provided and approved for cycle storage,
- an acceptable construction methodology,
- acceptable additional boundary details
- acceptable drainage details to ensure water does not run onto the highway.

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

Despite the objector's concerns the Transportation Officer has raised no objections to the proposed parking provision, safety in relation to the proposed main access point or specific concerns regarding safety of access to Keeling Dance Studio.

Regarding the objection to a loss of parking spaces from public car park from 30 to 17, highways have no objections to the reduction in spaces. This is a district centre where alternative travel modes and alternative parking is available.

Regarding the objection to potential parking charges impacting on local business. At the time of the site visit the car park was found to be in a very poor state with a number of pot holes it seems reasonable that the owner may wish to charge to

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provide improvements, in any case the car park could be closed by the owner or charged in its current state. The application provides an opportunity for some control on how it is managed.

Amenity

The design and access statement and planning statements have provided sufficient justification that the types of occupiers of the flats would not require the levels of private amenity required by appendix D of designing Walsall when balanced against the need for such development to be centrally located.

Flats 1, 2, 7 and 17 all occupy the North East corner of the proposed L-shaped building. All of these flats are single aspect on the ground, first, second and third floors and are flanked by two storeys or more of building to the South or West. This relationship is not ideal and was part of a previous refusal reason 2. This application proposes a reduction in height which has resulted in a reduction in the numbers of units affected from six to four. The constraints of the site are such that it is considered there are no further solutions for ensuring every unit benefits from not having an elevation flanking a habitable room window. On balance due to the reduction in height the proposal is considered to overcome the previous refusal reason 2 of refusal 16/0950 and is considered would not result in a significant unacceptable overbearing impact or loss of light to occupiers.

Due to the design of the building flats 7, 17, 18, 28, 37 and 29 all have windows to main habitable rooms which are a maximum of 6 metres away at 45 degrees from neighbouring main habitable room windows, which could result in overlooking. The previous application refusal 3 was for a similar impact between 8 properties. In this instance the agent is aware of this potential issue and the reduction in height affects fewer units. The application has been reviewed by the agent and taking account of deliverability and the site constraints there is little potential for further amendments. Potential occupants will be aware of this relationship and if the operator struggles to find occupiers to these units there is potential to merge them and amend the layout. For these reasons the reduction in affected units and potential to merge units should there be any vacancy issues the scheme addresses the 3rd refusal reason of refusal 16/0950 and on balance is considered acceptable.

Keeling Dance Studios have reported a recent flooding issue at their property. The application site is not in a flood zone and the applicant proposes SUDS and rainwater harvesting which combined with the conditions recommended by Highways Officers are considered sufficient to mitigate such concerns.

Police Architectural Liaison Officer supports the Secure by Design principles. The Mandatory Building Regulations which cover the physical security of dwellings came into force on 1 October 2015 and so it is not necessary to impose a condition in relation to "Secure by Design" specifications.

In this instance it is considered reasonable to require conditions in respect of the following recommendations in the interests of the security of the occupants:

- All side entry gates shall be key lockable from both sides, positioned flush with the front of the building line, shall not butt against a lower height wall or fence and shall be designed so not to provide climbing aides.

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- On the communal entry to the apartments shall be fitted with an access control system which shall include CCTV coverage to the flats.
- Entrances should be well lit both internally and externally.

The police have also asked for all rear perimeter fences to be 2.1m high and erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. The application is within the conservation area with good surveillance and this requirement is outweighed by the conservation officer requirements and details of boundary treatment is to be secured by condition.

Provision for Urban Open Space and Affordable Housing

In accordance with policies DEL1 of the BCCS, policies GP3 and LC1 of the UDP and SPD: Urban Open Space the proposals trigger the requirement for a contribution towards off-site open space provision. The open space contribution for this development would be £59,956.00

In accordance with Policy HOU3 of the BCCS, 25% of the development should be provided as affordable housing. Typically, the requirement would be to provide this affordable housing as part of the development site. However, in the instance of an entirely flatted proposal, Registered Providers are generally not prepared to take affordable units on a leasehold basis as part of a larger scheme with the freehold held by another party.

As such, an off-site affordable housing contribution is required to be provided in the form of a commuted sum. This sum equates to £358,750, calculated as 25% of the number of homes multiplied by a requirement of £35,000 per affordable unit i.e. $37 \times 0.25 \times 35,000 = £323,750$

A viability assessment has been provided and a request for the District Valuation Officer to assess the viability of the scheme. A conclusion to either providing section 106 contributions or to justify why none are viable would overcome the 5th refusal reason of application 16/0950.

Clean and Green have advised that any open space contribution received for this site would likely be spent on Anchor Meadow, however confirmation of Clean and Green comments will be reported to planning committee.

Trees & Ecology

The amended scheme proposes to retain an additional tree which is supported by the Tree Officer, the scheme raises no other new material consideration that have not been previously considered with regard to trees.

Site clearance has begun and mitigation recommended in the Ecology report on this matter is no longer relevant, in accordance with recommendations made in the report a landscaping strategy has been submitted to incorporate nectar and/or berry producing herbaceous and shrub species which can be secured by condition on any permission .

Other issues raised through consultation.

Concerns about construction disturbance are noted but would be temporary and not as reason to refuse planning permission. Conditions could be attached as recommended by Pollution Control Officers to control construction hours.

The need for the development would be determined by the market, such control over what type of applications are submitted are beyond the scope of the Local Planning Authority and not sufficient reason to refuse a planning application.

Air pollution is not a determining issue of this planning application and there was no requirement from Pollution Control for an air quality assessment although one has been provided which has concluded air quality would be acceptable for occupants of the development.

The access arrangements at the rear for units 16 – 22 are private matters between interested parties, highways have no objections to the layout and all units are accessible by pedestrians.

It is understood that the proposed tree would impact on Keeling Dance School signage, however this view is outside of the control of the proprietor of the dance studio and should not be a barrier to development of this site.

The objection that the proposed footpath has no lighting and is not easily visible is noted however the existing access is to the rear and the proposal would improve visual surveillance of this path.

The ground works do not require planning permission. The applicant's character is not a determining planning issue.

The proposal for 37 units is considered unlikely to result in any significant pressure on health and social care which would be a determining issue of this planning application. The level of units does not trigger the requirement for consideration of these matters.

No plans have been passed before notifications were sent out.

Neighbours note that shops are closing. The scheme would increase accommodation in the town centre and potentially increase customers.

The width of the path at rear is considered acceptable and raises no objections from highways. The fire doors would be opening onto third party land which is an issue to be resolved by interested land owners and is controlled through separate legislation.

A condition has been recommended for details of fencing and layout.

Details have been provided on refused collection within the site and raises no objections by highways officers.

Positive and Proactive working with the applicant

Officers have met with the applicant's agent and worked closely in response to concerns raised regarding the previous scheme to enable full support to be given to this amended scheme.

Recommendation - To delegate to the Head of Planning, Engineering & Transportation to Grant Subject to Conditions, subject to no new material considerations which cannot be addressed through condition following comments from pollution control and the addition of any conditions as required, plus a section 106 agreement for affordable housing and open space contribution unless a financial viability assessment demonstrates that it is unviable to deliver the section 106 contributions

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

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

2) The development shall be carried out in accordance with the following plans unless otherwise superseded by condition:

- Site location plan (30031AR/P101) received 13/02/17
- Proposed Site Layout (30031AR/P102) received 13/02/17
- Proposed Ground Floor Plan (30031AR/P103) received 13/02/17
- Proposed First Floor Plan (30031AR/P104) received 13/02/17
- Proposed Second Floor Plan (30031AR/P105) received 13/02/17
- Proposed Third Floor Plan (30031AR/P106) received 13/02/17
- Proposed Roof Plan (30031AR/P108) received 13/02/17
- Proposed Elevations Sheet 1 (30031AR/P109) received 13/02/17
- Proposed Elevations Sheet 2 (30031AR/P110) received 13/02/17
- Proposed Elevations Sheet 3 (30031AR/P111) received 13/02/17
- Proposed Elevations Sheet 4 (30031AR/P112) received 13/02/17
- Topographical Survey (30031AR/P113) received 13/02/17
- Artists Impressions (30031AR/P115) received 13/02/17
- Ground Investigation Report received 15/03/17
- Design and Access Statement received 02/02/17
- Landscape Strategy (17/048-01) received 24/02/17
- Transport Statement received 24/02/17
- Preliminary Ecological Appraisal received 24/02/17
- Phase 2 Reptile Survey received 24/02/17
- Tree Protection Plans received 24/02/17
- Planning Statement received 24/02/17
- Noise Impact Assessment received 24/02/17
- Heritage Statement received 24/02/17
- Ground investigation report received 24/02/17
- Drainage Strategy received 24/02/17
- Archaeological Desk-Based Assessment received 24/02/17

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).

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3a) Prior to the development first coming into use, all access way, parking areas and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain and the parking bays clearly demarcated on the ground. At least two spaces shall be allocated for disabled users located as close as possible to an accessible building entrance.

3b) These areas shall thereafter be retained and used for no other purpose.

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

4a) Prior to engineering and site clearance/preparation works commencing a Construction Management Plan shall be provided in writing to the Local Planning Authority which sets out how the works will be undertaken and giving details of arrangements for the following details:

- control of noise,
- vibration,
- dust and debris (including site drag-out),
- the location of parking and turning facilities for site operatives and construction deliveries
- the management of any materials arising from the works
- full details of where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

4b) The Construction Management Plan shall be fully implemented upon commencement of any works and shall be maintained until the site is completed.

Reason: To safeguard the amenities of neighbours and occupants and to comply with UDP policy ENV10 and order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety.

5a) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

5b). The agreed scheme shall subsequently be fully implemented in accordance with the approved details before the development is in use

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of any sustainable drainage structures and to comply with UDP policy ENV40

6) The recommendations, guidelines and working methodology as detailed in the Arboricultural Impact Assessment by Barrell Tree Consultancy dated 9 February

2017 shall be adhered to throughout the construction phase and until completion of the development.

Reason: To safeguard the trees to be retained both on and off the site.

7) Notwithstanding the approved plans, prior to first occupation the following shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be undertaken in accordance with the approved details.

- Full details of boundary treatments around the perimeter of the site, including public parking areas and any fencing/ walls within the site indicating their appearance, material and colour;
- Details of proposed windows, their colour and material;
- Details of type of jointing and pointing for brickwork, its colour, type of pointing and gauge
- Details including a cross section plan showing the glazed shopfronts, detailing the materials used and their colour
- Details of the buggy and refuse store

Reason: To ensure the satisfactory appearance of the development and to accord with UDP policies ENV29 and ENV32.

8a) Prior to the development first coming into use, full details of the proposed cycle shelter, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority.

8b) The agreed cycle shelter facility shall be fully implemented prior to the last residential unit being first occupied and thereafter be retained and used for no other purpose.

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

9) The development shall be completed to include the following security measures:

- All side entry gates shall be key lockable from both sides, positioned flush with the front of the building line, shall not butt against a lower height wall or fence and shall be designed so not to provide climbing aides.
- On the communal entry to the apartments shall be fitted with an access control system which shall include CCTV coverage to the flats.
- Entrances should be well lit both internally and externally.

Reason: To ensure the security of occupants and comply with BCCS policy ENV3.

10a) Prior to the public car park element first coming into use, the following details shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented in accordance with the approved details:-

- i) A suitable boundary treatment along the northern and eastern boundaries of the car park, set back at least 450mm from the back of the kerb edge on

- Bakers Lane, to prevent uncontrolled access and egress to and from the car park other than at the formal access point on Bakers Lane,
- ii) Full details of the proposed surface water drainage to prevent surface water from the car park from discharging onto the public highway or into any highway drain,
 - iii) The clear demarcation of the parking bays on the ground.

Reason: To ensure the satisfactory completion and operation of the car park, in accordance with UDP Policy GP2, T7 and T13, and in the interests of highway safety

11) Prior to the public car park element becoming a commercially operated car park, full details of the proposed operation and management of the car park, shall be submitted to and approved in writing by the Local Planning Authority and the car park shall be operated in accordance with the approved details.

Reason: To ensure the operation of the car park is in accordance with the Council's current policies, charges and Park Parking Strategy

- 12) Each unit of the residential units hereby permitted shall be occupied only by:
- persons of 60 years of age or over;
 - persons living as part of a single household with such a person or persons who are 55 years of age or over;
 - persons who were living as part of a single household with such a person or persons who have since died.

Reason: To ensure adequate provision of parking to serve residents and to comply with UDP policies T7 and T13.

13) No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08:00 to 18:00 weekdays and 08:00 to 14:00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

Reason: To safeguard the amenities of neighbouring occupants and to comply with UDP policy GP2

Notes to applicant

Severn Trent

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 5 meters of a public sewer. In many cases under the provisions of

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Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Police

All ground floor windows and any accessible windows should have at least one pane of 6.8mm laminated 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 houses need to have defensible planting under the windows. This can be created by dense low level shrubbery which should be around 1m in depth. This will assist in stopping unauthorised persons gaining access to vulnerable windows and make it more difficult for persons to peer in through window or have access to the locking mechanisms. The defensible space should overlap the whole length of the window at least. Low level dense shrubbery is the preferred method to create this barrier with a mature height of no more than 1m and should be suitable for the light and soil environment at its location. This has been covered in front of some of the ground floor apartments but needs to be replicated throughout. All windows should be fitted with restrictors as well.

I recommended the developer to be made aware of and fit the PAS 24:2012 doors. Where euro profile cylinder locks are proposed in doors, shutters etc. consideration should be given to the ever increasing trend in lock snapping as a means of forcing entry to a building. To reduce such risk a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification should be used instead of the standard 1 Star cylinder. Also where thumb turn locks are to be installed considerations should be given to the use of the 'BY Pass' method of entry by offenders. There are thumb locks on the market that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks. These should be on all entrance doors and individual door of the apartments. This development cannot be secured around the perimeter due to pedestrian access routes from public car park, main car park entrance not gated and the 1.25m metal railings to one section of fencing then more consideration needs to be given to security on the doors and windows hence the above advice.

Ideally I would recommend all perimeter fencing should be 2.1m this can include anti climb trellis topping. The trellis should not be of a robust construction as this will create a climbing aid, rather than create a topping that will break, crack, and create noise if climbed, as intended. This would include the metal railing area that looks out over the Peace Garden. If concrete post and panels are to be used the fence panels need to be secured together using galvanised metal straps, so that the panels cannot be lifted by offenders as a means of entry. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. The fencing needs to be treated wood with guarantee life span of 25yrs.

All side entry gates should be key lockable from both sides, they should be positioned flush with the front of the building line which this development appears to have covered. Their design and construction should not provide climbing aides to offenders.

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. Which the design and access statement covers.

Secured by Design states the safest place to park a vehicle is in a locked driveway in front of the vehicle owner's property. Vehicles need to be parked in a position whereby they can clearly be seen by the owner from their property which also includes being able to see their garage. To deter car crime it is important to ensure that all parking places have good natural surveillance and are overlooked by windows from the buildings they serve which this development does cover. It will also be important not to allow plantings to obstruct views and as a general recommendation, where good visibility is needed, shrubs should be selected to have a mature growth height no higher than 1 metre, and trees should have no foliage below 2 metres, thereby allowing a 1 metre clear field of vision.

On any communal entry to the apartments I recommend they are 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; this should involve 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.

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.

For the battery Buggy store I recommend a Secured by Design Shed. The shed is made of TPR; an award-winning alternative to concrete that is manufactured using waste diverted from landfill, having a low carbon footprint. It has been successfully tested to **LPS1175 Issue 7: 2010 SR1** Specification for testing and classifying the burglary resistance of building components, strong points and security enclosures. It can be manufactured to any size and is ideal for scooters and cycles not just as a shed. This has a guaranteed maintenance free 80year life span.

The retail units should have no access into the apartments and each should have their own alarm systems as recommended above.

Highways

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.

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 4.

Reason for bringing to committee: Major Application

Location: SITE B GOSCOTE LANE (GOSCOTE LODGE CRESCENT), WALSALL

Proposal: 426 NEW DWELLINGS WITH ASSOCIATED LANDSCAPING AND PARKING – 312 FOR PRIVATE SALE, 74 AFFORDABLE RENT AND 40 WELLBEING UNITS. (SITE AFFECTING PUBLIC FOOTPATHS WAL 26 & 28).

Application Number: 16/1515

Applicant: WHG

Agent: Ms Konstantina Zannetaki

Application Type: Full Application (Major)

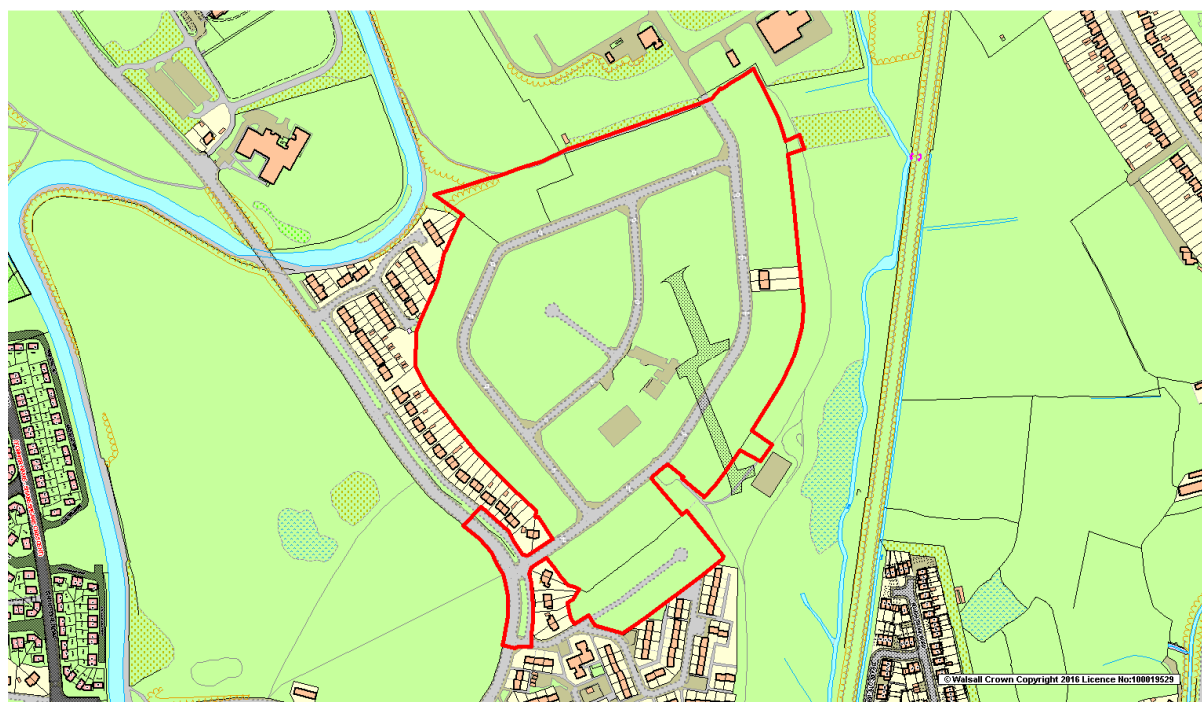
Case Officer: Stuart Crossen

Ward: Blakenall

Expired Date: 18-Jan-2017

Time Extension Expiry:

Recommendation Summary: To delegate to the Head of Planning, Engineering & Transportation to grant permission subject to conditions; subject to the completion of a Section 106 contribution to provide affordable homes; amendments to the access from Goscote Lodge Crescent onto Goscote Lane and amendments to the scheme to take account of public footpaths including any conditions/obligations as required, to address the concerns of the Highway Authority



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Officers Report

Application and Site Details

The application is for 426 new dwellings with associated landscaping and parking. Of these 312 units (73%) are for private sale to be built by Keepmoat Homes, 74 (17%) are for affordable rent and 40 (10%) are wellbeing units both to be managed by Walsall Housing Group (WHG).

The accommodation comprises the following:

- 25 x 1 bed apartments
- 57 x 2 bed apartments
- 14 X 1 bed bungalows
- 17 X 2 bed bungalows
- 54 x 2 bed houses
- 146 x 3 bed houses
- 113 4 bed houses

The application site is the former Goscote estate comprising of three roads, Goscote Lodge Crescent, Hildicks Crescent and Hildicks Place. Goscote Lodge Crescent provides access to Severn Trent's water treatment facility. The site is within the Goscote Lane Regeneration Area (GLRA), designated as site B and located approximately 2.7 miles north of Walsall Town Centre. The surrounding areas are predominantly suburban residential areas but include Blakenall Village Centre, Blakenall Community Centre, Rushall Local Centre, local shops and schools. There is a zebra crossing on Goscote Lane leading to the open space approximately opposite 22 Goscote Lane.

Chapter 3 of the GLRA document provides the following relevant history of the site: *"The former Goscote estate suffered for many years from a very high housing void rate. Properties became vacant and WHG, and previously the Council, as landlord, were unable to let the properties. As a result the area became a target for extreme vandalism, theft of materials and incidents of arson. The housing layout lacked many of the recommended principles of 'Secured by Design' and the estate became beset by issues of both anti-social behaviour and criminality."*

There are two public footpaths around the site Wal 26 and Wal 28. To the East are post war traditional semi-detached and terraced houses, the South modern post 1960s properties which utilise a mix of materials and to the West is the form railway line.

The layout of the proposed development would be broadly similar retaining the existing road network but includes 9 other through roads and cul-de-sacs. The application site boundary includes the road junction of Goscote Lodge Crescent to facilitate highway improvements to serve the proposed development. All new housing has off-street parking either at the side or in front of the dwelling and across the site parking provision averages at 1.6 spaces per dwelling.

There are a mix of houses proposed being single, double and three storeys with between 1 and 4 bedrooms. All houses face the street. Tree planting is proposed on frontages and in rear gardens.

The gardens to the houses would predominantly exceed 68m², 62 of the houses would fall below this threshold, however where this is the case they are usually bungalows or smaller house types.

The appearance of the dwellings is a combination of brick and rendered properties with pitched roofs. There is a variety of house types that include plinth details, timber cladding, gables and dormer windows, porch canopies and Juliet balconies. The properties are of modern appearance.

The wellbeing apartment units are located to the North near to the boundary to the public footpath and Severn Trent premises. The building is L-Shaped, three and four storeys high with flat roof, balconies, light brick and light render finish and includes an amenity area to the back away from the road. There are 30 secure parking spaces proposed to serve this element of the development.

Goscote Lodge apartments would be to the South of the site in two sections, three storeys high with a flat roof, balconies dark brick and light render finish. There would be a new pedestrian route between the two sections linking to the existing public right of way and there would be 38 parking spaces with access onto Goscote Lodge Crescent.

The application details confirm that the scheme will be built to secure by design standards and achieve full accreditation

The application submission defines all boundary treatments.

Junction between Goscote Lane and Goscote Lodge Crescent

Additional information and details have been provided to improve the access in this location including the relocation of the zebra crossing and to change one of the service roads to a one-way operation.

The Design & Access Statement – Describes the site and details of the development and relates to relevant national and local planning policies. It describes the character of the surrounding area and the design and layout, scale, appearance, landscape proposals, boundary treatments, materials and access.

Transport Assessment – Provides the following relevant information. The parking provision for the new housing significantly exceeds statistics for car ownership in the local area. Parking for the apartments for the elderly is based on knowledge and experience in this sector. New highways would be designed constructed to standards published by the Highway Authority. The project is expected to create a net increase of 400 trips (two-way) per day over and above the traffic movements that may have been created by the housing (now demolished) on the site. Junction improvements such as a roundabout or signal installation have notable disadvantages and are considered not plausible. Measures to improve and maintain visibility, using land to the west of the junction, are recommended. Evidence from the National Census shows a lower than average usage of the private car in journeys to work and a higher usage of bus services. The site is located within a short distance from local facilities such as shops, post office and schools as well as numerous bus services. The site would not create an over-reliance on the use of the private car.

Flood Risk Assessment - Provides the following relevant information. The proposed development will not impede flood flow, will not result in a net loss of floodplain and will not adversely impact flood risk within or external to the Site. It is considered that the proposed development, subject to detailed design, will not increase the risk of flooding and planning permission should not be withheld on the basis of flood risk.

Coal Mining Risk Assessment – Provides the following relevant information. Specialist foundations are likely required for all proposed structures proven to lie above the mine workings, following treatment of these mine workings. There is one recorded abandoned mineshaft with, or within the 20m consideration zone around the property. Consideration should be given to locating and stabilising this mineshaft although it is acknowledged that the shaft lies outside the site boundary and therefore treatment may not be possible. If the shaft is not investigated then a nominal 30m stand-off to final, permanent development should be considered at this stage.

The Tree Survey – Identifies a site visit was undertaken in April 2016. 115 trees were surveyed. Of these 11 are recommended to be felled and none are considered to be high quality.

Relevant Planning History

13/1221/ND – Screening opinion for residential development of sites A, D and part of site J in Goscote Development Area including Shakespeare Crescent, Keats Road, Tennyson Road, Chaucer Road, Wordsworth Road, Dryden Road, Harden Road and Well Lane – Determined that an Environmental Impact Assessment was not required - 11/10/13

12/0036/OL – Outline permission for residential development on sites A, D & J (Goscote Lane Regeneration Corridor) – Approved Habitat Regulations Assessment and Granted subject to conditions and a S106 Agreement on 13/08/14.

11/1570/ND - Screening Opinion for Goscote Development Corridor residential/redevelopment (sites A, B, C, D and J) – Determined that an Environmental Impact Assessment was not required – January 2012

07/2335/OL/E11 – Outline: Proposed construction of 182 1, 2, 3 & 4 bed dwellings with garages and parking on land between Shakespeare Crescent/Chaucer Road/Tennyson Road/Wordsworth Road and corner of Well Lane and Shakespeare Crescent (now Site D) – Refused for 2 reasons broadly relating to (1) Failure to demonstrate that 182 residential units can be satisfactorily accommodated on the site and provide a satisfactory residential environment with good design and adequate parking and amenity space (2) Unacceptable demand on limited educational capacity, accessible community healthcare facilities, affordable housing and public open space provision in the locality.

There are several approved applications for prior notification for demolition of the former housing on the sites throughout 2005/2006.

Adjacent sites

Site G – Well Place

10/0864/FL – Erection of 32, 2 and 3 bed houses – granted subject to conditions –

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October 2011. This site is now complete.

Site H – Barracks Lane

10/1047/FL – Construction of 73 no. affordable dwellings comprising 39 apartments and 34 houses – granted subject to conditions – October 2011.

Site J – Shakespeare Crescent

13/1604/RM – Erection of 29 dwellings for affordable rent – approved Habitats Regulations Assessment and granted full planning permission subject to conditions 27/2/14.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***
- ***NPPF 8 - Promoting healthy communities***
- ***NPPF 9 - Protecting Green Belt Land***
- ***NPPF 10 - meeting the challenge of climate change, flooding and coastal change***
- ***NPPF 11 - Conserving and enhancing the natural environment***
- ***NPPF 12 - Conserving and enhancing the historic environment***
- ***NPPF 13 - Facilitating the sustainable use of minerals***

On **planning conditions** the NPPF says:

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

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of

sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

The Black Country Core Strategy

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM1: Sustainable Waste and Resource Management
- MIN1: Managing and Safeguarding Mineral Resources

Unitary Development Plan

The relevant policies are:

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV25: Archaeology
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources

- H1: Renewal of Existing Residential Areas
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T1 - Helping People to Get Around
- T4 - The Highway Network
- T5 - Highway Improvements
- T6 - Traffic Calming
- 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
- LC1: Urban Open Spaces
- LC5: Greenways

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through key design principles and policies. The following are the relevant policies;

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

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

Conserving Walsall's Natural Environment SPD

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

Supplementary Planning Document for Affordable Housing

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

Supplementary Planning Document Urban Open Space

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

Consultations

Transportation – Objection- There is insufficient information for highway to determine the application. The indicative design is not acceptable in highway terms and previous comments from the Public Rights of Way highway officer have not been taken into consideration as part of the development design or proposal. In the circumstances the application would be contrary to the interest of highway safety and the safe use of the highway (Footpath Walsall 26 Walsall 28, Beacon Way/Greenway) by the public.

Environmental Health – No comments

Planning Policy – No objections, comments made in relation to the policy implications, ecology and in relation to the transport statement.

Environment Agency – No objections

National Grid – No objections

Pollution Control - Recommends that a contaminated land condition is included within any permission, a Construction Management Plan is implemented to reduce local impacts, noise mitigation measures are installed on premises near to the Sewerage Work and its entrance/exit, and Electric Vehicle Charging Points are provided wherever possible to allow future residents a readily available infrastructure to switch to environmentally sustainable transport in the future.

Canal & River Trust – No objection subject to conditions and legal agreement to safeguard the structural integrity of the canal, the character, appearance and natural environment of the waterway corridor and the condition of the towpath.

Coal Authority – No objections subject to conditions for the submission of a scheme of remedial works for approval and the implementation of those remedial works.

Fire Service – No objections

Housing Strategy – No objections

Flood Risk Officer – No objections subject to conditions for flood risk mitigation including floor levels, limiting surface water run-off, provision of attenuation storage and details of management of surface water systems.

Landscape – No objections subject to landscape condition.

Community Safety Officer – Supports secure by design comments by Police and identifies a number of potential issues.

Local Access Forum (Walsall Ramblers) – Objection to the potential redirecting or loss of public rights of way.

Public Rights of Way Officer – Objections concerning anti-social behaviour due to the scheme not incorporating footpath Wal26 and Wal28

Education – No objection or section 106 requirements for contributions.

Police – No objections subject to secure by design.

Severn Trent Water – As a neighbour concerns raised about operation of treatment facility and potential conflict with occupants of housing. With respect to the development no objection subject to drainage conditions.

The Wildlife Trust – No objections subject to Ecology survey and recommendations for planting (note for applicant)

Archaeological Officer – No objections subject to a condition for a program of archaeological work to be conducted.

Regeneration – No objections. Advice regarding previous investment in the open space in the area by the developers is highlighted.

Public Participation Response

4 objections have been received on the following grounds:

Not enough school places

Increase in traffic

Determining Issues

- Principle of residential development
- Layout, scale and appearance
- Landscaping
- Relationship to surrounding properties
- Public Right of Way
- Access, parking and junction to Goscote Lane
- Security
- Archaeology
- Provision for affordable housing/urban open space/canal improvements
- Local Finance Considerations

Observations

Principle of Residential Development

BCCS

The Housing Key Diagram identifies the Goscote area as a housing renewal hub. Policy CSP2 states that the hubs will be the focus for housing renewal activity.

Policy HOU2 states that developments of 15 dwellings or more should provide a range of house types and sizes that will meet the accommodation needs of both existing and future residents, with reference to the standards in Table 8. Table 8 states that sites with moderate accessibility should have a density of 35 to 45 dwellings per hectare. The current application proposal equates to 38 dwellings per hectare which is within this range and acceptable from this point of view.

Policy HOU3 states that local planning authorities will seek to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable. The affordable housing for this site equates to 27% just above the required amount which can be secured through a section 106 agreement.

Policy ENV1 states that development within the Black Country will safeguard nature conservation by ensuring that development is not permitted where it would harm internationally, nationally or regionally designated nature conservation sites; and locally designated nature conservation sites (Sites of Local Importance for Nature Conservation), important habitats and geological features are protected from development proposals which could negatively impact upon them. The submitted Ecological Appraisal takes account of the SLINC and suggests mitigation by way of minimum distance separation and use of sensitive materials between the site and

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the canal and for a suitable lighting scheme which does not impact on habitats which can be secured by condition.

Policy ENV5 states that all developments should incorporate Sustainable Drainage Systems (SUDS) unless it would be impracticable to do so. Details have been provided of how the applicant would mitigate for surface water drainage and subject to conditions raises no concerns from the Flood Risk officer.

Policy MIN1 states that proposals for non-mineral development within the Areas of Search (relating to sites or areas of 5ha and over in the urban areas outside the Green Belt) are encouraged to provide for the extraction of minerals before the commencement of development and will not be permitted unless it can be demonstrated that the development will not result in the needless sterilisation of the resources within these areas. It provides for evidence to be submitted that would demonstrate minerals are not present or capable of extraction, the viability of the development would be jeopardised, the need for the development outweighs the need for minerals and/or the extraction of minerals would have unacceptable impacts. The Coal Authority mining report notes previous deep seam extraction from beneath the site and does not refer to a requirement to extract further. Should shallower (more exploitable) seams exist the agent contends that these would have already been exploited. Whilst there may be superficial sand and/or gravel deposits on the site it is also contended that [without evidence that such minerals don't exist, or are of quantities sufficient or are capable of extraction] the extraction of such deposits could delay works on the site. Any prior extraction (and subsequent reclamation) may make the scheme unviable and would delay its deliverability. For these reasons the proposal is considered to accord with policy MIN1.

UDP

Policy LC1(d): a section 106 agreement will be required to enable the provision of new, or the improvement of existing, urban open spaces (Walsall Urban Open Space SPD).

Policy ENV23 states that the council will require habitat creation, enhancement and the implementation of other appropriate measures to encourage the conservation of wildlife. This part of the policy will be applied to all development proposals in proximity to a SSSI, LNR, SINC or SLINC, and other locations of nature conservation interest. The case officer has sought advice on whether mitigation is required for the development from the Birmingham and Black Country Wildlife Trust who have raised no objections subject to an ecological survey being undertaken and has made some planting recommendations which can be attached as a note to applicant. An ecological appraisal has been submitted and recommendations relating to exterior lighting, bats, birds, security fencing to protect animals during construction and Japanese knotweed have been recommended as conditions.

SAD

Policy HC1 of the emerging Site Allocation Document proposes to allocate the site for housing (site reference HO27), with an estimated capacity of 327 dwellings. The policy lists assets and constraints that apply to or adjacent to the site. These comprise the canal, Site of Local Importance for Nature Conservation, Mineral Safeguarding Area, Greenway, Public Right of Way and a waste operation (Goscote Sewage Works). The implications of some of these are expanded on below.

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Policy HC4 states that part of site HO27 may need to include accommodation for Travellers if site HO28 (Dolphin Close) does not come forward.

Layout, scale and appearance

The layout is based around retaining the existing highway network with the introduction of new highways that dissect the perimeter blocks to reduce their size and make the site more permeable. All new dwellings face the street and have off street parking and secure rear gardens.

The rear windows of plot number 33 are between 10 and 13 metres from the blank rear elevation of plot 34. Although in part this is below the minimum standards between habitable room windows and blank walls, the window most affected is one to a ground floor lounge at plot 33 but this room also has a larger window at the side. The first floor bedroom window of number 33 would face the top part of the blank wall of plot 34, however the blank wall is not 3 metres above the floor level of this room.

Plots 10, 17, 34, 95 and 143 include blank rear elevations which are considered would be prominently visible when travelling along the highway. The mass of brick which could be overbearing to the public space can include secondary obscure glazed windows which not only provide additional light but would also soften these blank elevations and can be conditioned.

Plot 100 is a three storey design, the side elevation of which is over 21 metres from the side of plot 101 and would be a prominent elevation when travelling along Middle Crescent North to South. The design only includes 2 small bathroom windows and it is considered that this is not sufficient to ensure this does not result in a significant overbearing impact on users of the highway. These windows are also not aligned which is contrary to the character of the elevations of the houses which are symmetrical. A condition can be attached to revise the design of this plot to include additional side elevation windows and to align them.

Plots 88, 89 97, 98 115, 116, 210 – 234 and 340 – 347 would all have between 19 and 21 metres of separation between habitable room windows, some would be three storey houses. This level of separation falls below the Council's minimum standards between habitable room windows. This shortfall is not significant and is considered to reflect the proposed high density character of this development, the east to west orientation is favourable and on balance this relationship is considered provides sufficient amenity for occupants.

Plots 361 to 367 all face plots 375 to 379 with habitable room windows facing one another between 13 and 20 metres away, up to 10 metres below the Councils minimum standards. However, these plots are bungalows and overlooking would be interrupted by the boundary fencing which is considered sufficient to prevent overlooking and that the single storey construction would not result in any significant loss of light.

The rear elevation of plots 47 and 48 are just 10 metres from the side elevation of plot 73. Plot 47, due to the angle in relation to plot 73, predominantly faces the front parking area and is considered would not significantly harm the amenities enjoyed by

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occupiers of this house. Plot 48 is also at a slight angle and has the advantage of a larger garden than plot 47. Taking account of the high density character this shortfall on balance is considered acceptable that occupants of these houses would have sufficient levels of amenity.

Plots 200 and 203 are approximately 45 degrees in relation to one another. The garden of plot 203 is just 8 metres deep and has potential to overlook the garden of plot 200. Although this relationship is not ideal it is considered that on balance because only the first floor windows of 203 could result in overlooking which combined with the proposed separation, and because windows would serve bedrooms which are likely to be occupied at night, the proposal would still provide sufficient amenity for occupiers.

The rear lounge window of plot 301 would have some shading from the side elevation of number 300, however this is considered not significant taking account of the favourable orientation, this elevation being to the North West. In relation to the 45 degree code the quarter point from the lounge window would meet the final metre of the rear elevation of plot 300, however in the context of the estates character this small breach is considered acceptable. The garden area too would have some impact however it will be possible for occupiers to utilise an area of the garden which is not affected by the staggered relationship.

Although plots 356 - 360 are within 16 metres of the rear of plots 348 – 355, they are single storey and it is considered that the boundary fence would ensure satisfactory window to window relationship with no significant overlooking potential from first floor to ground floor to justify refusal.

Plot 373 is a bungalow and there would only be an 8 metre gap to the blank gable wall of plot 374 which measures between 2.5 and 5 metres high. This could have a significant impact on the bedroom and dining room window of plot 373 and falls 5 metres below the Councils minimum standards. The blank brick elevation could have an overbearing impact which is considered can be mitigated for through a condition which requires that elevation is rendered white and would break up the mass of brick and reflect light.

The houses are off-set where possible so there will not be significant potential for overlooking or lack of privacy. Some plots such as plot numbers 16 and 17 are staggered significantly in relation to one another which is considered would be part of the character and design of the proposed houses in relation to the traffic calming measures which have been integrated into the scheme. On balance it is considered that the 8 private units this affects is not significant and potential purchasers will decide whether or not to accept the compromise, which in some instances can be considered to provide a sense of privacy. For these reasons the wider benefits of this raised traffic calming measures outweighs the compromised relationship between these houses.

Although the proposed character of the estate will be in part defined by high density accommodation most of the plots exceed the Councils minimum space standards. Where this is not the case there is still sufficient amenity space to serve the property. The agent has provided a list of houses which do not meet the Council's garden

space standards and in those instances permitted development rights can be removed for rear and side extensions, roof projections and outbuildings.

Despite the compromises made the layout and design offers a reasonable high density development. The modern design is reflective of new developments elsewhere on Goscote estate.

Landscaping

Visually the impact of the development will be buffered by existing landscaping though any proposed landscaping should seek to further screen the development from the wider green belt. The hard and soft landscaping aspects of development proposals, particularly at the site boundaries adjacent waterways, play an important role in improving the appearance of the site when viewed from the waterway, and also the appearance of the waterway corridor itself. Native species are preferred by the Landscape Officer in order to maintain the appearance and biodiversity of the waterway.

Street and landscaping trees towards the canal boundary, especially beside street lights and tall buildings should include taller trees. This will provide some screening from air, noise and light pollution for canal users, and offer higher quality landscape value. In addition, some amended species will be required to address concerns. This detail could be amended prior to determination or required by a condition on any approval.

There is a well-established footpath onto the canal that follows the northern development site boundary and it should be ensured that this is easily accessible from the development. The linking points into the development from the footpath need to be well considered in the detailed design through surface materiality, visibility and signage. This detail could be required by condition.

The level of landscaping throughout the site is to be enhanced and is considered appropriate. Full details of planting to meet the recommendations of the Landscape Officer will be secured by condition.

Relationship to surrounding properties

The proposed dwellings maintain an adequate distance between existing properties surrounding the site and respect the existing street pattern. The proposal does not have any significant impact on the outlook, daylight or privacy of surrounding occupiers.

The nearest dwellings are those on Harden Road, including a garage and nursing home. The proposed new housing is no nearer to these properties than existing dwellings on Harden Road despite minimal separation at the rear.

49 and 50 Goscote Place are the nearest houses to the south of the development just 12 metres from the proposed southern boundary houses. However, the orientation of the houses in Goscote Place are angled at 45 degrees and are to the South ensure the relationship is acceptable not to result in any significant harm to existing amenity. This relationship is similar along the Northern boundary to the nearest house number 9 Goscote Close which is 15 metres away and at 45 degrees to the nearest plot of the development and considered acceptable.

The proposed development layout in all other respects maintains an acceptable relationship to surrounding occupiers.

Severn Trent has objected to the proposal. The sewage treatment works in Goscote is visited frequently by tankers and the site operates on a 24 hour a day basis. The only access to the site is via Goscote Lodge Crescent, which forms a key route through the proposed development and the proposed layout has many new properties fronting it. Severn Trent has raised concerns over the potential for conflict between its existing use of this access and the proposed use by residents of the proposed development. In particular, the houses to the North near to the entrance include driveways with access onto Goscote Lodge Crescent. Severn Trent have advised that many of the tankers that visit the sewage works are run by private operators often arriving at the site access prior to the site opening and wait until the gates open to discharge their loads. Severn Trent Water has no control over when they arrive and due to the nature of their work it is extremely hard to apply any meaningful control to their pattern of operation. The operation of the Severn Trent site is not part of this application.

It is considered that the use of the public highway for Severn Trent's operational needs is not acceptable and that they should provide space within their control to cater for their operational needs. If Severn Trent were to block the public highway separate legislation would prevent this.

Notwithstanding the above, Pollution Control and Environmental Health are aware of potential disturbance to residents by way of noise through the comings and goings of Severn Trent operatives and have suggested conditions to mitigate for this.

Public Rights of Way

Objections to the scheme have been received from the public rights of way officer referring to anti-social-behaviour and crime and advising that retaining the existing situation would require resources from the Police, Community Protection Team, Clean and Green, Rights of Way and Walsall Housing Group. In the circumstances they have requested the following amendments:

The application site should be amended to enable the adjoining public footpaths 26 Walsall and 28 Walsall to be Diverted and Stopped Up under S257 of the Town and Country Planning Act 1990 (TCPA), which would be necessary to re-direct them through the site. Without this amendment the statutory criteria of S257 TCPA cannot be met and therefore this option cannot be taken forward, nor can the amendments to the footpath alignment through the site be +delivered.

Footpaths 26 and 28 Walsall, the open spaces and unrecorded footpaths adjacent to the wellbeing apartments and curved apartments have not been included in the development which would allow a slight re-routing of the Beacon Way footpath, shown in open space to the rear of the curved apartments. The agent has confirmed that they do not intend to include this as part of their planning application.

The unrecorded footpath across the open space by the wellbeing centre must form part of the alternative highway for a stopping up and diversion and be included within the S278/ S38 agreement to ensure that a connection from highway to highway

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exists in accordance with statutory requirements of S257 of the Town and Country Planning Act 1990. There are no existing or proposed alternative connections to highway which would facilitate and the proposed diversion and stopping up across the site.

The Public Rights of Way Officer considers that failure to either stop up and divert the footpaths or undertake necessary improvements will mean that the crime and anti-social behaviour will not have been considered and dealt with and will represent an unacceptable risk to safety and security, and a negative impact on residential amenity.

In response to the above comments the applicant has confirmed that they will address the Public Rights of Way Officer concerns and have enlarged the red line to include the Wal26 path. Further details are expected which should address the objection to enable full support for the scheme.

The Walsall Group of Ramblers support the retention and improvement of the existing paths.

Access, parking and junction to Goscote Lane

Roundabout:

In relation to the revised Transport Statement dated 4th April 2017. The statement revisits the three junction options. Highway Officers agree that the roundabout option would not be suitable for the potential amount of pedestrian trips generated from the residential development as a practical option.

Right Turn Lane to the Priority Junction:

The proposed right turn lane as detailed in Banners Gate drawing P1165/101 (Goscote Lane Junction Improvements) shows the introduction of the dedicated right turn lane. Highways support the introduction of the right turn lane. Highway Officer comments in relation to the design are as follows:

a) Ideal carriageway width for right turn and running lanes is 3.5 metres. Any departure from this would have to be justified and be based on swept path analysis of Severn Trent Water largest HGVs making opposing manoeuvres at the same time without conflict.

b) Due to queuing at am peak highways recommendation for the service roads are that they are both closed to prevent through traffic and rat running. The North Service road was made One Way previously due to vehicles rat running to bypass the queuing on the approach to the island.

c) Highways would not support a planning condition for a junction design to be submitted at a later date. It would have to be demonstrated that any proposed carriageway widths, alterations to verge, services, and works within the highway are achievable and supported by RSA Road Safety Audit.

d) The Submission of Road Safety Audit is required

Signal Controlled Junction:

From the submission of the Supplementary TA the principle of the right turn lane is agreed and supported by Highways. The introduction of the right turn lane would apply to both the right turn priority Junction and the signals.

The highways recommendation for the closure of the service roads, the right turn lane, and any departure in terms carriageway width would add weight to the use of a signal junction.

Essentially highways officers require the creation of a new Junction to the access from Goscote Lodge Crescent onto Goscote Lane, in accordance with Government Guidance, improvements to pedestrian movements on Goscote Lane, and closure of Service Roads plus amendments to the scheme to take account of improvements to public footpaths including Beacon Way/Greenway and unrecorded paths with conditions as required.

The applicant has agreed to make the above necessary changes and submit additional information. This information may = not be available in time for planning committee consideration and may require additional consultation. Because of the applicant's requirements to deliver the scheme the recommendation is to support the scheme subject to addressing the highway issues to the satisfaction of the Councils Highways Officers.

Security

The Community Safety Officer raised concern that the original plans propose rear access gates positioned to the rear elevation of the houses instead of in line with front of properties which could leave exposed alleyways. Amended plans have been received and where it is possible to locate gates to the front this has been achieved but where this cannot be achieved it is as a result of a requirement for parking. The layout and location of windows at properties ensures there is good visual surveillance in those instances where gates cannot be relocated or provided. Plots 129, 118 and 119 have no habitable side elevation windows which means, that there is no visual surveillance of the parked cars at 119. A condition can be attached which requires additional windows in the side elevation of plot 129.

The Community Safety Officer has recommended low 1m gates to the front of the properties. It is considered that this would either compromise the parking spaces or open onto the highway so cannot be achieved and due to this constraint not significant to warrant refusal in this instance.

A comprehensive lighting plan is required to ensure the satisfactory safety for residents. This can be conditioned.

Amended plans have been received following the Community Safety Officers original comments and now include an area between the apartments for a motorcycle barrier. For further detail a condition requesting this information can be attached to permission if granted.

Both the Community Safety Officer and Police Architectural Liaison Officer support the Secure by Design principles. The Mandatory Building Regulations which cover the physical security of dwellings came into force on 1 October 2015 and so it is not necessary to impose a condition in relation to "Secure by Design" specifications.

In this instance it is considered reasonable to require conditions in respect of the following recommendations in the interests of the security of the occupants:

- Notwithstanding the submitted details all rear perimeter fences shall be 2.1m high and erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide.
- All side entry gates shall be 2.1m high and be key lockable from both sides, positioned flush with the front of the building line, shall not butt against a lower height wall or fence and shall be designed so not to provide climbing aides.
- All properties shall have an intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.
- On the communal entry to the apartments shall be fitted with an access control system which shall include CCTV coverage to the flats.
- All entrances off the main lobby for the wellbeing unit shall be access controlled.

Archaeology

The archaeologist has identified localised areas of archaeological potential. At the eastern edge of the development is the location of Mill House (WaHER 13006), which is shown on 19th century maps. A mill is shown in this location on Yates' map of 1775, and is referenced in documentary sources from 1693. The old Goscote Brook watercourse has been straightened, so it is possible that it ran closer to the site than it does now.

The second localised area of archaeological potential is immediately to the southeast of the development site. An archaeological excavation in 1967 (just outside the current site boundaries) identified a mound composed of ash, cinder, and early bloomer slag waste (WaHER 2615). A watching brief conducted in the area in 2008 confirmed the area contained metallurgical slag, likely from a late medieval water-powered bloomery (WaHER 13007). Limited documentary evidence suggests the possibility of a working bloomer site at Goscote in 1576.

It is considered that of these sites form a major constraint, however it is possible that remains relating to them survive within the development site, especially in areas formerly occupied by gardens. Archaeological remains relating to the possible late medieval bloomery would be particularly significant.

For this reason, it is recommended that a condition is placed on planning permission requiring a program of archaeological work to be conducted, in order to ensure that archaeological remains are recorded properly prior to or during development.

Provision for affordable housing/urban open space/canal improvements

Provision for affordable housing

In accordance with Policy HOU3 of the BCCS, 25% of the development should be provided as affordable housing. The requirement would be to provide this affordable housing as part of the development site which can be secured through a section 106 agreement.

Urban Open Space

In accordance with BCCS policy DEL1 and UDP policies GP3, and policy LC1 (d) of the UDP and SPD: Urban Open Space the proposals also require the developer to contribute towards provision for urban open space. The open space contribution for this development would be £811,725.00.

It has been confirmed by Regeneration Officers that the applicant has made a significant contribution to The Lea and Swannies Field development, in excess of what is required for the open space contribution for this scheme. The Council has benefited from £1.3m of the LGF grant funding (out of the £8.8m grant award to WHG from the Black Country LEP through the Local Growth Fund to support development viability and delivery) to undertake open space improvements on the Lea and Swannies Field. These improvements commenced in September 2016 and due to be complete by mid-May 2017; with most of the hard landscaped play facilities having already been handed over/complete (at 31st March 2017). These two open space areas are directly adjacent the application site and would serve residents of this proposed development. The applicant also considers that this previous contribution is acceptable and is not willing to provide any additional contributions.

In taking account of the existing open space improvements undertaken by the applicant and the benefits of the scheme to the wider area, officers consider that further open space contributions should not be sought in this instance.

Canal & Rivers Trust towpath improvement works

This section of the canal is part of a wider regeneration corridor and some stretches of the towpath up to Hildick Bridge, 150 metres away have been enhanced through the first phase of the regeneration works, the funding for works undertaken so far has been separate to any agreement as part of a previous planning application and were undertaken with Local Growth Funding.

The application includes a path between the North of the site and the tow path and it is considered that this link serves the development. The towpath from Hildicks Bridge to Slacky Lane has been identified by the Canal and Rivers Trust as requiring improvement to support additional usage. These works have previously been costed at £202,000.

The Trust has asked the local planning authority to seek agreement from the developer, prior to determination, that a contribution towards improvement of the towpath is included within any S106 agreement. Further detailed calculations, costings and a specification for the access and towpath surfacing works could then be provided.

Although a request has been made to Canal & Rivers Trust to confirm the amount of contribution they would expect, no conclusive response has been received.

Policy GP3 gives examples of where contributions may be required such as to offset or redress the on-site or off-site impacts of the development.

Policy LC5 of the UDP states that developers of sites adjacent Greenways (which include the adjacent canal) will be expected to fund their construction and improvement. Policy LC5 is updated in the emerging Site Allocations Document (SAD) which repeats the requirement for improvements to Greenways (which also includes canals). No objections have been received in relation to this part of the SAD through the consultation process.

The applicant does not want to provide a contribution to the canal towpath. The tests for whether such an obligation should be sought are:

1. necessary to make the development acceptable in planning terms (policy LC5)
2. directly related to the development; and (there is a footpath between the development and towpath)
3. fairly and reasonably related in scale and kind to the development. (it's the largest scheme in recent years, occupiers are likely to use the towpath)

In this instance the applicant contests the requirement on the grounds that no justification of these costs have been provided, how it has been calculated or how much of the costs can be attributed to this scheme and for these reasons the request does not meet the above tests. In the absence of any further details which have been requested by the case officer it is considered in this instance that the contribution cannot be sufficiently justified and permission should be secured without a contribution to the Canal and Rivers Trust.

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 426 new homes.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 792 new homes during 2010-2011 the award of £1,095,219 (which included a premium for affordable housing but also a deduction for an increase in vacancies) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards might be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant's agent and discussed the process for determining this application. In response to this advice relevant supporting information has been submitted to enable full support to be given to the scheme

Recommendation: To delegate to the Head of Planning, Engineering & Transportation to grant permission subject to conditions; subject to the completion of

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a Section 106 contribution to provide affordable homes; amendments to the access from Goscote Lodge Crescent onto Goscote Lane and amendments to the scheme to take account of public footpaths including any conditions/obligations as required, to address the concerns of the Highway Authority.

Conditions

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

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

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

plans and documents: -

Amended Location Plan (D00 Rev C) received 06/04/17
Amended Proposed Site Layout (D101 Rev N) received 24/01/17
Wellbeing Elevations (D210 rev E) received 30/09/16
Wellbeing Floor Plans (D201 rev G) received 30/09/16
Amended Bungalow 2bB-1 (D220 rev E) received 26/10/16
Amended Bungalow 2bB-wc (D222 rev E) received 26/10/16
Affordable House 1527 4B7P WC (D225 rev A) received 30/09/16
Amended Bungalow 2bB-wc corner plot (D227 rev B) received 26/10/16
Affordable House 1001 3B5P (D223 rev A) received 30/09/16
Affordable House 1203 4B7P (D224 rev A) received 30/09/16
Affordable House 1001 C 3B5P (D226 rev A) received 26/10/16
Amended Bungalow 1bB-1 (D228 rev B) received 26/10/16
Amended Bungalow 1bB-2 (D229 rev B) received 26/10/16
Amended House Type 765 (D230 rev B) received 26/10/16
Curved Apartment Block Elevations (D251) received 30/09/16
Curved Apartment Block Floor Plans (D250) received 30/09/16
1 Bed Apartment Block Plans (D260) received 30/09/16
House Type 651 (D300 rev A) received 30/09/16
House Type 764 (D301) received 30/09/16
House Type 832 (D302) received 30/09/16
Amended House Type 832-A (D303 Rev A) received 23/01/17
House Type 850 (D304) received 30/09/16
House Type 850A (D305) received 30/09/16
House Type 850B (D306) received 30/09/16
Amended House Type 857 (D307 Rev C) received 23/01/17
Amended House Type 867 (D308 Rev C) received 24/01/17
House Type 955 (D309) received 30/09/16
House Type 930 (D310) received 30/09/16
House Type 1028 (D311) received 30/09/16
House Type 1028-A (D312) received 30/09/16
House Type 1149 (D313) received 30/09/16
Amended House Type 1149-A (D314 Rev A) received 23/01/17
House Type 1154 (D315 rev A) received 30/09/16
House Type 1154-A (D316 Rev A) received 30/09/16
House Type 1154-B (D317 Rev A) received 23/01/17
House Type 1216 (D318) received 30/09/16

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Amended House Type 1224 (D319 rev B) received 24/01/17
 Amended Street Elevations Sheet 01 (D400 rev A) received 26/10/16
 Amended Street Elevations Sheet 02 (D401 rev A) received 26/10/16
 Amended Street Elevations Sheet 03 (D402 rev A) received 26/10/16
 Amended Street Elevations Sheet 04 (D403 rev A) received 26/10/16
 Amended Street Elevations Sheet 05 (D404 rev A) received 26/10/16
 Amended Street Elevations Sheet 06 (D405 rev A) received 26/10/16
 Amended Street Elevations Sheet 07 (D406 rev A) received 26/10/16
 Amended Indicative Sections (D501) received 26/10/16
 Amended Landscape Plan Section A (D900) received 26/10/16
 Amended Landscape Plan Section B (D901) received 26/10/16
 Amended Landscape Plan Section C (D902) received 26/10/16
 Amended Landscape Plan Section D (D903) received 26/10/16
 Amended Landscape Plan Section E (D904) received 26/10/16
 Amended Landscape Plan Section F (D905) received 26/10/16
 Amended Landscape Plan Section G (D906) received 26/10/16
 Amended Boundary Plan (D160 Rev A) received 23/01/17
 Amended Boundary Treatment Details (D161 Rev A) received 23/01/17
 External Levels & Features Sheet 1 of 9 (16051/101B) received 26/10/16
 External Levels & Features Sheet 2 of 9 (16051/102B) received 26/10/16
 External Levels & Features Sheet 5 of 9 (16051/105B) received 26/10/16
 External Levels & Features Sheet 6 of 9 (16051/106B) received 26/10/16
 External Levels & Features Sheet 7 of 9 (16051/107) received 09/12/16
 External Levels & Features Sheet 8 of 9 (16051/108) received 09/12/16
 External Levels & Features Sheet 9 of 9 (16051/109C) received 26/10/16
 Private Drainage Layout Sheet 1 of 9 (16051/111 A) received 26/10/16
 Private Drainage Layout Sheet 2 of 9 (16051/112 A) received 26/10/16
 Private Drainage Layout Sheet 3 of 9 (16051/113 B) received 26/10/16
 Private Drainage Layout Sheet 4 of 9 (16051/114 B) received 26/10/16
 Private Drainage Layout Sheet 5 of 9 (16051/115 A) received 26/10/16
 Private Drainage Layout Sheet 6 of 9 (16051/116 A) received 26/10/16
 Private Drainage Layout Sheet 7 of 9 (16051/117 B) received 26/10/16
 Private Drainage Layout Sheet 8 of 9 (16051/118 B) received 26/10/16
 Private Drainage Layout Sheet 9 of 9 (16051/119 B) received 26/10/16
 Sustainable Drainage Strategy (16051/SWDS/SK.01) dated June 2016-12-08
 Bulk Earth Stockpiling Sheet 1 of 2 (101 rev P1) received 30/09/16
 Bulk Earth Stockpiling Sheet 1 of 2 (101 rev P2) received 30/09/16
 Bulk Earth Stockpiling Sheet 2 of 2 (102 rev P1) received 30/09/16
 Site Boundary Sections (110 rev P1) received 30/09/16
 Amended Site Survey 1 of 2 (563 rev B) dated Aug 15
 Amended Site Survey 2 of 2 (563 rev B) dated Aug 15
 Roads & Drainage Longitudinal Sections Sheet 1 of 8 (16051/201) received 26/10/16
 Roads & Drainage Longitudinal Sections Sheet 2 of 8 (16051/202) received 26/10/16
 Roads & Drainage Longitudinal Sections Sheet 3 of 8 (16051/203A) received
 26/10/16
 Roads & Drainage Longitudinal Sections Sheet 4 of 8 (16051/204) received 26/10/16
 Roads & Drainage Longitudinal Sections Sheet 5 of 8 (16051/205A) received
 26/10/16
 Roads & Drainage Longitudinal Sections Sheet 6 of 8 (16051/206) received 26/10/16
 Roads & Drainage Longitudinal Sections Sheet 7 of 8 (16051/207A) received
 26/10/16

Roads & Drainage Longitudinal Sections Sheet 8 of 8 (16051/208A) received 26/10/16
Storm and Foul Manhole Schedules (16051/251A) received 26/10/16
Planning Statement received 30/09/16
Supplementary Site Investigations received 30/09/16
Mining Risk Assessment Report received 30/09/16
Transport Assessment and Travel Plan received 30/09/16
Coal Report received 30/09/16 & Updated report received 14/11/16
Tree Survey & 3 Tree plans received 30/09/16
Ecological Appraisal received 18/04/17
Design and Access Statement received 30/09/16
Flood Risk Assessment received 30/09/16

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 commencement a program of archaeological work to ensure that archaeological remains are recorded properly prior to and during development shall be submitted to and approved by the Local Planning Authority

3b. The submitted program of works shall include a watching brief, to be conducted during groundworks in the area of Mill House SMR number 13007 and adjacent to the Goscote Bloomery SMR number 2615.

3c. The approved program of archaeological work shall be fully implemented.

Reason: To safeguard site of archaeological interest and to comply with UDP policies GP2 and ENV25

4a. No development shall take place until a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. This should include details of:

- Limiting the surface water run-off generated by the 100 year plus 40% climate change storm so that it will not exceed calculated greenfield run-off rates from the site and not increase the risk of flooding off-site.
- Provision of attenuation storage on the site to a 100 year plus 40% climate change standard.
- Finished floor levels are set no lower than 150mm above adjacent ground levels and higher if practicable;
- Confirmation of which responsible bodies will maintain the surface water systems over the lifetime of the development according to an acceptable and achievable maintenance schedule.

4b. The scheme shall be fully implemented in accordance with the approved Flood Risk Assessment (FRA), dated 26 July 2016, reference number: 16051, Rev 01, compiled by Banners Gate and subsequently maintained, in accordance with the agreed details of condition 3a.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

5a. Prior to any construction and engineering activities a Construction and Environmental Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include / provide for:

- a) the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development;
- b) measures to control the emission of dust and dirt during construction;
- c) details of protective measures (both physical measures and sensitive working practises) to avoid impacts during construction;
- d) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons);
- e) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation
 - iii) Installation of physical protection measures during construction;
- iv) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
- v) Provision of training and information about the importance of Environment Protection measures to all construction personnel on site.

5b. The approved Construction Management Plan shall be fully implemented upon commencement of works and shall be maintained until the site is completed.

Reason: To safeguard the environment and in the interests of the structural integrity of the waterway and to ensure the proposed works do not have any adverse impact on the safety of waterway users and the integrity of the Wyrley and Essington Canal in accordance with Policy ENV4 of the Black Country Core Strategy and To ensure the satisfactory amenity of residents and to comply with UDP policy GP2 and ENV10.

6a No development shall take place until a Method Statement detailing all proposed earthmoving, and construction works (including foundation details) has first been submitted to and agreed in writing by the Local Planning Authority.

6b. The development shall thereafter only be carried out in accordance with the agreed Method Statement and the mitigations measures identified therein.

Reason: In the interests of minimising the risk of any adverse impacts upon the structural integrity of the adjacent Wryley & Essington Canal, this needs to be required prior to commencement of development, and to comply with the guidance contained in Paragraphs 120-121 of the National Planning Policy Framework March 2012.

7a. Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified land contamination present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

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7b. The remedial measures as set out in the 'Remediation Statement' required by part i) of this condition shall be implemented in accordance with the agreed timetable.

7c. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered development shall cease until the 'Remediation Statement' required by part i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

7d) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: To ensure safe development of the site, protect human health and the environment and to comply with UDP policy GP2 and ENV10

8a. Prior to the commencement of the development details of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority.

8b. The development shall be completed with the approved details and retained thereafter.

Reason: To ensure the development is provided with satisfactory means of drainage, to reduce the risk of flooding and pollution and to comply with UDP policy GP2.

9a. Prior to the commencement of the development full details of all external lighting, shall be submitted to and agreed in writing by the Local Planning Authority.

9b. The agreed scheme shall be fully implemented and thereafter retained in accordance with the agreed details.

Reason: To protect the visual amenities of the area and ensure proper regard is taken to the impact on protected species and to comply with BCCS policies ENV1, ENV2 and ENV3 and UDP policies ENV10, ENV23 and ENV32.

10a. Prior to commencement a flood risk management scheme shall be submitted to, and approved in writing by, the local planning authority.

10b. The flood risk management scheme shall include details of:
i. Finished floor levels and ground profiles to mitigate against the risk of flooding from surface water, overland flows, and canal overtop & breach scenarios as outlined in the Flood Risk Assessment section 7.20.

10c. The scheme shall be fully implemented and subsequently maintained, in accordance with the agreed scheme.

Reason: To reduce the risk of flooding to the proposed development and future users and to comply with UDP policy ENV10.

11a. Prior to commencement drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority.

11b. The approved details shall be fully implemented prior to the development being first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution and to comply with UDP policy ENV10

12a. Prior to the commencement of the development a scheme to provide bat boxes, bat tubes and bat bricks incorporated into new buildings shall be submitted for approval in writing of the Local Planning Authority.

12b. The approved scheme shall be fully implemented and retained thereafter.

Reason: To ensure proper regard is taken to the impact of development on protected species and to comply with BCCS policy ENV1 and UDP policy ENV23.

13. All site clearance shall take place outside the bird breeding season unless carried out under the supervision of a qualified and experienced ecologist.

Reason: To ensure proper regard is taken to the impact of development on protected species and to comply with BCCS policy ENV1 and UDP policy ENV23.

14. During construction all open trenches or hazardous areas should be securely fenced off to prevent animals becoming trapped.

Reason: To ensure proper regard is taken to the impact of development on protected species and to comply with BCCS policy ENV1 and UDP policy ENV23.

15a. Notwithstanding the submitted plans and documents prior to construction above damp course amended plans shall be submitted to and approved in writing by the Local Planning Authority to include first floor obscurely glazed windows meeting Pilkington level 4 or equivalent, to the en-suite and Bedroom 2 of plots 10, 17, 34, 95 and 143.

15b. The agreed plans and details shall be fully implemented prior to occupation.

Reason: To ensure the satisfactory appearance of the development and to comply with UDP policy ENV32

16a. Notwithstanding the submitted plans and documents prior to construction above damp course amended plans shall be submitted to and approved in writing by the Local Planning Authority to include first floor and second floor bedroom windows, and to align the proposed en-suite and bath room windows in the side elevation of plot number 100.

16b. The agreed plans and details shall be fully implemented prior to occupation.

Reason: To ensure the satisfactory appearance of the development and to comply with UDP policy ENV32

17a. Prior to development above damp course details shall be submitted of an acoustic survey to deal with noise from the nearby Sewerage Works and their site access in writing with the Local Planning Authority.

17b. Acoustic mitigation measures shall be agreed in writing with the Local Planning Authority.

17c. The agreed acoustic mitigation measures shall be implemented prior to occupancy.

Reason: In the interests of occupiers amenity and comply with UDP policies GP2 and ENV10.

18a. Prior to occupation details shall be submitted in writing to the Local Planning Authority of electric vehicle charging points for each of the new premises.

18b. The agreed electric vehicle charging points shall be fully implemented in accordance with the approved details of condition 17a before the development is first brought into use.

Reason: To improve air quality and comply with UDP policies GP2 and ENV10

19a. Prior to occupation details shall be submitted in writing to the Local Planning Authority of mitigation measures to prevent motorcycles from accessing the public paths around the site.

19b. The agreed details shall be fully implemented in accordance with the approved details of condition 18aa before the development is first brought into use.

Reason: To improve air quality and comply with UDP policies GP2 and ENV10

20. Notwithstanding the submitted plans and documents the side elevation of plot number 374 shall be rendered white prior to plot 373 being occupied and shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development, to safeguard neighbouring amenity and to comply with UDP policies GP2 and ENV32

21. Notwithstanding the submitted plan House Type 850B (D306) received 30/09/16 the side elevation of plot number 129 shall include a ground floor lounge window and first floor bathroom and Bedroom 2 windows.

Reason: To ensure the satisfactory appearance of the development, to safeguard neighbouring amenity and to comply with UDP policies GP2 and ENV32

22. Development works shall include a 10 m stand off from the canal throughout the construction. Materials, fuel and machinery shall not be stored within close proximity to the watercourse to prevent pollution and litter from entering the canal. Contingency plans shall be put in place to deal with accidental spillages and rubbish or spoil piles should not be formed within the stand off zone.

Reason: To safeguard the amenities of the area and minimise pollution to the canal and to comply with UDP policy ENV10.

23. The development shall be completed to include the following security measures:

- Notwithstanding the submitted details all rear perimeter fences shall be 2.1m high and erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide.
- All side entry gates shall be 2.1m high and be key lockable from both sides, positioned flush with the front of the building line, shall not butt against a lower height wall or fence and shall be designed so not to provide climbing aides.
- All properties shall have an intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.
- On the communal entry to the apartments shall be fitted with an access control system which shall include CCTV coverage to the flats.
- All entrances off the main lobby for the wellbeing unit shall be access controlled.

Reason: To ensure the security of occupants and comply with BCCS policy ENV3.

24a. Prior to occupation a revised landscape scheme shall be submitted to and approved in writing by the local planning authority. The revised landscaping shall include the following measures:

- Details of topsoil depths and specifications. Use of imported topsoil to agreed British Standard, or detailed soil analysis is provided to prove suitability of existing site soils.
- Topsoil depths – shrub/hedgerow planting areas should be at least 450mm : grass seeded / turfed areas should be at least 150mm.
- Further details of tree support and tree pit details, root barriers and mulching. Full details of grass seed mixes and sowing rates.
- Details of the future management of the landscape scheme
- Boundary treatments plan

24b. The development shall be implemented fully in accordance with the approved scheme before any part of the development is brought into use,

24c. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period, any trees shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree,

shrub or plant of the same size and same species as that originally required to be planted,

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

25. Notwithstanding the submitted details 200 x 200mm gaps shall be provided at the base of fences to allow hedgehogs to pass through.

Reason: To safeguard wildlife and the SLINC and to comply with BCCS policy ENV1 and UDP policy ENV23.

26. Japanese knotweed shall be treated in accordance with recommended guidelines.

Reason: To ensure the satisfactory implementation of the development.

27. 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; and 08.00 to 14.00 on Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

Reason: To protect existing local amenity and infrastructure and to comply with UDP policy GP2.

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, E and F of Part 1 Schedule 2 of the said Order shall be carried out to plots 27, 42, 43, 73, 91, 104, 110, 139, 161, 164, 165, 301, 302, 304, 309, 321, 322, 323, 324, 334, 335, 336, 341, 342, 343, 344, 345, 346, 347, 349, 350, 351, 352, 353, 354, 359, 361, 362, 373 and 379 hereby approved.

Reason: To protect the character and amenities of the area and to comply with policies GP2 and ENV32 of Walsall's Unitary Development Plan.

Note for Applicant:

Severn Trent

As with any development, we advise that **external levels fall away from property** to minimise the flood risk from a variety of sources. Any overland flows generated by the proposed development must be carefully controlled and detailed design must consider whether infiltration is effective for proposed site catchments. We would advise that the use of infiltration techniques with a rate **less than 10-5m/s** should not normally be considered.

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Severn Trent Water should be consulted on the acceptability of draining surface water at 5l/s at three points to their combination sewer network.

Pollution Control

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework (2012); British Standard BS10175: 2011+A1:2013 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same

CL2

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

CL3

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

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.

Canal and Rivers Trust

The applicant/developer is advised to contact the Works Engineering Team in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".

National Grid

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

The Wildlife Trust

The Trust urges that the applicant supports these particular requirements by further measures to improve nature within the development site through:

- appropriate landscaping design and management using native species in keeping with local character,
- connecting natural environment features within and to those beyond the development,
- innovative habitat creation such as wild flower meadow verges benefitting pollinators for example,
- incorporating sustainable drainage and permeable surface solutions to benefit the management of the water environment (particularly for car parks),
- smaller scale features such as bird boxes and nesting platforms and holes, and resting and hibernating structures for invertebrates,
- bat roosting and resting provision,
- and, foraging habitat.

Police

The development should be completed to include the following Secure by Design requirements:

- All ground floor windows and any accessible windows should have at least one pane of 6.4mm laminated 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 houses and apartments/wellbeing units shall have defensible planting under them. This can be created by dense low level shrubbery with a mature height of no more than 1m and shall be approximately 1m in depth. The defensible space shall overlap the whole length of the window at least. Planting should be suitable for the light and soil environment at its location. .
- Doors shall be PAS 24:2012.
- Where euro profile cylinder locks are used in doors or shutters they shall achieve a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification.
- Thumb locks shall not be of a type that can be 'by passed'

- Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or WCL 2 BR 1
- Where concrete post and panels are to be used the fence panels must be tied using galvanised metal straps.
- All fencing shall be treated wood with guarantee life span of 25yrs.
- No Lead or metal should be used on the ground floor, including outside taps to the front of properties.
- Entrance and exit doors and frames to the apartments shall be of a robust vandal resistant material, with vandal resistant viewing panels.
- Letterboxes in communal areas shall be DAD UK Ltd DAD009 1.5mm steel letterboxes.
- Secured by Design cycle stand shall be installed near to the apartments. The security anchor for the bike must be certified to Sold Secure Silver standard or LPS 1175 issue 7:2010 SR1 and be securely fixed to the concrete foundation in accordance with manufacturers specifications.
- Entrances to the apartments shall be well lit both internally and externally.
- The bin store shall remain locked when not in use.

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 5.

Reason for bringing to committee: Major Application

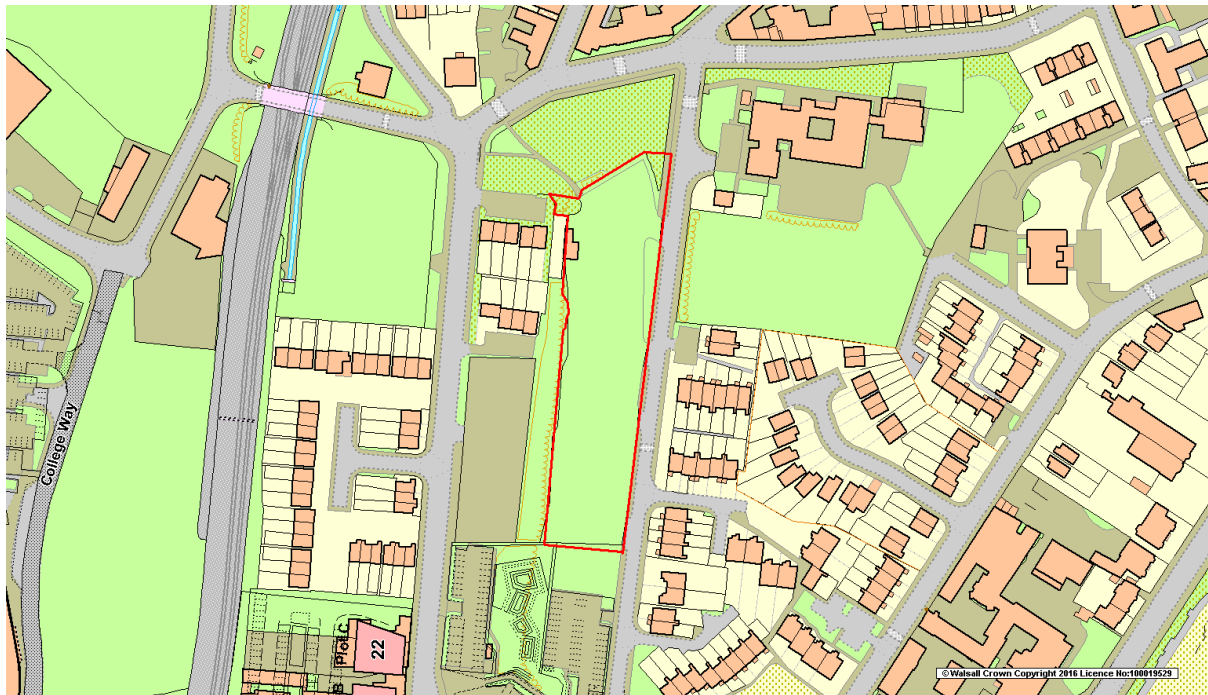
Location: LAND TO THE WEST OF TEDDESLEY STREET, WALSALL, WS4 2AH

Proposal: 33 NO. TWO, THREE AND FOUR BEDROOM DWELLINGS FOR AFFORDABLE RENT AND SHARED OWNERSHIP WITH ASSOCIATED LANDSCAPING AND PARKING.

Application Number: 16/1241
Applicant: Walsall Housing Group
Agent: BM3 Architecture Ltd
Application Type: Full Application (Major)

Case Officer: Paul Hinton
Ward: St Matthews
Expired Date: 11-May-2017
Time Extension Expiry: 17-Feb-2017

Recommendation Summary: Delegate to the Head of Planning, Engineering and Transportation to grant planning permission subject to conditions and completion of a S106 agreement for affordable homes and urban open space



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Officers Report

Application and Site Details

This application seeks planning permission for the erection of 33 houses on this flat site that previously housed two high rise sets of flats (Booth and O'Hare House). The houses would have the following mix:

21 no. 2 bedroom
10 no. 3 bedroom
2 no. 4 bedroom.

A total of 46 parking spaces would be provided.

The application is presented as a full affordable housing scheme; 10 no. shared ownership, 12 no. rent to buy and 11 no. affordable rent.

The proposal includes three private cul-de-sacs with most houses orientated 90 degrees to Teddesley Street. Seven houses to the north part of the site would front Teddesley Street. Two houses within the middle of the site are three storeys, the remaining are two. The houses would be predominately red brick with fibre cement slate roof and grey upvc windows. Grey fibre cement cladding is proposed to the upper floors of six of the plots.

A 2m wide landscape strip would be provided along most of the road frontage where five of the existing street trees would be retained and a beech hedge would be planted. Shrub and tree planting is proposed to the front of the proposed houses.

The Booth and O'Hare House high rise flats were demolished some years ago and part of the site is used for trade parking for WHG. WHG confirm they are committed to ensuring that the parking of WHG vans does not create problems for local residents and will be minimising the need for trades colleagues to attend meetings at Hatherton Street. WHG has an agreement with the Council that vans can park on Ward Street public car park.

There is an existing electrical substation that is to be retained with gated access provided from one of the cul-de-sacs.

The site area is 0.57 hectares; the development would have a density of 58 dwellings per hectare. The site is directly north of WHGs head office, with two storey houses on the opposite side of Teddesley Street. To the west is Hatherton Street where the ground levels are approximately 3m lower than the application site, an 8m wide tree belt separates the site from a Council car park and nine houses. Directly to the north of the application site is grassed amenity area. Butts Primary School is at the corner of Teddesley Street and Butts Road, 35m from the application boundary with a zebra crossing close to the junction. Teddesley Street is subject to a 20mph speed limit and has parking restrictions with double and single yellow lines (prohibited parking Monday-Friday 8am-6.30pm). There is a bus stop adjacent to the application site. The main bus and railway stations are within a ten-minute walk of

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the application site. The application site is adjacent to the Town Centre boundary, forms part of the Gigaport project (office led regeneration) and is proposed to be allocated for offices within the emerging Town Centre Area Action Plan. The application has been supported by the following documents:

Design and Access Statement

- Development designed specifically for the site and promotes contemporary sustainable living.
- Layout provides dual aspect units overlooking the street, high quality landscaping, minimal gaps between dwellings, a range of differing house types, use an east-west axis to maximise southern aspects.

Tree Survey

- Mix of B and C Class trees within the site
- Recommended tree protection and ground protection measures.

Phase 1 Desk Study (August 2012)

- Overall environment liability associated with the site and the risks associated with the sites proposed development are considered to be low to moderate.
- Further information should be obtained regarding the risk from potential underground coal mining.

Geotechnical and geoenvironmental site assessment (August 2016)

- Asbestos identified within shallow made ground soils. Further investigation could be conducted to further evaluate the potential risk at the site.
- Within garden and landscaped areas, made ground should not be present within the top 600mm.
- Gas protection measures are required.
- Not considered that there is evidence that significant leaching of heavy metals is occurring.
- Traditional spread footings are likely to prove suitable for the majority of light to moderate load development.

Transport Assessment

- Predicted to generate 14 vehicle movements in the morning peak hour and 17 movements during the evening peak hour. It is therefore considered that there will be a negligible impact on the highway network.
- Site is in a highly sustainable location being within walking distance of an array of local facilities and services.
- 46 car parking spaces (1.4 spaces per unit) is in excess of car ownership levels set out in the 2011 census.

Planning Statement (September 2016)

- Provides the opportunity to deliver new affordable housing on a brownfield site in a sustainable location.
- The site has been cleared and ready for development since 2008 and allocated in the BCCS (Gigaport) since 2011. Despite this the site has not come forward for an office/mixed use/live work or any other form of employment scheme.
- There is approximately 34,400 sqm of office accommodation available and on the market in the Town Centre and significant areas of land identified for potential

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office development within the adopted and emerging development plan documents. There is therefore no shortage of office accommodation locally.

- Attracting an office occupier who would be prepared to pay a rent/purchase the site at a viable level is considered to be extremely unlikely given the availability of cheaper and better located office accommodation within the centre.
- The offer of affordable housing outweighs the need to refuse the planning permission in favour of waiting for an office related scheme to materialise.

Relevant Planning History

08/0462/PD - Demolition of Two 13 Storey Blocks of Flats. GSC 24/4/2008

08/0951/OL - Walsall Gigaport - Outline Application (Access Only Considered). Erection of 127,000 sqm of B1(A) offices, a 4,206 sqm data centre, 4,300 sqm hotel with conference facilities, 23,195 sqm of live/work space, a 5,890 sqm health and sports facility and 621 sqm of A1/A3 (retail/non-retail) floorspace together with associated highways works, public transport facilities, new public square, landscaping and car parking. (Revision of planning application reference 07/2659/OL/W7). GSC 18/12/08

11/1541/TE - Time extension to 08/0951/OL: (Walsall Gigaport - Outline Application (Access Only Considered). Erection of 127,000 sqm of B1(A) offices, a 4,206 sqm data centre, 4,300 sqm hotel with conference facilities, 23,195 sqm of live/work space, a 5,890 sqm health and sports facility and 621 sqm of A1/A3 (retail/non-retail) floorspace together with associated highways works, public transport facilities, new public square, landscaping and car parking. (Revision of planning application reference 07/2659/OL/W7). GSC 3/2/12

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed.

- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***
- ***NPPF 12 – Conserving and enhancing the historic environment***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP1: The Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- HOU5: Education and Health Care Facilities
- CEN3: Growth in the Strategic 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
- ENV1: Nature Conservation
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM5: Resource Management and New Development

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

Walsall's Unitary Development Plan (UDP)

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

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

The relevant policies are:

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- 3.6 and 3.7: Environmental Improvement
- ENV10: Pollution
- ENV11: Light Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H4: Affordable Housing
- S8: Housing in Town Centres
- T1: Helping People to Get Around
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T10: Accessibility Standards - General
- T11: Access for Pedestrians, Cyclists and Wheelchair Users
- T12: Access by Public Transport
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Space

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies.

The following are the relevant policies;

DW1-Sustainability

DW2- Safe and Welcoming places

DW3 – Character

DW4 – Continuity

DW5 - Ease of movement

DW6 – Legibility

DW7 – Diversity

DW8 – Adaptability

DW9 – High Quality public realm

DW10 – new development should make a positive contribution to creating a sustainable environment.

Annexe D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above (this standard will be applied more robustly at the rear than across roads at the front), 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing.

Conserving Walsall's Natural Environment SPD

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

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

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

Affordable Housing SPD

Requirement to provide affordable housing on each new development of 15 dwellings or above.

Urban Open Space SPD

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

- Urban Open Space SPD

Black Country Air Quality SPD

As a minimum, new developments should include the provision of electric vehicle charging points

Emerging Policy

The emerging Walsall Town Centre Area Action Plan (AAP) proposes to incorporate the whole of the site within the Town Centre. The AAP has completed its consultation stages prior to being submitted for examination. In making planning decisions, weight can be given to those policies in the AAP where they are not the subject of objections or of Proposed Main Modifications.

The site (TC42) is allocated as a opportunity for office development under Policy AAPB1: Office Developments and AAPINV3: Walsall Gigaport. Neither policy is subject to any main modification or objections that would impact on this site. There have been no objections to the allocation of this site for office development. It is considered that the policies can be given weight when determining planning applications. The site is also subject to the outline permission for Gigaport.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations)

The proposal is not an EIA development.

Consultation Replies

Planning Policy – no objection. Adequate capacity remains elsewhere in the Gigaport area to deliver the office accommodation planned for in the AAP; proposal could help to meet a wider range of housing needs in the town centre and is one of a few sites within the centre that could accommodate town houses

Highway Authority – no objection subject to use of recommended conditions in regard to provision and surfacing of access ways, parking and manoeuvring areas, full engineering details and construction methodology statement.

Pollution Control – no objection subject to the use of recommended conditions in regard to provision of electric vehicle charging points, a Contaminated Land and Ground Gas Remediation Strategy and a Construction Management Plan to control noise, dust, debris and vibrations.

Environmental Health – no objection.

Coal Authority – no objection. The Phase 1 Report demonstrates the site is safe and stable for the proposed development.

Education Walsall – projections of school places indicate a slight decline in demand for places in this area in subsequent years to produce a small level of surplus capacity in 2017/18, 2018/19 and 2019/20.

Clean and Green – contributions sought towards open space improvements at the Walsall Country Park in the Arboretum Extension and Park Lime Pits (access and landscape improvements, habitat management and interpretation provision).

Housing Strategy – no objection subject to securing 25% affordable rent homes mixed across the property types.

Landscape – no objection subject to use of recommended condition in regard to retention of planting.

Severn Trent Water – no objection subject to use of recommended condition in regard to full drainage details.

Fire Service – no objection.

Police Architectural Liaison Officer – no objection. Gates to alleyways should be self closing and gates and fencing along alleyways should be 2.1m in height.

Public Participation Responses

Surrounding occupiers and ward members notified by letter, site notices displayed and advertised in local press.

One letter has been received objecting to the application on the following grounds:

- Existing parking problem.

A petition with 58 signatures has been received objecting to the application on the grounds of increasing traffic, insufficient parking and increase the danger to children accessing Butts Primary School.

Further consultation has been undertaken following receipt of amended plans. Consultation expires after the publication of this report on 31/3/17. Any further comments will be reported at the meeting.

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

Determining Issues

- Principle of development
- Impact on the character and appearance of the area
- Impact upon residential amenity
- Access and Parking
- Planning obligations
- Local Finance Considerations
- Conclusion

Observations

Principle of development

The site is within the boundary of the outline planning permission for Gigaport (office led regeneration of the north of the town centre), which indicatively showed this site to provide live/work accommodation (with a minimum of 30% of each unit dedicated to commercial use). BCCS policy CEN3 sets targets for the delivery of additional

office space within the town centre. The emerging Walsall Town Centre Area Action Plan (AAP), which can be given weight in decision making proposes to incorporate the whole of the site within the Town Centre. The site (TC42) is allocated in the AAP as an opportunity for office development under Policy AAPB1: Office Developments and AAPINV3: Walsall Gigaport. Policy AAPB1 states that the Council aims to deliver 73,000sqm gross of offices in Walsall Town Centre by the end of 2026; if all of the Gigaport sites are developed to their full potential, this figure will be exceeded. It is also recognised that some office development may come forward outside of the Gigaport boundary.

Residential use is considered to be one of the uses the Council does not wish to attract in the Gigaport area. The applicants explain that there has been no interest in office development of the site and it has been vacant since 2008. They have not provided any evidence of marketing the site for offices. Office development has been completed successfully on adjacent sites, notably WHG's own offices and the Jhoots development on the opposite side of Hatherton Street.

It is considered that adequate capacity remains elsewhere in the Gigaport area to deliver the office accommodation planned for in the AAP. The key issue is whether the loss of this site to residential would be detrimental to the delivery of Gigaport. The site does not face on to Littleton Street West so is considered would not dilute the office corridor effect the plan aims to create along the ring road. Furthermore, there are residential uses on both sides of the proposal so in comparison to other sites within the Gigaport boundary, it is less well connected in terms of creating a mass of office developments. It is considered that houses at this location would not have a significant adverse impact on the delivery of high quality offices within Gigaport.

In addition, the proposal for town houses rather than flats, helps to meet a wider range of town centre housing needs. This is one of a few town centre sites that could accommodate town houses. A wider range of housing type that could accommodate families is considered important in ensuring the town centre is a vibrant and viable.

On balance it is considered that residential use can be supported in principle, however it must be noted that if further sites come forward for residential or other none office related uses within the Gigaport boundary, there is a real risk that the creation of an office location could be jeopardised. The loss of this sites places more importance on the delivery of other sites for offices.

Impact on the character and appearance of the area

Teddesley Street is characterised by two storey semi-detached and terraced houses finished in red brick and tile roofs. The proposed semi-detached houses and terraced houses would continue this characteristic. There are two number three storey houses which create feature properties without over dominating their surroundings and would be viewed in the context of the taller WHG offices and flats to the south of Littleton Street East. The houses would have red brick walls and slate effect roof tiles, with slate grey fibre cement cladding boards on feature end plots. The houses would have a modern appearance that integrate into the area. Precise material specification can be secured by condition.

In the main the houses are orientated 90 degrees to Teddesley Street, maximising solar gain, whilst reflecting the orientation of the existing Teddesley Street and Saw Mill Close houses. To ensure an active street presence habitable windows are proposed to the side elevations facing Teddesley Street.

The development density of 58 dwellings per hectare, reflects the context of the houses across the road (50 dph), Saw Mill Close (49 dph) and Hatherton Street (45 dph). BCCS Policy HOU2 requires developments to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice the character and distinctiveness of the area; the proposal achieves this. The NPPF says that decisions should optimise the potential of the site to accommodate development.

Over-development results in designs which impact unduly on the character and amenity of the locality. The design approach in this instance, addresses these concerns and demonstrates that overdevelopment of the site would not occur.

BCCS policy CSP4 states that design of spaces and buildings will be influenced by their context. The current scheme reflects the local character and surrounding area. The layout shows appropriate building sizes and position, achieving appropriate gaps between the houses, separation distances, provides private amenity space and bin storage facilities to accord with Council requirements.

The application is supported by a landscaping scheme, while four trees towards the front of the site would be removed these are not protected or high quality trees. The layout retains a number of trees to the front boundary which would be enhanced through hedge planting. Front gardens would have shrub planting, with additional trees introduced within the cul-de-sacs to compensate for the loss.

Impact upon residential amenity

The contaminated land investigation confirms, the site is contaminated, requiring mitigation measures to deal with asbestos and ground gas. The remediation strategy measures can achieve a satisfactory environment, which can be secured by condition.

To protect adjacent residents a Construction Management Plan would be required to ensure that working hours, noise, dust, and debris are controlled during the construction phases. The site is not affected by poor air quality, but additional housing would increase vehicle movements at the site. The recently adopted Black Country Air Quality SPD sets out guidance on minimising air quality impacts. In this case provision for electric vehicle charging points would be required and can be secured by condition. Pollution Control recommend a condition preventing bonfires on site; as this is protected by other legislation a condition would not be reasonable.

Full drainage details have not been provided, Severn Trent Water consider drainage capacity acceptable and full details can be secured by condition.

The proposed houses would achieve a 16m separation across Teddesley Street to the houses opposite, without resulting in a loss of light, privacy or outlook to these existing houses. To the west approximately 3m lower than the application site are nine houses along Hatherton Street with an 8m wide tree belt between. The proposal

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does not include any side facing habitable room windows towards Hatherton Street. In addition, the position of the proposed houses ensures there is no loss of light, outlook or privacy. The layout also ensures the adjacent car park site would not be constrained should this site come forward for future redevelopment.

For potential occupiers some of the plots achieve 21m separation distances to the rear. Designing Walsall SPD guidance for privacy and aspect distances between houses to ensure occupants have a satisfactory level of amenity while reflecting the existing and emerging character of the area. While the SPD seeks to achieve 24m, properties in Teddesley Street, The Cloisters and Upper Forster Street establish a separation character of 21m. In this instance, it is considered the development reflects the local characteristics without resulting in a lack of privacy.

Each house has its own private rear garden, varying between 41sqm and 95sqm. Designing Walsall SPD seeks to achieve 68sqm of amenity space. Some of the houses have Juliet balconies that also assist with amenity provision (they are located at the front of properties to maintain privacy). The NPPF seeks to optimise the potential of the site to accommodate development. The site is on the edge of the town centre where densities are typically higher with smaller gardens, within the Area Action Plan the site is proposed to be included within the Town Centre boundary. The level of amenity space when balanced against optimising the potential of the site is considered to be acceptable. The site is within walking distance (400m) of the Arboretum and permitted development rights for extensions can be removed to retain sufficient private amenity.

The scheme has been designed where possible to maximise community safety. The amount of properties using shared alleyways is minimised, with access gates positioned to avoid creating hiding spaces. Active frontages are proposed and to the boundary with the open space to the north a 1m wide hedge buffer with 2.1m close boarded fence with 0.3m high trellising is proposed. Access to the substation is provided, with a set of sliding gates used to secure the parking court behind. The Police raise no objection to the application subject to gates to alleyways being self closing and gates and fencing along alleyways being 2.1m in height. These are currently proposed to be 1.8m high, but can be taller through the use of a condition. In addition, given the location, additional security measures for the housing can be conditioned to minimise future safety concerns.

Access and Parking

One letter has been received explaining that there is an existing parking problem and a petition has been received objecting to the application on the grounds of increasing traffic, insufficient parking and increase the danger to children accessing Butts Primary School.

There are four existing vehicle access points to the site, the development would reduce this to three, creating three cul-de-sacs. Three of the properties would have driveways directly from Teddesley Street. Parking provision would be at 140% across the development which is lower than the maximum standards in the UDP. The development is in a highly sustainable location on the edge of the town centre and within walking distance of the main bus and railway stations. Due to this level of sustainability the level of off-street parking provision is acceptable and considered to sufficient to meet the needs of the development.

Objectors explain that there is an existing parking problem. Teddesley Street has single and double yellow line parking restrictions which would continue to control indiscriminate parking.

The Transport Statement predicts that the site would generate 14 vehicle movements in the morning peak hour and 17 movements during the evening peak hour. This relatively small increase in vehicle movements during the peak hours lie well within day to day fluctuations and are considered would not produce a severe impact on the local highway network.

The development has been designed to provide the appropriate visibility splays to ensure that drivers can see users of the highway, including school children. The design of the parking courts defines them as private parking to discourage any indiscriminate parking.

The NPPF explains the development should only be refused in transport grounds where the residual cumulative impacts of development are severe. Highways have no objection to the application as the impacts of the proposal are not severe. The level of parking provision, visibility splays and additional increase in vehicle movements is considered acceptable.

Planning obligations

BCCS policy DEL1 and UDP policies GP3 and LC1, require, where appropriate, provision and improvements to or provision of urban open space within the proximity of the application site on qualifying developments above the threshold of 10 units. The Urban Open Space SPD is also relevant which seeks a financial contribution of £56,080 for this scheme. The applicant has agreed to provide this contribution in full which will be used for the improvement of existing urban open space. Clean and Green strategic works identify access and landscape improvements, habitat management and interpretation provision improvements split between Walsall Country Park in the Arboretum Extension and Park Lime Pits. This contribution would be secured through a S106 agreement.

BCCS Policies DEL1 and HOU3 plus UDP policies GP3 and H4 require the provision of affordable housing. The proposal provides a full mix of affordable housing, being shared ownership (10 units), rent to buy (12 units) and affordable rent (11 units). The Affordable Housing SPD policy requirement is 25% of the units are affordable rent homes mixed across the property types. This is achieved within the proposal. While the full affordable mix is positive, the legislation can only secure 25% within a S106 agreement, which the applicant agrees to.

UDP policy 8.8 says that residential developments will only be permitted where adequate school capacity exists. Education confirms there is no predicted capacity issues in the locality.

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.

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This application indicatively proposes up to 33 new homes.

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

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

Conclusion

The proposal has been assessed, taking neighbours objections and consultee comments into account. On balance it is considered that the development would not adversely impact upon the delivery of office led regeneration within the town centre. Adequate capacity remains elsewhere in the Gigaport area to deliver the office accommodation planned for in the AAP and the loss of the site to residential would not dilute the office corridor effect the plan aims to create along the ring road. The town houses contribute to a wider range of housing type that could accommodate families and is considered important in ensuring the town centre is a vibrant and viable.

The development would not result in any significant additional impacts to neighbour's amenity. The separation distance in this instance reflects the local characteristics without resulting in a lack of privacy and providing sufficient private amenity space within this edge of centre location. The development would bring forward a previously developed site for positive re-development that provides affordable homes to the local area.

Due to the high level of sustainability reduced off-street parking provision is acceptable and considered to sufficiently meet the needs of the development. The additional vehicle movements is not severe and existing parking restrictions would prevent indiscriminate parking. The development would not give rise to conditions prejudicial to highway safety. Affordable housing and open space contributions are to be provided through a S106 agreement. The development, on balance, is considered acceptable in this instance.

Positive and Proactive working with the applicant

The application has been amended and the applicant has agreed to enter into a S106 for affordable homes and urban open space to enable support to be given.

Recommendation: Delegate to the Head of Planning, Engineering and Transportation to grant planning permission subject to conditions and completion of a S106 agreement for affordable homes and urban open space.

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 application form and following plans and documents:

- Site location plan received 6/9/16
- Site layout plan received 23/2/17
- Landscape planting plan received 8/3/17
- House type 2bA floor plans and elevations received 23/2/17
- House type 3bA floor plans and elevations received 23/2/17
- House type 3bA2 floor plans and elevations received 23/2/17
- House type 3bB floor plans and elevations received 23/2/17
- House type 3bC floor plans and elevations received 23/2/17
- House type 4bA floor plans and elevations received 23/2/17
- Street scenes received 23/2/17
- Arboricultural Assessment received 6/9/16
- Geotechnical and geoenvironmental site assessment received 6/9/16
- Phase 1 Desk Study received 6/9/16
- Transport Assessment received 6/10/16

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

3a. No development shall commence, including site clearance until the approved tree protection measures as detailed in the BS: 5837 Arboricultural Assessment by Dr. Stefan Bodnar received by the Local Planning Authority on 6/9/16 have been fully implemented

3b. The approved details shall be retained until the completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in British Standard 5837:2012.

Reason: To safeguard the retained trees on the site.

4a. Prior to any engineering, site clearance/preparation, and/or construction works commencing a Construction Management Plan setting out how the works will be undertaken and giving details of arrangements for the control of noise, vibration, dust and debris (including site drag-out), the management of any materials arising from the works, details for the parking and turning facilities for site operatives and construction deliveries, including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction shall be submitted for written approval of the Local Planning Authority.

4b. The Construction Management Plan shall be fully implemented upon commencement of any works and shall be maintained until the site is completed.

4c. Vibration levels during ground stabilisation/piling works shall not exceed the Low Probability of Adverse Comment, as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting'.

4d. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

Reason: To protect the amenity of local residents and in order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety.

5a. Prior to built development commencing, a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

5b. The remedial measures as set out in the 'Remediation Statement' required by part i) of this condition shall be implemented in accordance with the agreed timetable.

5c. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the Geotechnical and Geoenvironmental Site Assessment is encountered, development shall cease until the 'Remediation Statement' required by part i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

5d. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

6a. Prior to the commencement of development a schedule of facing materials to be used in the external walls, roofs, windows, doors and rainwater goods and surfacing, to include the size, colour and texture of these materials shall have first been submitted to and approved in writing by the Local Planning Authority.

6b. The approved scheme shall be fully implemented in accordance with the approved details.

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

7a. Prior to the commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles where possible, shall have first been submitted for written approval of the Local Planning Authority. The submitted surface water drainage scheme shall include:

- i) The ability to accommodate surface water run-off generated up to and including the 1 in 100 year plus 30% climate change critical storm, based upon the submission of drainage calculations; and
- ii) Details to show the outflow from the site is limited to the maximum allowable rate i.e. Greenfield site run-off (8.2l/s) and demonstrate betterment on the current discharge rates; and
- iii) Subject to detailed design, on-site storage shall be provided by way of oversized pipes and crated attenuation tanks, and the use of permeable paving within multi-use drive areas should also be considered; and
- v) Finished floor levels are to be set no lower than 150mm above adjacent ground levels and higher of practicable; and
- vi) Responsibility for the future maintenance of drainage features.

7b. The development shall not be brought into use until the approved drainage scheme has been fully implemented in accordance with the approved details.

Reason: To prevent the increased risk of flooding and pluvial inundation and to ensure the efficient working of the drainage system and future maintenance.

8a. Prior to the commencement of the development, details of at least 10% of the energy supply for the development from decentralised and renewable or low-carbon energy sources shall be first submitted for written approval of the Local Planning Authority.

8b. The approved details shall be fully implemented prior to first occupation and retained as operational thereafter.

Reason: In the interests of energy efficiency.

9. To avoid the risk to nesting birds, site clearance of vegetation and clearance works should be undertaken outside the bird nesting season. The bird nesting season extends between mid February and September inclusive but is weather dependant and nesting may take place outside this period. If site clearance unavoidably takes place within the nesting season the site shall be checked by a qualified and experienced ecologist immediately prior to works commencing. If nesting birds are discovered clearance works should be delayed and advice sought from the ecologist or Natural England

Reason: To protect local bird populations.

10a. No development above damp proof course shall commence until details of the electric vehicle charging points, to be provided for the dwellings has been submitted to and approved in writing by the Local Planning Authority.

10b. Prior to first occupation of the development the electric vehicle charging points shall be fully 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.

11a. Prior to the first occupation of any dwelling on the development, all access ways, parking and vehicle manoeuvring areas serving that dwelling shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays.

11b. 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.

12a. Prior to the first occupation of any dwelling on the development full engineering details of all vehicle access points onto Teddesley Street, which shall take the form of dropped kerb footway crossings rather than kerbed bellmouths, including the removal and reinstatement of any redundant bellmouths back to full kerb height, shall be submitted for written approval of the Local Planning Authority.

12b. The development shall be fully completed in accordance with the approved details.

Reason: To ensure the satisfactory completion and operation of the development

13. The boundary treatment hereby approved shall be installed prior to first occupation of the development hereby approved and include the following features; maintained and retained thereafter.

- Trellis should not be of a robust construction as this will create a climbing aid, rather than create a topping that will break, crack, and create noise if climbed.

Where concrete post and panels are to be used the fence panels need to be tied using galvanised metal straps, so that the panels cannot be lifted by offenders as a means of entry. The fencing needs to be treated wood with guarantee life span of 25yrs.

- Fencing along the alleyways should be 2.1m high with 2.1m high gates into each garden served by the alleyway and a self-closing/ self-locking gate should be placed at the access point of this alleyway to avoid unauthorised use of the alleyway. The self-closing mechanism will maintain the security of the gate to avoid being left open by residents.

- All side entry gates should be the same height (2.1m) and be key lockable from both sides, they should be positioned flush with the front of the building line. Their design and construction should not provide climbing aides to offenders. The fencing needs

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to be located as near to the front of the building as possible but should not butt up next to a fence or wall of differing height forming a step ladder.
The boundary treatment shall be maintained and retained thereafter.

Reason: In the interests of community safety and the safety and security of the development and its occupiers.

14. 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 have at least one pane of 6.4mm laminated glass. This includes French doors and patio doors.
 - There should be an area of defensible space in front of all ground floor front facing windows
 - 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.
 - No Lead or metal should be used on the ground floor, this includes outside taps to the front of properties as the West Midlands is suffering high levels of metal theft 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.
- Where sheds are to be supplied consideration should be given to the new Secured by Design Shed The shed is made of TPR, an award-winning alternative to concrete that is manufactured using waste diverted from landfill, having a low carbon footprint. It has been Successfully tested to **LPS1175 Issue 7: 2010 SR1** Specification for testing and classifying the burglary resistance of building components, strong points and security enclosures.

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

15. A 2.4m x 3.4m pedestrian visibility splay shall be provided at each access point (including private drives), within which no structure or planting shall at any time exceed 600mm in height above footway level.

Reason: In the interests of highway safety.

16. The approved landscaping scheme shall be fully implemented within 12 months of the development being brought into use and retained for 5 years. Any trees or plants, which die, are removed, or become seriously damaged or diseased, shall be replaced as soon as practicable with others of similar size and species

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

17. 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, additions or other alterations, as defined by Classes A, B, C, D and E of Part 1 of Schedule 2 of the Order, shall be constructed.

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

NOTES TO APPLICANT

1. Contaminated Land

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

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

2. Highways

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.

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

3. Severn Trent Water

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our New Connections Team (Tel: 0800 707 6600).

4. Surface Water

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

5. Secure by Design

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

Petition

Petition AGAINST WHG housing development on Teddesley Street

We the undersigned, being residents of Teddesley Street and surrounding streets, ask Walsall Council to REFUSE planning permission for the WHG housing development on Teddesley Street – 16/1241. This development will increase traffic in our street, increase traffic congestion, does not have sufficient parking therefore negatively impacting on neighbours parking and will increase the danger to children when accessing the Butts Primary School due to an increase in traffic flow.

NAME	ADDRESS	SIGNATURE
	66 Teddesley Street	
	100 Teddesley Street	
	46 Teddesley St	
	46 Teddesley St.	
	50 TEDDESLEY	
	50 Teddesley St	
	S2 Teddesley	
	S2 Teddesley	
	56 Teddesley	
	School House	
	34 WILKINSON	
	34 WILKINSON	
	2 CLYDE	
	4 THE CLYDE	
	37 Smeeth, Tameside	
	12 The CLYDE	
	12 THE CLYDE	
	14 THE CLYDE	
	14.1 ECONOMIC ENVIRONMENT	
	20 OCT 2023	
	RECEIVED	

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 6.

Reason for bringing to committee: Major Application

Location: FORMER CENTRAL PATTERNMAKING COMPANY LIMITED, 44, STRINGES LANE, WILLENHALL, WV13 1LU

Proposal: CHANGE OF USE OF LIGHT INDUSTRIAL UNIT (B1) TO 12 FLATS (C3) AND ASSOCIATED PARKING AND AMENITY SPACE.

Application Number: 16/1048

Applicant: Sunrise Properties
Wolverhampton Ltd

Agent: bsp design

Application Type: Full Application (Major)

Case Officer: Barbara Toy

Ward: Willenhall South

Expired Date: 27-Oct-2016

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions and a Planning Obligation



Officers Report

Application and Site Details

The site sits on the corner of Stringes Lane and St Anne's Road and comprises a two storey light industrial building that runs the length of Stringes Lane and has vehicle access to a small yard area off St Anne's Road.

Stringes Lane / St. Anne's Road is a traffic light controlled junction with a pedestrian crossing on Stringes Lane. The building stands alone on the corner and has a Council owned public car park to the east of the site and another opposite (to the south). The area has a mixed character with some commercial premises to the north and west but predominantly residential properties surrounding the site within Albion Road, Barcroft, Stringes Lane and St Anne's Road. There is a dismantled, wooded, railway embankment immediately to the rear of the site in Council ownership. This former railway embankment is the proposed location of the Rapid Transport Route. There is an industrial engineering factory opposite the site to the rear of existing residential properties on Stringes Lane and a commercial unit on the opposite side of St Anne's Road.

This application proposes the change of use and conversion of the building from a B1 light industrial use to 12 x 1 bed self-contained studio flats. The scheme has been amended since submission to provide more parking on site and further accommodation at ground floor.

The accommodation would comprise 3 units on the ground floor together with 7 parking spaces within the western end of the building, accessed via a one-way circular route and 9 further units on the first floor.

The ground floor units would each have their own access from the yard area to the rear of the building and the first floor would be accessed from staircases at each end of the building, one from within the rear yard and one from the Stringes Lane frontage. The existing windows to the Stringes Lane elevation would be retained with additional windows added to the rear elevation and end gables. The proposals include the re-roofing of the building.

Refuse storage and cycle storage would be provided within the rear yard together with vehicle circulation, but no useable amenity space would be provided.

The following documents have been submitted in support of the proposals:

Transport Statement

This looks at traffic generation, traffic impacts, parking demand, off-site parking survey, parking provision, accident records and sustainable travel.

Arboricultural Impact Assessment

This concludes that the proposals are for the change of use of the building only and would therefore not impact on the existing trees situated just outside the boundary of the site.

Bat Survey

The report concludes that whilst no bat activity associated with the building was observed during the survey.

Design and Access Statement

Describes the site and surroundings, planning history, schedule of works involved in the proposals, parking provision in the area, relevant planning policies and the design details including sustainability credentials.

Supporting Statement

Explains how the scheme has evolved following officer advice to provide acoustic mitigation to all windows and doors, provision of on-site parking, compromise on amenity space in favour of on-site parking, relocated bin store and cycle store and agreement to provide for urban open space via a S106 Agreement.

Acoustic Advice Statements

Gives details of laminated glass, acoustics ventilators and acoustic wall insulators to provide mitigation and protection from noise.

Relevant Planning History

11/0109/FL, Demolish existing building and the erection of 9 apartments (8 x 2 bed & 1 x 1 bed) with associated amenity facilities. Granted subject to conditions 03-05-11

15/1249, Outline application for change of use of light industrial building (Class B1) into 17 studio flats and 2 x 2 bedroom flats - access, appearance, layout and scale to be considered. Withdrawn 21-09-15.

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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

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

- Seek to secure high quality design and good standards of amenity for all existing and future occupants.
- Take account of the different roles and character of different areas.
- Proactively drive and support sustainable economic development to deliver the homes that the country needs.
- Contributing to conserving and enhancing the natural environment.

Key provisions of the NPPF relevant in this case:

NPPF1: Delivering sustainable development
NPPF4: Promoting Sustainable Transport
NPPF6: Delivering a Wide Choice of High Quality Homes
NPPF7: Requiring Good Design

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

Local Policy

The Black Country Core Strategy (BCCS) (2011)

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- CSP5: Transport Strategy
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- DEL1: Infrastructure Provision

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

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

- GP2: Environmental Protection
- JP7: Use of Land and Buildings in Other Employment Areas
- 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
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Space

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

Supplementary Planning Documents (SPD)

Designing Walsall SPD

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings
- Appendix D

Urban Open Space SPD

Sets out the thresholds and contributions sought towards urban open space from residential developments.

It is considered in this case that the relevant provisions of SPD Designing Walsall and Urban Open Space are consistent with the NPPF.

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

Consultations

Transportation – No objections subject to conditions to secure an amended layout to revise the position of the proposed cycle store, remove single parking space at the eastern end of the building and amend boundary treatment at the vehicle access off St Anne's Road. Alterations to the existing access are also required.

A Class B1 use of the premises would require up to 20 parking spaces (including 2 disabled spaces) in compliance with Policy T13, but the building currently has only 2 off street spaces. The revised scheme would provide 7 off street parking spaces equating to 58% parking falling below the 150% required. Given the level of public parking provision in the immediate area, the proximity of the site to Willenhall district centre, bus routes and cycle paths in the immediate area and the levels of car ownership in the ward the level of parking to be provided is considered acceptable.

The development utilises the existing vehicle access off St Anne's Road, given the fall-back position of light industrial use of the premises it is considered that any intensification of the use of the access would not be significant.

Severn Trent Water – No objections subject to standard drainage condition.

Strategic Planning Policy – There is a previous planning approval for redevelopment for 9 apartments in 2011, there has been no change in circumstances and the current and emerging policies remain supportive in principle of the use of the site for residential purposes

Pollution Control – No objections subject to conditions to ensure a noise and vibration impact assessment is undertaken and any mitigation measures implemented to ensure that the future occupiers are not significantly affected by road traffic noise and possible vibration due to cars and HGVs.

Coal Authority – No objections. Whilst the site lies within a Development High Risk Area the development is for conversion of the existing building with no significant operational development.

West Midlands Police – No objections but highly recommend that due to the high overall crime experienced in this area that the developer is made aware of the specifications and guidelines of Secure By Design.

Housing Standards – No specific concerns but would object to the completed scheme being used for the provision of Supported Accommodation.

Ecology – The submitted bat survey did not identify any bats using the building but did identify bats flying around and foraging in the area, safeguarding conditions therefore recommended.

Car Parks Team – The Stringes Lane/Albion Street car park is regularly used and would not have sufficient empty spaces to accommodate parking for the new development.

Asset Management – The use of the adjacent Council car parks cannot be relied upon to support the development of the site.

Environmental Health – No adverse comments

Clean & Green – Comments to be updated at committee.

Public Participation Responses

Three letters of objection received in relation to the original submission.

Objections:

- No objection to the use of the building but concern about the number of cars the development will attract
- The car park opposite the site is not underused as the application states
- The Council car park opposite the site was built for the use of residents in Albion Road and is already oversubscribed
- Further use of the car park opposite will cause chaos and mayhem to this already congested area
- The car park opposite the site cannot be used by any more residents

One further letter of objection received in relation to the amended scheme.

Objections:

- Object to the parking solutions offered in the proposals.
- The car park opposite is overused by existing residents
- The car park to the side has some capacity, but would not be overlooked by the residents.
- If people can afford to buy the flats they can afford a car, therefore the parking provision on site is under estimated for the number of vehicles likely
- The previous use of the site was workshop with offices above, the application states that the number of vehicle will be less, this is unfounded
- Any increase in the number of vehicles will cause delays and back up at the St Anne's Road junction

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

Determining issues

- Principle of Residential Development
- Design and Layout
- Impact on the Amenities of the Surrounding Occupiers
- Access, Parking and Highway Safety
- Provision of Urban Open Space
- Local Finance Considerations

Observations

The Principle of Residential Development

The site is within an established mixed use area with a large number of residential properties in the immediate vicinity, in a sustainable location close to Willenhall District Centre and good public transport links.

The principle of residential development of the site was established under the previous approval in 2011 for redevelopment to provide a two/three storey block of 9 apartments. Whilst this permission has now lapsed there has been no material change in circumstances since and the current and emerging planning policies remain supportive in principle for the use of the site for residential. The Black Country Core Strategy and the emerging Site Allocations Document indicate the site as lying in a Regeneration Corridor and Policy CSP1 of the BCCS recognises that the regeneration corridors amongst other things could provide new homes on redundant employment land. Policy H3 of the UDP also identifies that when considering proposals for the conversion of appropriate buildings into dwellings the Council will be flexible in terms of parking standards and amenity space.

The principle of the conversion of this vacant light industrial building to residential use is therefore considered appropriate in accordance with these policies.

Design, Layout and Residential Environment

The proposals would require only minor amendments to the external appearance of the building, including some additional windows to the end gables and rear elevation and additional entrance doors to the rear.

The amended scheme now proposes the use of the whole building with 7 parking spaces within the ground floor of the building. Three larger dual aspect units with individual access doors to the rear would be provided on the ground floor, with 9 units provided at first floor accessed from a central corridor. The size of the units would vary between approximately 22sqm to 52sqm floor space.

The detailed comments from the police in respect to security of the site have been forwarded to the applicant for information and are recommended to be included as a note for applicant.

The layout would provide appropriate refuse and cycle storage within the yard area and the removal of the eighth parking space to the side of the building would allow for a shared amenity space of approx. 31sqm which would be sufficient to provide a small outdoor space and drying area for the occupiers of the units.

Whilst the level of amenity space would fall short of the guidance within Appendix D of Designing Walsall which recommends 20sqm per unit, the former railway embankment immediately to the rear of the site forms a Greenway with direct pedestrian access to the east of the site and links directly to Villiers Street public open space, just a short distance away. The reduced level of amenity space is considered acceptable in this case given the proximity to these alternative areas. The site is also close to Willenhall District Centre where there are other alternative amenity benefits.

Pollution Control have recommended a noise and vibration survey be carried out to identify mitigation measures required to ensure that the future residents are not affected by road traffic noise and vibration, an appropriate condition is recommended. Whilst the applicants have provided some sound insulation details recognising that mitigation will be required a full survey will be required to establish the extent of mitigation measures required to ensure an acceptable level of residential amenity.

It is recommended that a condition to remove permitted development for change of use to anything other than Class C3 flats use as approved is included as additional units would place greater pressure on limited parking and amenity space.

The design and layout is considered acceptable and would provide an acceptable level of residential amenity to the future occupiers.

Impact on the amenity of the surrounding occupiers

It is considered that the proposed conversion of the premises to residential would have no significant impact on the amenities of the surrounding residential or commercial occupiers and the development would improve the overall visual appearance of the premises within the street scene.

Parking, Access and highway safety

The amended scheme would provide 7 off street parking spaces within the western end of the building with a one-way route for access and egress from the spaces, providing 58% provision. Transportation have recommended the removal of the eighth parking space proposed to the eastern side of the building as the use of this would result in reversing movements with poor visibility onto Stringes Lane. Whilst the resulting 7 spaces would fall short of the requirements of Policy T13 (150%) it should be recognised that this is a maximum standard and the individual circumstances of the site need to be considered. Policy H3 identifies that where the conversion of appropriate buildings into dwellings is proposed there will be a flexible approach in terms of parking standards and amenity space. The revised scheme is a significant improvement over the original submission which sought to provide no off street parking within the site and looked to rely on the two existing Council car parks, one opposite and one to the east of the site.

Transportation have advised that the existing B1 use of the site would require 20 off street parking spaces (including 2 disabled spaces) in order to fully comply with T13. The current yard area provides only 2/3 spaces and this needs to be recognised as the fall back position for the site. The proposals therefore represent an improved parking situation over the existing authorised use of the premises.

The site is in a sustainable location less than 400m from Willenhall district centre, on a bus route and there is a cycle route along the former railway line to the rear of the site. The 2011 census data also shows that in this ward 32% of households have no vehicle and 44% have one vehicle, indicating that the 58% provision on site may be appropriate. The site is located close to two public car parks, whilst the car park opposite the site on Stringes Lane is well used by residents the car park to the east of the site is used less frequently and is likely to be available to residents or visitors if required. In these circumstances the level of parking proposed is considered to be acceptable despite the shortfall.

The access to the proposed parking area is existing and falls within the signalised Stringes Lane/St Anne's Road junction. This is a historic access and could be utilised by cars, delivery/commercial vehicles without restriction if the authorised use for B1 light industrial was brought back into use. The signal junction has the benefit of secondary signals on the Albion Road arm of the junction, so any vehicles emerging from the site will be able to see what phase the traffic signals are on before manoeuvring. Transportation have recommended amendments to the visibility and the width of the access which the applicant has agreed to provide and an appropriate condition is recommended to secure this. Taking all the above into consideration it is concluded that any intensification of the use of the access for the proposed residential use would not be significant.

The Highway Authority consider that on balance the amended scheme proposed would not have severe transportation implications and are acceptable.

Provision of Urban Open Space

In accordance with policies GP3 and LC1 of the UDP, policy DEL1 of the BCCS and Supplementary Planning Document: Urban Open Space the proposal triggers the need for a contribution towards urban open space. In accordance with the policies an urban open space contribution of £8,316.00 is required. The applicant has agreed this figure and to pay the legal cost for the preparation of a S106 Agreement to

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secure it. The comments of Clean & Green team as to recommendations for where this provision will be spent will be updated at committee.

Local Financial 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 12 new residential units.

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

Positive and proactive working with the applicant

Officers have liaised with the applicants and their agent during the course of the application to obtain amended plans to allow full support to the proposals.

Recommendation: Grant permission subject to conditions and a Planning Obligation

Conditions

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

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

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

- Existing and Proposed Block Plans Drawing 2017-104-02 submitted 27th January 2017
- Existing Plans and Elevations Drawing 2017-104-01 submitted 27th January 2017
- Proposed Plans and Elevations Drawing 2017-104-03 submitted 27th January 2017
- Design and Access Statement submitted 26th July 2016
- Supplementary Supporting Statement submitted 27th January 2017
- Midland Ecology Bat Survey – Preliminary Roost Assessment submitted 26th July 2016
- Midland Ecology Bat Presence/Absence Surveys submitted 26th July 2016

- Peak Acoustics Technical Advice Statement and Glazing, ventilation and acoustic wall board specifications submitted 27th January 2017
- Transport Statement submitted 26th July 2016
- Arboricultural Impact Assessment and Tree Protection Plan submitted 26th July 2016

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

3a. Prior to the commencement of the development details of the disposal of both surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority.

3b. The development shall be completed with the approved details and retained as such.

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

4. Prior to the commencement of any development on site the following revised plans shall be submitted to and approved in writing by the Local Planning Authority;-

- i) A Site Layout plan showing the proposed cycle shelter relocated from the Stringes Lane/St Annes Road corner of the building to elsewhere either internally or externally within the site,
- ii) A Boundary Treatment plan showing the existing boundary wall at the Stringes Lane/St Annes Road corner of the site reduced to 600mm in height. Railings may be acceptable subject to detail. The existing street nameplate shall either be re-fixed or replaced accordingly.
- iii) The removal of the single parking space at the north eastern side of the building and replaced with amenity space and drying area.

Reason: To improve inter-visibility at the main access point on St Annes Road across the signal junction and in the interests of highway safety.

5a. Prior to the development first coming into use, all access ways, parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained so that surface water from these area does not discharge onto the public highway or into any highway drain, together with the clear demarcation all parking bays and vehicle circulation arrow markings. One parking bays shall be allocated for disabled users.

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

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

6. Prior to the main access point on St Annes Road first coming into use, the existing dropped kerb footway crossing shall be widened on the northern side by two additional 900mm flats kerbs and one 900mm taper kerb allowing for at least one full kerb height separation with the existing pedestrian crossing. A suitable bollard shall

also be installed on the highway footway, between the pedestrian crossing and the widened site access, to prevent the potential indiscriminate use of the pedestrian crossing by accessing/egressing vehicles at the site access. All works shall be in accordance with and to the satisfaction of the Highway Authority and shall be in accordance with all statutory requirements.

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

7a. Prior to the commencement of the development, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

7b. The approved details shall be implemented and retained during construction in accordance with the approved details.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway due to the constrained nature of the site and in the interests of highway safety.

8. Prior to development commencing, a noise and vibration impact assessment shall be undertaken to the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the Local Planning Authority within 2 months of completion.

Reason: To safeguard the amenities of the future occupants.

9. No development shall take place until suitable noise and vibration mitigation measures to protect internal areas of the premises have been agreed in writing with the Local Planning Authority, and the development shall not be occupied until such measures have been fully implemented. A written validation report confirming the implementation of acoustic mitigation measures shall be submitted to the Local Planning Authority prior to occupancy.

Reason: To safeguard the amenities of the future occupants.

10a. Prior to the first occupation of any residential unit hereby approved a detailed soft and hard landscaping scheme for the site, (including any necessary phasing of implementation) shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include; indication of all hard surfaces, walls, fencing, and full details and specifications of plant material.

10b. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use.

10c. If within a period of five years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted in the same place.

Reason: To ensure the satisfactory appearance of the development.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no change of use is permitted other than the approved use as flats (class C3).

Reason: To prevent any severe transportation impacts on the area and ensure adequate amenity provision for occupiers to accord with NPPF Paragraph 32 and policies GP2, ENV32 and T13 of Walsall UDP.

Notes to Applicant

Coal Authority

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

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

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

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

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.

Further information is available on The Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Highway Authority

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 required dropped kerb footway crossing works within the public highway. For further information please contact the Highway Development Control Team on 01922 655927.

Noise Mitigation

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With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233: 2014 'Guidance on sound insulation and noise reduction for buildings'.

With regards to vibration reference should be made to guidance and criteria within British Standard BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting'.

West Midlands Police

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

Information can be found at

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

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

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 7.

Reason for bringing to committee: Requires a Planning Obligation

Location: TRAFFIC ISLAND JUNCTION OF THE KEYWAY/WILLENHALL ROAD/SOMERFORD PLACE, WILLENHALL

Proposal: INSTALLATION OF SCULPTURE ON TRAFFIC ISLAND.

Application Number: 17/0312

Applicant: Mr Adrian Hickman

Agent: Development Project Services

Application Type: Full Application

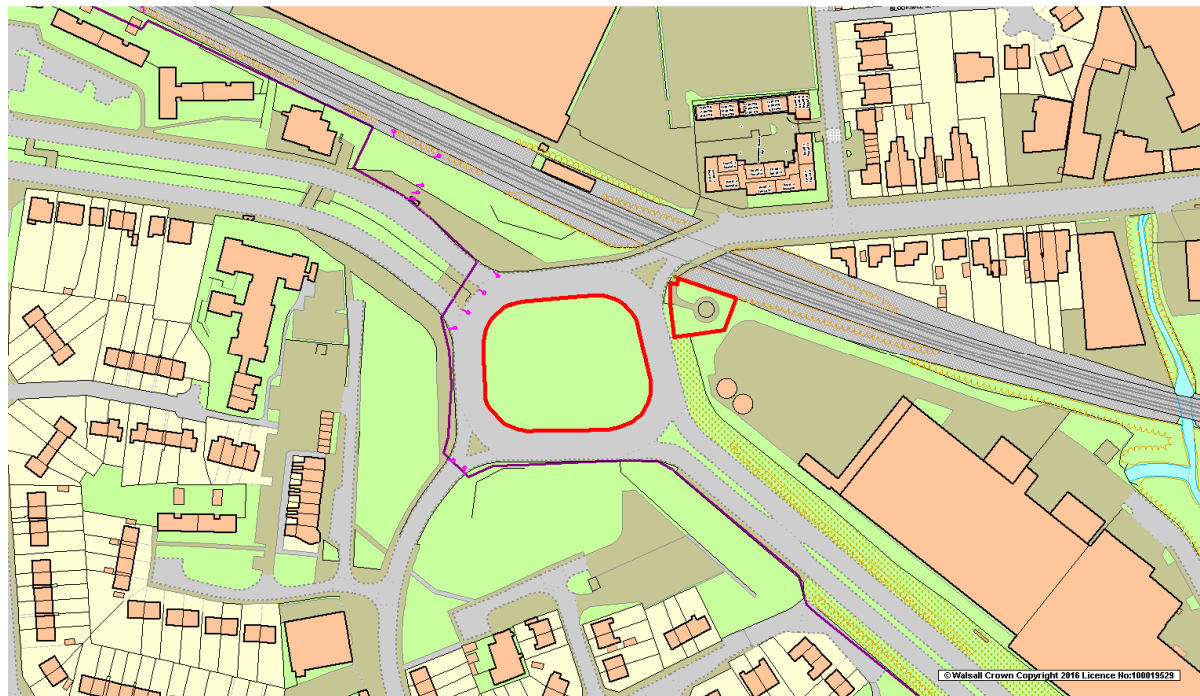
Case Officer: Barbara Toy

Ward: Willenhall South

Expired Date: 02-May-2017

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions and Planning Obligation



Officers Report

Application and Site Details

The site comprises a large traffic island at the junction of The Keyway dual carriageway, Willenhall Road and Somerford Place, part of the Strategic Highway Network situated on the boundary between Walsall and Wolverhampton. The island is landscaped with a number of trees and shrubs with varying levels across it and a central mound.

This application proposes the installation of a public art sculpture on the mound in the centre of the traffic island. The sculpture depicts the five lever internal working mechanism of the original Chubb Lock, fabricated in stainless steel and has a maximum height of 3070mm. The sculpture is currently located on a grass verge outside Air Space, on Well Lane in Wolverhampton as the building was formerly occupied by the applicants as a Chubb Factory. The sculpture was installed as part of Wolverhampton Council's Percent for Art in 2003 when the company moved into the building. The subject of the sculpture is directly linked to the business of the applicants who make locks and door security systems. The applicants are seeking consent to relocate the sculpture to the traffic island which is to the south east of their main factory site in School Street where they relocated the Chubb factory to in 2016.

The applicants have agreed to pay all the costs for the relocation of the sculpture and for its future maintenance in accordance with a scheme to be agreed and secured through a S106 Agreement.

The applicants have also expressed a desire to provide for the maintenance of the Portobello War Memorial and its surroundings for the next 3 years. This is situated to the east of the traffic Island off Somerford Place. The War Memorial is a Grade II listed structure. The details of maintenance would be agreed and secured through a S106 Agreement.

Relevant Planning History

None

Relevant Planning Policy Summary

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

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

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

- Seek to secure high quality design and good standards of amenity for all

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- existing and future occupants of land and buildings
- Take account of the different roles and character of different areas
- Find ways to enhance and improve places in which people live their lives

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***
- ***NPPF12 – Conserving and enhancing the historic environment***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

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

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

- GP2: Environmental Protection
- ENV27: Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV34: Public Art
- T4: The Highway Network

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

Consultations

Transportation – No objections subject to condition to ensure an Agreement In Principle to the structural details prior to the installation of the sculpture.

Wolverhampton City Council – Support the proposals to relocate the sculpture. This would be a prominent location on a major gateway to Wolverhampton and Willenhall. The location has obvious relevance to the location of the Assa Abloy works.

Structures – Structural specifications and calculations are required to be approved prior to installation and an Approval In Principle is required to receive technical

approval from the Highway Authority prior to installation to ensure it is designed to appropriate standards, ensure safety, loadings, materials, ground conditions etc.

Conservation Officer – No objections, it is considered that the proposals would not cause significant harm to the setting of the listed war memorial adjacent.

Clean and Green – No objections subject to conditions to ensure that there is no adverse impact on the existing landscaping on the traffic island and no adverse impact on the future maintenance of the landscaping. Future maintenance of the sculpture to be agreed. A financial contribution to Clean and Green to undertake the maintenance of the War Memorial for three years is considered acceptable.

Public Participation Responses

None

Determining Issues

- Principle, Design and Layout of Sculpture
- Impact on the character of the area and adjacent listed structure
- Highway Safety
- Provision for Future Maintenance

Observations

Principle, Design and Layout of Sculpture

The current site of the sculpture no longer relates to the adjacent building since the Chubb works was relocated to the Assa Abloy main site in School Street last year. The relocation of the sculpture is supported by Wolverhampton City Council who originally approved its location adjacent to the Chubb Works.

The 'Portobello' traffic island is a prominent location at the junction of The Keyway, Willenhall Road and Somerford Place, the boundary between Wolverhampton and Walsall and immediately adjacent to the main Assa Abloy works. The design and subject of the sculpture as a lock mechanism directly relates to the company and the relevance and the location is considered appropriate.

The sculpture would occupy the most elevated central position within the traffic island, ensuring that it would be visible and prominent from all approaches.

Public art within traffic islands is an existing characteristic of many parts of the Black Country and Walsall, including the 'Miner' in Brownhills.

The principle of the relocation of the sculpture, its design and layout are considered appropriate and relevant to the area.

Impact on the character of the area and adjacent listed structure

It is considered that the sculpture would enhance the visual amenity of the area and the traffic island, allowing for extended views along the various approaches to the island.

Whilst the sculpture would sit in an elevated position in the centre of the island it is only just over 3m in height so would not dominate the existing landscaping within the island.

Policy ENV34 of the UDP identifies that the Council will promote the provision of public art in appropriate locations throughout the Borough, transport nodes and corridors are seen as appropriate sites. The provision of public art in key locations helps to enrich the Boroughs environment.

The setting of the War Memorial has already been impacted by the road network, it is considered that the proposed art work would not adversely harm the setting of the War Memorial beyond that of the existing road network. It is considered that the art work would result in public benefit, creating a visual connection with the area, specifically with Assa Abloy but also with the general industrial past of Willenhall.

In respect of the applicant's offer to secure maintenance of the Listed War Memorial for the next three years this is a welcome approach that can be secured by a S106 Planning Obligation. Clean & Green would carry out the works.

Highway and Structural Safety

The central location on the most elevated position within the island for the art work would provide the safest position away from any potential impact by vehicles. A Road Safety Audit carried out has raised no issues. This addresses highway safety issues.

The structural design calculations and specifications for the installation have been requested and the applicant is aware that these will need to be approved prior to installation, an appropriate condition is recommended. Similarly, the structures officer of the Council has advised the applicant that technical approval by the Highway Authority will be required through an Approval In Principle (AIP) which will need to include details of materials, load factors etc and an appropriate condition is recommended. These measures will secure the structural safety of the sculpture.

Provision of Future Maintenance

The applicants have agreed to the future maintenance of the sculpture and if necessary removal of the art work should alterations to the island or road network be required in the future. The maintenance regime needs to be agreed but is likely to involve an annual inspection and report to be sent to the Council with any maintenance determined by the findings from the inspection and a risk assessment. These details will be secured through a S106 Planning Obligation.

The applicants have also expressed an interest to provide funding for an initial 3 year period to secure the maintenance of the adjacent Grade II listed War Memorial. Clean and Green who maintain the site have advised that the maintenance of the memorial costs around £1500 a year. The applicants have agreed this figure and are happy for this to form part of a S106 Agreement to secure ongoing maintenance for the next three years.

Positive and proactive working with the applicant

Officers have liaised with the applicants and their agent during the course of the application to obtain additional information and discuss the terms of the planning obligation.

Recommendation: Grant permission subject to conditions and a planning obligation

Conditions and Reasons

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

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

2. The development hereby approved shall be built in accordance with the following plans:

- Site Location Plan Drawing 2125A-02 submitted 8th March 2017
- Existing site plan Drawing 2125A-01 Rev B submitted 8th March 2017
- Elevation Plan submitted 8th March 2017
- Planning Statement submitted 8th March 2017
- Photo Montages submitted 8th March 2017
- Stage 1/2 Road Safety Audit By AECOM dated 27-03-17 submitted 06-04-17

Reason: To define the permission.

3. Prior to the installation of the sculpture, an Agreement in Principle (AIP) shall be in place with Walsall Council for all structural details including full structural calculations and foundations details.

Reason: To ensure the structural integrity of the sculpture, the public highway and in the interest of highway safety.

Notes for the Applicant:

1. The applicant will be expected to obtain the necessary licences and permits from the Highway Authority prior to the installation of the sculpture in the highway. For further advice please contact Highway Development Control Team on 01922 655927.

2. The installation of the sculpture shall be fully in accordance with Traffic Management's requirements. For further advice please contact Graham Wallis on 01922 654646.

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 8.

Reason for bringing to committee: Significant Community Interest

Location: FIONA FLORIST, 4, GILLITY AVENUE, WALSALL, WS5 3PH

Proposal: SINGLE STOREY SIDE AND REAR EXTENSION TO CREATE LARGER RETAIL UNIT (238 SQ MTS)

Application Number: 17/0108

Applicant: DRE Group Pension Scheme

Agent: DRE Property Services Limited

Application Type: Full Application

Case Officer: Karon Hulse

Ward: Paddock

Expired Date: 23-May-2017

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

Current Status

Members deferred determination of this application at the 30th March, 2017 planning committee for officers to clarify the end user of the enlarged retail unit and for details of delivery vehicles to be used to service the unit. The application has been re-consulted on the following amended description; *"Single storey side and rear extension to create larger retail unit (238 Sqm)"*. The re-consultation period expires on 18th April, 2017 any additional comments received will be reported verbally to the committee.

The end user of a retail unit is not a material planning consideration and cannot impact on the determination of the planning application. The planning system can only consider the principle of retail and the impact of the extension, in this instance. This is considered in the main report below.

The Highway Authority worked with the applicant during the pre-application stage to ensure the proposal before committee retained a rear service/delivery yard off the highway as well as improvements to the parking and pedestrian access arrangements to the benefit of all the shops in the parade.

The Highway Authority confirm there are no parking or loading/unloading restrictions on Gillity Avenue outside the shops and there is no legal reason why deliveries cannot take place on street for the application site, or any of the other shops in the parade.

Imposing a specific planning condition restricting the size and frequency of deliveries at one particular shop would be unreasonable, not meeting the planning tests, when it is not imposed on other adjacent businesses.

The Highway Authority confirm Gillity Avenue is not a classified road and having consulted Road Safety and Traffic Management, there is no reported history of existing parking issues at this location. There is a 7.5 tonne environmental weight restriction on Gillity Avenue and whilst this prevents heavier vehicles legally using the road as a through route, it is recognised that such restrictions cannot prevent legitimate businesses from operating and hence there is an exemption for loading and unloading vehicles of any size.

The highway authority has suggested in response to the planning committee deferral that any approval could include a condition requiring the submission of a Transport Service Delivery Management Plan. This has been added as condition 6.

NPPF Paragraph 32 states that developments can only be refused for highway reasons if the cumulative transport impacts of the development are severe. Taking all factors into account, including consultation, the Highway Authority considers the development would not have severe impacts and as such have no objections subject to conditions which are reflected in this report.

The remainder of this report is unchanged.

Application and Site Details

Planning permission is sought for the single-storey 111 square metre side and rear extension to No. 4 Gillity Avenue to create an extended retail unit with a total 238 square metres of floor space.

The proposals include the removal of the existing access to the rear service yard area from Gillity Avenue, between the application site and the Broadway United Reform Church (corner of Gillity Avenue and Broadway North) facilitating part of the extension.

The existing rear substation will be retained with a gated pedestrian access provided along the Broadway United Reform Church boundary. Vehicular access from Edinburgh Road to the rear service yard remains as the existing situation.

The application includes;

- Laying the service yard area out to accommodate 5 parking spaces, cycle parking and space for service vehicles.
- Amendments to existing frontage service road parking to form 13 car parking spaces and motorcycle parking
- The existing access from Gillity Avenue into the forecourt will be widened to 6.5 metres with new footpaths being provided.

The application site is currently occupied by a long established florist (A1 Use Class) within a small parade of 5 units fronting Gillity Avenue including; a newsagent (A1 Use Class), solarium (D2 Use Class) and a vacant unit which has recently been granted planning permission for a change of use to a hot food takeaway (A5). A fifth unit fronts Edinburgh Road to the south west and occupied by a hairdressers / beauty salon (A1 Use Class). There is one residential flat above unit no. 6 Gillity Avenue, which is accessed from the rear of the parade.

To the north west of the shops is the Broadway United Reformed Church. To the southeast is residential which is screened from the shops by a mature conifer hedgerow approximately 6 metres tall. On the opposite side of Gillity Avenue and to the rear of the service yard is residential.

The application site is located east of Broadway North and close to the roundabout junction of Broadway North, Sutton Road and Gillity Avenue. Queen Mary's Grammar School is located some 1km away to the west. The nearest local centre is at Park Hall, approximately 1.6km to the south east.

This is a predominantly residential area, the exception being this parade of shops and the adjacent church to the north of the parade.

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

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system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

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

- Find ways to enhance and improve places in which people live their lives
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

On **planning conditions** the NPPF says:

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

On **decision-taking** the NPPF sets out the view that pre-application engagement is encouraged and

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The

NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

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

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

The Vision consists of three major directions of change and underpins the approach to the whole strategy which includes the delivery of Sustainable Communities, Environmental Transformation and Economic Prosperity.

The relevant policies are:

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

- GP2: Environmental Protection
- ENV10: Pollution
- ENV32: Design and Development Proposals.
- S2: The Hierarchy of Centres
- S6: Meeting Local Needs

- S7: Out-of-Centre and Edge-of-Centre Developments
- T7: Car Parking
- T13: Parking Provision for Cars, cycles and Taxis

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

Supplementary Planning Documents (SPD)

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

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address.

Relevant Planning History

BC40812P - Retention of shutters to shop. Granted June 1994.

BC64649P - Change of Use from Retail Shop to Hot Food Takeaway (A3) and installation of flue. Refused 22/11/01 for reasons of car parking, increased noise, smell, litter disturbance and traffic.

05/0971/FL/E3 - Ground floor extension to rear no.8 Gillity Avenue. Granted 1/7/05

08/1114/FL - Change of use of ground floor retail space to D1 use for laser and skin clinic (non-surgical cosmetic treatments) at 10 Gillity Avenue. Withdrawn 25/09/08.

16/1192 – Change of use to hot food takeaway (A5 Use Class) at 10 Gillity Avenue. Granted 04/11/16.

Consultation Replies

Transportation – no objections subject to conditions regarding parking spaces demarcated and cycle shelter

Environmental Health – No objections

Pollution Control – Support the application

Representations

Four representations have been received from local residents objecting on the following grounds:

- no objections to the florist shop
- People would park on our private land (church).
- supermarket would increase litter
- deliveries of flowers by lorries only twice a week

- Supermarket would increase congestion by customers and delivery vehicles parked on Gillity Avenue.
- There are three existing small supermarkets close-by.
- Impact upon the Church.
- detrimental effect on my business (no.6) income which also trades as a convenience store
- evict an established independent trader
- yet another chain store
- Considerable increase in retail space...not in character with the area.
- cars often parked both on Gillity Avenue and Edinburgh Road
- Number of additional parking spaces proposed does not appear to be enough for the increase in size of retail space.
- impact of large delivery vans
- possible noise and other disruption which may arise should this be a convenience store which is open for long hours
- other nearby convenience stores such as The Crescent Post Office and Walsall town centre

Determining Issues

- Principle of development
- Amenity of Nearby Residents
- Highways
- Conclusion

Observations

Principle of Development

The application site forms part of a small parade of shops within a predominantly residential area. It is not identified as a 'Local Centre' in the Unitary Development Plan and not considered as a town centre or edge-of-centre site. UDP Policy S6 encourages small shopping parades to continue to meet the day-to-day needs of their communities and acknowledges that some areas, away from established centres, are poorly served in quantitative and/or qualitative terms by existing local provision. In those circumstances, new small scale extensions to existing facilities can be permitted provided policy requirements are met.

UDP Policy S6 seeks to identify/define where there is a lack of local facilities and in particular in residential areas which are more than 500 metres from a food shop. The application site is located within Park Hall, which is 1.5 km east of Walsall town centre. The main local centre, Park Hall (Gillity Village shopping centre) which serves the wider area is approximately 1.6km to the southeast from the application site, in excess of the 500metres defined in UDP policy S6. It is considered that the existing Gillity Avenue parade of shops (application site), provides local convenience retail to other residents of Park Hall who would otherwise have to travel to Park Hall Local centre or Walsall town centre for their day-to-day convenience foods and goods which is a distance in excess of the 500 metres which is highlighted by policy S6.

The proposed extension will result in a net floorspace increase of 188 square metres. The total floor floor space will be 238 sq mts to provide convenience retail to

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the immediate local area. The scale and type of provision is in keeping with the residential, suburban environment and will fill a local need within an area which is currently under provided for.

The scale of the extension and the resultant size of the unit is considered will only attract limited passing trade or serve those who live within close proximity. It is considered the extended unit would not 'pull' shoppers from visiting Park Hall (Gillity Village shopping centre). Shoppers to the extended unit will only be visiting for convenience goods. As such the proposed extension would not impact on the Park Hall Local Centre.

BCCS Policy CEN6 supports the extension of existing facilities provided it does not exceed 200 square metres (in total including extensions) in area. The extended unit would be 38 sq mts larger. In this instance, this small increase over the 200 square metres is considered has limited impacts that would be insufficient to sustain a refusal of the planning application.

It is considered that the extended retail unit (A1 Use Class) would be of an appropriate scale and nature to meet specific day-to-day needs of the local residential area within walking distance. Whilst there's a local newsagents within the parade, this provides a limited range of convenience retail goods/food. The proposed extension complies with UDP Policy S6 and BCCS Policy CEN6 and consequently, the principle of development is considered acceptable.

Whilst the occupier of the existing shop will change this is a matter for the landlords of the shopping parade and not a material planning consideration.

Amenity of Nearby Residents

Residents are concerned that the increased floor area will potentially increase traffic movement, car parking on Gillity Avenue and number of deliveries particularly by larger vehicles. It is unlikely that the number of vehicles to the premises will increase above that which already exists. The parade of shops only serves those residents on this part of the estate and unlikely to attract customers from outside the immediate area. Furthermore, it is not anticipated that the number of customers will increase significantly and will not result in any parking on the nearby church car park.

It is acknowledged that deliveries may involve larger vehicles, however, the parade of shops are well served in terms of being able to accommodate deliveries without any impact on the surrounding road network.

As with the hot food takeaway planning permission in terms of litter, the application property frontage sits at the back of a service road and a footpath. There is an existing nearby litter bin which is considered acceptable in this instance.

A condition would be included should permission be granted to restrict the hours to those similar to other units within the parade. The recent planning permission for the hot food takeaway considered appropriate hours of opening to be 1200hours to 21.30pm, a convenience shop usually operates early in the morning to late in the evenings. It is considered that 0730 to 2200 hours would be appropriate in this location whilst continuing to protect neighbours amenity.

A condition is necessary to ensure commercial refuse bins are stored within the rear yard area at all times (except on bin collection days) to ensure they do not cause obstruction to the highway and safeguard neighbours and nearby occupiers amenity.

Highways

The application looks to extend the existing shop by 188sqm from 50sqm to 238sqm. In terms of UDP T13 parking policy the new GFA equates to a requirement for 16 spaces inclusive of 2 disabled bays.

The current shop does not currently have parking of its own but is in a parade of shops with a private frontage service road capable of accommodating several cars. The current proposal, includes 5 additional rear parking spaces for staff bringing the total number of spaces available to 18. In addition, an area for motorcycle parking is provided on the service road and secure cycle parking for staff to the rear.

Additionally, improvements to pedestrian accessibility to the shop are provided by extending the private footway around the corner of the service road and along the shop frontage. This will provide a segregated pedestrian link between the shops and Gillity Avenue that doesn't exist at present and will provide safety benefits by minimising potential conflicts between pedestrians and vehicles around the shop entrance area and the service road.

Service access is retained to the rear as existing.

Careful consideration has been given as to whether the historic access point at the radius of the Gillity Avenue and Edinburgh Road junction should be closed off to improve the junction layout. However, it has been concluded that the potential impact of this would be to make vehicles manoeuvre around the tight 90 degree bend within the service road which could become obstructed by parked vehicles. Consequently, this could result in parking being displaced on-street. As such and on balance it is considered that the most appropriate option is to retain the historic access point as existing and particularly when local customers are already aware of this arrangement and how it operates.

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

Conclusion/ Summary

Whilst this is not a designated local centre, planning policy recognises the role, small parade of shops play in providing facilities to the surrounding community within walking distance. The proposal whilst increasing the size of this retail unit is considered to be in-keeping with the scale and function of the existing parade of shops. The proposal would not result in any significant additional impacts on neighbours or nearby occupier's amenity over and above any that arises from existing commercial uses due to the location within Gillity parade of shops. Overall, taking into account the neighbour comments received, testing the proposal against national and local policies, it is considered the proposal would contribute to the vitality and viability of this small parade of shops, is a welcome investment in this area, meeting the aims and objectives of the NPPF and BCCS.

Positive and Proactive working with the Applicant

The nature of the application has not required proactive working with the applicant to enable full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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 approved documents and plans: -

- Location Plan (FP4.04-01-06) received 25/1/17
- Existing Ground Floor / Site Layout (40-02A) received 25/1/17
- Existing First Floor Layout (40-03A) received 25/1/17
- Existing Elevations (40-04) received 25/1/17
- Proposed Ground Floor Layout (40-28) received 25/1/17
- Proposed First Floor Layout (40-06B) received 25/1/17
- Proposed Elevations (40-18) received 25/1/17
- Environmental statement received 26/1/17
- Planning & Sequential Assessment Statement received 26/1/17

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 development first coming into use, the rear parking spaces and hatched 'Keep Clear' markings shall be fully implemented in accordance with the approved plan no.40-17 Rev B

3b. The areas shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate parking and servicing of the development, in accordance with UDP Policy GP2, T7 and T13.

4a. Prior to the development first coming into use, full details of the proposed rear cycle shelter, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority.

4b. The approved cycle shelter facility shall be fully implemented prior to the first occupation of the extended retail unit and thereafter be retained, maintained 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.

5. Prior to the development first coming into use;-

- i) The section of new footway fronting the shop extension and alongside service road to Gillity Avenue shall be fully implemented and brought into use and,
- ii) The widening of the existing service road access point on Gillity Avenue to accommodate the new footway, shall be fully implemented to the satisfaction of the Local Planning Authority in conjunction with the Highway Authority and,
- iii) All frontage parking spaces shall be clearly demarcated on the ground and thereafter retained and used for no other purpose.

Reason: To improve accessibility to the extended shop for all users and to reduce pedestrian and vehicle conflicts around the shop entrance and service road, in accordance with the NPPF and BCCS TRAN2.

6a. Prior to the development coming into use, the end user/occupier shall submit a Transport Service Delivery Management Plan, which includes type, size and frequency of delivery vehicles to the site in writing to the Local Planning Authority.

6b. The approved details shall where appropriate be thereafter retained, maintained and utilised for servicing the development.

Reason: To ensure the amenities of local residents is safe guarded and in the interests of highway safety.

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

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

Reason: To safeguard the amenities of nearby residents.

8. All loading and unloading of goods shall take place within the curtilage of the parade of shops and the service road.

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

9. The premises shall not be open to customers or for deliveries between the hours of 2200 to 0730 daily.

Reason: To safeguard the amenity of neighbours, future occupiers of the flat above and of nearby occupiers and to accord with the NPPF and UDP Policies ENV10, GP2 and S10.

Notes for the Applicant:

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

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

End of Officers Report



Walsall Council

Economy and Environment, Development Management Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 9.

Reason for bringing to committee: Contrary to policy and called in by Cllr Creaney who considers the proposals merit support and that there are no other suitable units large enough to accommodate the use in any established centre

Location: 136-145, WALSALL ROAD, WILLENHALL, WV13 2ED

Proposal: CHANGE OF USE OF PART OF THE EXISTING CONVENIENCE STORE (USE CLASS A1) TO A HOT FOOD TAKEAWAY (USE CLASS A5) PLUS A REAR EXTENSION TO FORM A NEW COLD STORE ROOM AND MINOR EXTERNAL ALTERATIONS INCLUDING NEW EXTRACT FLUE, CONDENSING UNIT AND FRESH AIR INTAKE GRILLE, NEW STEP AND REFURBISHMENT OF EXTERNAL FINISH OF SHOP FRONT.

Application Number: 16/1799
Applicant: Papa John's (GB) Ltd
Agent: WYG
Application Type: Full Application
Recommendation Summary:

Case Officer: Devinder Matharu
Ward: Willenhall South
Expired Date: 01-Feb-2017
Time Extension Expiry: 31-Mar-2017



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Officers Report

Application and Site Details

The application proposes the change of use of part of the existing convenience store (Use Class A1) to a Hot Food Takeaway (Use Class A5) including the following works:

- rear extension to form a new cold store room measuring 3.8m wide by 2.6m long and 2.4m in height. The extension will be constructed out of white polyester corrugated steel panel sheets with a corrugated PVC roof.
- minor external alterations including new extract flue on the eastern side elevation, condensing unit on the rear elevation and fresh air intake grille on the eastern side elevation
- new step at the front of the premises
- refurbishment of external finish of shop front to include powder coating Green (Ral 6029).

A block plan has been submitted which shows 18 parking spaces including two disabled spaces.

The application seeks proposed opening hours between 10am to 11pm Mondays, Sundays and bank holidays and until midnight on Saturdays.

The site is located on the northern side of Walsall Road at the junction with Gough Street and as is part of a larger unit, which comprises a convenience store at one end and a vacant unit at the other end. The car park is to the west of the building at the junction with Gough Street and has a low boundary wall fronting Walsall Road and a sliding car park barrier. The application site together with the convenience store is known as 136-145 Walsall Road. The unit is a single storey building 6.5m high.

The convenience store has a front entrance facing the car park. The vacant unit has a high step into the premises from the public highway. The unit is set back from the edge of the public highway boundary fronting Walsall Road. Along this part of Walsall Road there is a traffic regulation order (single yellow line – no waiting or loading 08.00 – 09.30 and 16.00 – 18.30 hours). There is a pedestrian path to the side of the application site to allow access to the rear of the site.

Adjacent the site to the east is a single storey building which is a hot food takeaway. Along this section of Walsall Road there are a number of mixed commercial uses including other A1 retail uses, a hand car wash and take-away. To the west of the site beyond the car park are A1 retail uses and a take away and restaurant. On the opposite side of Walsall Road are commercial properties and the junction with Fletcher Street. To the rear of the site are residential properties with number 18 Isis Close being the nearest residential property to the application site.

The retail unit was approved as a single large retail unit under planning permission 10/0707/FL

The site is located 0.6km from the edge of Willenhall District Centre, a five minute walk from the application site.

The following documents have been submitted with the application:

Planning Statement which concludes:

- the proposal in planning terms from Class A1 to A5 is acceptable and accords with relevant development plan policy
- the proposed A5 unit will utilise redundant floor space in an existing convenience store and will not result in the loss of this retail unit
- the site is outside the designated centre of Willenhall but is located along one of the main roads connecting the centre to Walsall and the wider area and benefits from good transport links
- the area is characterised by a range of different uses and considered to be within the shopping and commercial uses
- the proposal will not have any adverse impact upon the vitality and viability of the town centre
- there would be no adverse impact on the local highway network
- food orders will be through delivery limiting the number of customers visiting the unit
- the external alterations are minor

Sequential assessment which states:

- The following district and local centres were surveyed for vacant units as part of this sequential test;
 - Willenhall District Centre (0.8 miles from the application site);
 - Darlaston Green Local Centre (1.1 miles from the application site);
 - Bentley Local Centre (1 mile from the application site); and
 - Brackendale Local Centre (1 mile from the application site)
- Papa John's was founded in 1984 in Indiana, USA, and has grown substantially since then. It is now one of the largest pizza groups in the world with over 4,000 outlets in 36 countries. Most of the outlets are owned and operated under a franchise agreement and each can provide up to 20 jobs. In the UK, Papa John's (GB) Ltd operates in excess of 100 stores nationwide.
- Papa John's have specific operational requirements, which include approximately 100 square metres of floorspace to allow for preparation areas, cooking equipment, storage (including cold storage), a customer waiting area and provision to enable a ventilation system to be installed. Units also need to have parking availability for pizza delivery vehicles and customers, as well as servicing for bin collections and food and drink deliveries.
- Each of the four centres identified above were visited and vacant units recorded and assessed. The survey and assessment included details of the physical condition of the vacant unit's identified, potential access for servicing and deliveries, availability and proximity to car parking and details of any marketing.
- Further desk based analysis was also undertaken in the form of internet searches of property agents' websites and the Estates Gazette website, for further details on the size of vacant units, prices of rent and current use class.
- The survey of Willenhall District Centre identified 18 vacant units (74-75, 80, 84, 86, 89 Stafford Street, 1, 5 and 36 Upper Lichfield Street, 27 Cross Street, 24 Cheapside, 16, 24 and 88 Lower Lichfield Street, 40 and 46 Market Place,

6 and 8 Union Street, 2 Wolverhampton Street, units 316 and 318 Brackendale Shopping Centre) in summary, 9 units were not available and 9 units were unsuitable.

- The survey undertaken at Darlaston Green Local Centre did not identify any vacant units, and no alternative premises are therefore available to accommodate the proposed use.
- The survey undertaken at Bentley Local Centre did not identify any vacant units, and no alternative premises are therefore available to accommodate the proposed use.
- The survey undertaken at Brackendale Local Centre identified three vacant units. Units 316 and 318 are currently being actively marketed but are unsuitable for the proposed use. There is no record that the unit adjacent to the Nisa convenience store is available and no further comment is made as the unit is considered unavailable.
- The application site fronts Walsall Road, which is the main road and radial route between Willenhall district centre and Walsall town centre. The site is accessible by a choice of means of transport other than the private car. The nearest bus stop is within 50 metres of the application site, where a number of bus services stop including the 28E, 303, 310, 529, 703 and A5 which run between Willenhall, Walsall, Wolverhampton and Bilston.
- The proposed unit is approximately 72.5 square metres, which meets the size requirements of Papa John's, and also meets the car parking and servicing requirements for the proposed operation. The use can be accommodated within an existing A1 unit without compromising the operation of the convenience store, utilising vacant storage space to the rear of the premises. This will provide an improvement in the existing range of services available within this part of the Willenhall, without resulting in the loss of any A1 units.
- The scale of the proposed use is such that it is unlikely to have any negative impact upon the vitality and viability of any similar uses within the nearest district or local centres. The proposals utilise part of an existing A1 convenience store, and will contribute towards the viability of this retail operation.
- Papa John's (GB) Ltd (the Applicant) identified the proposed hot food takeaway unit following an internal search process which allows them to define catchment areas for the establishment of new stores that will serve the population within that catchment area. This utilises an in-house search and review process including an assessment of the catchment area surrounding potential stores, which assists the applicant in identifying whether locations may be viable in terms of business opportunities.

Noise assessment which concludes a background noise survey was undertaken that showed the proposed kitchen extract unit would have noise level; ratings below the local background provided the attenuation identified is installed.

Supporting information for the extraction unit stating the extract hood is fitted with grease baffle filters in stainless steel which are fully washable, the odour control measures in line active carbon, fans are designed to include podded silencers compatible with the fan which reduce noise break out to neighbouring properties. A condensing unit is required to operate the internal cold store

Relevant Policies

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National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 2 - Ensuring the vitality of town centres***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 7 - Requiring good design***
- ***NPPF 8 - Promoting healthy communities***

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
- ENV3: Design Quality
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development

Unitary Development Plan

- GP2: Environmental Protection
- GP6: Disabled People

- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Documents

Designing Walsall (2013) Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies. The following are the relevant policies;

- DW3 Character

Shop fronts

- SF2: Shop front proportions
- SF3: Materials in shop fronts
- SF4: Colour finishes
- SF5: Access to shops

Relevant Planning History

09/1731/FL- Erection of external alterations including first floor and pitched roof, new windows and openings. GSC 2010

10/0707/FL- Erection of external alterations including pitched roof, new window and openings and revisions to car parking and access areas. (Amendment to permission reference 09/1731/FL). GSC 2010

Condition 2 restricts movement of goods outside of the building to be despatched or taken outside the hours of 0900 and 2000 Mondays to Saturdays, nor at any time on Sundays or public, bank holidays.

Condition 3 requires details of landscaping to be provided and agreed in writing.

Condition 4 restricts outside storage

Condition 5 restricts external sale or display or storage of goods

Condition 6 requires details of lighting to be submitted and approved in writing.

Condition 7 requires details of the external roller shutters to be submitted and approved in writing.

Condition 8 required facing material details to be submitted and approved in writing.

Condition 9 required the boundary treatment to be finished in brick with the railing finished in black.

Condition 10 required cycle store facilities to be submitted and agreed in writing.

Condition 11 required manoeuvring areas to be hard surfaced.

Consultations

Environmental Health – No objection with the measures proposed in respect of ventilation and odour control.

Transportation- No objection subject to conditions relating to access and cycle stands.

Pollution Control – No objection subject to conditions relating to odour extraction and abatement system and noise mitigation measures as detailed within the noise report are undertaken.

Strategic Policy – Objection. There are vacant units within Willenhall Centre. If this row of centre uses outside of Willenhall continues to expand in terms of its offer then there will be a cumulative impact on the vitality and viability of Willenhall.

Representations

Two letters of objection from one resident has been received objecting to the proposal on the following grounds:

- Already five take-away in close proximity to each other
- Rubbish accumulation
- Parking on the main road and side streets

Cllr Creaney has called in the application on the grounds that no other unit in the town centre is big enough and there is a market 3 days.

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

Determining Issues

- Principle of development
- Design and visual impact of flue
- Impact upon neighbouring occupiers
- Parking and access

Observations

Principle of development

The National Planning Policy Framework states that Local Planning Authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. It also states Local planning authorities should apply a sequential test to planning applications for main town centre uses that are

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not in an existing centre. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

In this case, the application site 136-145 Walsall Road is an out of centre site located 0.6km from the edge of Willenhall District Centre on a main road.

The submitted sequential assessment states four district/local centres were surveyed for vacant units those being Darlaston Green Local Centre, Bentley Local Centre, Brackendale Local Centre and Willenhall District Centre.

The conclusion of the survey was that Darlaston Green and Bentley Local Centres did not identify any vacant units, and no alternative premises are therefore available to accommodate the proposed use. In this case, the survey findings and data are accepted by the Council.

The survey undertaken at Brackendale Local Centre identified three vacant units with two currently being actively marketed but unsuitable for the proposed use. There is no record that the unit adjacent to the Nisa convenience store is available and no further comment is made as the unit is considered unavailable. With regards to this survey data, one of the units can be discounted on the grounds it is currently not being marketed. The assessment states the size of these units to be around the required 75 square metres and with unit 316 there is no parking associated with it and with unit 318 there is a public car park but would not provide any right of use for the applicant.

Brackendale Shopping Centre is an established local centre as defined in the Unitary Development Plan. There is a public car park that serves this local centre off Stroud Avenue. Other retail units within this local centre utilise this public car park without having exclusive rights of way. In 2015, a planning application for a hot food take-away was submitted and withdrawn, as it transpired the lease of the property when sold by the Council stipulated that no hot food take-aways in this centre would be supported. On this basis, it is considered whilst there are vacant units within an established centre that could accommodate the proposed use, such a use would not be supported in this location.

The survey of Willenhall District Centre identified 18 vacant units those being 74-75, 80, 84, 86, 89 Stafford Street, 1, 5 and 36 Upper Lichfield Street, 27 Cross Street, 24 Cheapside, 16, 24 and 88 Lower Lichfield Street, 40 and 46 Market Place, 6 and 8 Union Street and 2 Wolverhampton Street. Of these, 9 units were not available and 9 units were unsuitable.

With regards to this aspect of the sequential test, 74-75 and 80 Stafford Street, 27 Cross Street, 16, 24 and 88 Lower Lichfield Street, 5 Upper Lichfield Street and 2 Wolverhampton Street can be discounted as these properties are not currently being marketed.

Number 84 Stafford Street has been identified to have a floor space of 45 square metres with rear access and a public car park, yet this property has been discounted

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on the grounds it is too small in a poor state of repair and not connected to gas. Number 86 Stafford Street has also been discounted on the grounds that it is too small at 37 square metres. The assessment fails to justify why extensions to these premises could not be considered to accommodate the proposed use. Whilst the gas can be reconnected at one of the properties, reinvestment in the properties would make any business viable as well as enhancing the vitality and viability of the district centre.

Numbers 89 Stafford Street is 52 square metres at ground floor and 114 square metres has been discounted on the grounds that whilst there are public car parks there is no information on access for servicing and the ground floor is too small. The site is within the district centre where there are a number of other similar uses which all have to be serviced and accessed from the highway. Furthermore, whilst the ground floor may be too small, the first floor of the premises could be utilised as part of the business, the assessment has not taken this into account.

Number 36 Upper Lichfield Street is 63 square metres at ground floor and the same at first floor. The assessment discounts this site due to the size of the ground floor and design of the front elevation. The front elevation includes a front entrance and two ground floor windows that are set approximately 0.9m high. Whilst these premises do not have a traditional shop front, the nature of the proposed business as justified in the other supporting documents submitted as part of this application states, the nature of the business is take-away. Therefore, in this case, it is not necessarily a requirement for a traditional shop front to be provided it is a desirability. The existing frontage with the windows and appropriate signage to a conservation area would still allow customers to recognise the venue as a take-away.

Number 40 Market Place has been highlighted in the sequential assessment as no information available regarding the size of the unit, as the marketing information is no longer available. It also states due to the central location servicing may prove difficult and car parking is not available at the property. Research by officers has identified that the ground floor of the unit is 20 square metres with a further 29 square metres in the basement. The agent has not explored the potential of extensions to this property to provide the extra space required for the proposed use. The site is within the district centre where there are a number of other similar uses which all have to be serviced and accessed from the highway.

Number 46 Market Place has been highlighted in the assessment as not possible to access the size of the unit from the agent's website. Research by officers has identified that the owner has taken this unit back to market themselves. Alternatively 21-22 Market Place has just come on the market which is over 75 square metres and would be suitable for a hot food take-away.

Number 6 Union Street has a ground floor area of 103 square metres with 64 square metres. Whilst the assessment states there is access to a small car park and servicing to the rear and the unit could be subdivided, they state that it is not clear how the units could be subdivided without impacting upon the ground floor. It is considered in this case that the agent has failed to explore the idea of an external enclosed staircase that could be provided to provide separate access to the first floor if it was sub divided without impacting upon the first floor.

Number 8 Union Street has a total area of 80 square metres over two floors with the ground floor being larger than the first floor. This has been discounted on the grounds that the ground floor is too small whilst there is servicing and car parking to the rear. In this case, it is considered that the agent has failed to consider utilising the whole building for the proposed use. Reinvestment in this property would make any business viable as well as enhancing the vitality and viability of the district centre.

The Council provided the agent details of a further site 9 Upper Lichfield Street with a floor space of 800 square metres that is available to rent. This premises were previously occupied as a similar hot food take-away. The site has been discounted on the grounds the site has no parking for delivery vehicles and the bus stop immediately outside the site would restrict servicing and be detrimental to the safe operation of the Highways. The bus stop in front of the unit also makes the unit undesirable to the applicant from a marketing point of view and they would not operate it. Furthermore, significant investment also appears necessary to bring the shopfront up to standard. The Highway Officer has advised that in regards to this site there are no parking regulations regarding on loading or unloading and this situation is similar in this and other town centre areas where retail and other similar uses have to be serviced.

The sequential assessment submitted clearly shows there are a variety of units available for rent with a varying floor space that could accommodate the proposed use.

On balance, it is considered that there are units available within the established district centre of Willenhall that could accommodate the proposed use. The Council consider that the applicant has not been flexible in terms of exploring the investment opportunities of these existing vacant units within the Willenhall District Centre and investment opportunities in the district centre have been discounted on the size, amount of investment required and serving and parking. These sites are in town centres where parking facilities are available for customers visiting the district centre. With regards to servicing, existing commercial premises currently service their properties without access issues. Whilst some of these units may require investment, it is an investment into the vitality and viability of the district centre, which the NPPF points out is the heart of their communities.

The agent in their supporting statement also highlight that the proposed use is a take-away with mainly a delivery service, yet they have discounted a number of sites on the grounds of parking within a town centre where there are public car parks. Officer's view is that this proposed use is a take-away use with an element of delivery service attached. Furthermore, the supporting documents make reference that the site is accessible by a number of bus services. It is very unlikely that customers from a wide catchment area would travel to the site by bus.

Whilst a single use in an out of centre location may not have such an impact upon the vitality and viability of the Willenhall District Centre, there are a number of mixed uses along Walsall Road that are out of centre and cumulatively they would have a detrimental impact on the vitality and viability of Willenhall District Centre.

It is considered that the proposed use in an out of centre location would unduly harm the vitality and vitality of Willenhall District Centre and as such the proposal would be contrary to National and Development Plan Policy.

Design and visual impact of flue

The proposal seeks to erect an extraction flue 1m above the above ridge level on the eastern elevation of the premises. The adjacent premises are a single storey building and albeit slightly lower than the application, the proposed flue would be highly visibly from Walsall Road in an easterly direction, as it would tower above this neighbouring unit. It has been suggested that the flue could be cladded in a brick effect chimney that would resolve the visual impact but no amendments have been received to accommodate this. As the application currently stands, the proposed extraction flue in terms of its design and height would be visually detrimental in the street scene and as such would be contrary to Development Plan policies.

The existing building on the western elevation has not been constructed in accordance with the approved plans under planning reference 10/0707. It would also appear the pre-commencement conditions on this permission have not been discharged and following a visit to the premises a shipping container has been placed at the rear of the premises, which is in breach of planning condition 4 of this permission. This will be investigated separately.

Impact upon neighbouring occupiers

The nearest residential properties are towards the rear of the site. With the use of the site fronting Walsall Road it is considered that the proposed development would not unduly impact upon the amenities of the nearest neighbouring property number 18 Isis Close sufficient to warrant refusal of the application.

A noise assessment has been submitted with the application which has determined that noise from the extraction system will be satisfactory at nearby premises provided the motors/fans for the extraction system internally, uses anti-vibration mounts to secure the ducting to the wall, and has an attenuator (silencer) fitted on the ducting are installed. Pollution Control recommends that a condition is included with any permission that requires for the applicant to undertake the noise mitigation measures as advised in the report. This condition could be included if the proposal was acceptable in principle.

The proposed takeaway specialises in pizzas, which do not cause extensive odour problems, Environmental Health have no objection to the odour control and ventilation measures proposed. If planning permission was to be granted suitable conditions regarding the odour control and flue extraction could be included.

Policy S10 seeks to restrict opening hours to 11pm Mondays to Fridays and 11.30pm on Saturdays with Sunday and bank holiday opening being considered on their own merits. In this case, the proposed opening hours until 11pm Mondays, Sundays and bank holidays with later opening until midnight on Saturdays. It is considered that if permission was to be granted then the hours of opening could be restricted in line with the policy to ensure the immediate neighbours to the rear of the premises are not unduly affected by noise associated with the use of the rear of the premises in close proximity to this residential property.

Parking and access

The application seeks a part change of use of the existing A1 shop to an A5 hot food take-away. The site has access to a private car park on the retained A1 shop frontage within the application site.

There are peak hour parking and loading restrictions on Walsall Road outside the premises to control any indiscriminate parking and loading.

For comparison purposes, UDP policy T13 parking requires the same level of parking for A1 and A5 uses which is 6 spaces.

The Highway Officer has concerns regarding the step into the premises from the public highway. Policy GP6 only supports proposals that have good access for disabled persons. In this case, the proposed use would not provide adequate access for disabled persons. Whilst, this can be sought by condition, the proposal as it currently stands is contrary to this policy.

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

Positive and Proactive working with the applicant

Officers have liaised with the planning agent to secure a sequential test and to provide any consultee comments in respect of this scheme. The agent has also been given details of another unit that is available for use in the District Centre. The agent has been made aware of the Highway Officer Comments in respect of the proposed step and the Planning Officer's concerns regarding the visual amenity of the flue.

Recommendation

That planning permission is refused for the following reason:

1. A further town centre use, hot food take-away in an out of centre location along Walsall Road would cumulatively have a detrimental impact on the vitality and viability of Willenhall District Centre. Furthermore, it is clearly evident vacant units are available to let in the established district centre and the reasoning as to why these have been discounted are considered to be inflexible and unreasonable. Existing commercial units in the town centre have access to servicing with public car parks for customers. The proposal is contrary to the National Planning Policy Guidance, Policies CSP4, CEN1, CEN2, CEN6 and CEN7 of the Black Country Core Strategy, Saved Policies GP2, S1, S2, S6, S7 and S10 of the Walsall Unitary Development Plan.
2. The proposed flue due to its design and height would be visually detrimental in the street scene detrimental to the visual amenities of the area and as such CSP4 and ENV3 of the Black Country Core Strategy, Saved Policies GP2, S10, ENV32 and ENV35 of the Walsall Unitary Development Plan and Policy DW3 of Designing Walsall SPD.
3. The proposed step to the front of the building would not provide safe or good access for disabled persons contrary to Policy GP2 of the Walsall Unitary Development Plan.

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 10.

Reason for bringing to committee: Significant Community Interest

Location: THE SUBSTATION, PARK LANE, DARLASTON, WEDNESBURY, WS10 9SE

Proposal: PROPOSED EXTENSION AND CHANGE OF USE TO A 30 BEDROOM HOUSE WITH SHARED BASIC FACILITIES FOR UNRELATED INDIVIDUALS (SUI GENERIS USE) WITH LANDSCAPING AND CAR PARKING.

Application Number: 16/1510
Applicant: Mrs Carol Reynolds
Agent: GD Designs Architectural Services Ltd

Case Officer: Paul Hinton
Ward: Bentley And Darlaston North
Expired Date: 01-Dec-2016

Application Type: Full Application

Time Extension Expiry:

Recommendation Summary: Delegate to the Head of Planning, Engineering and Transportation to Grant Planning Permission Subject to Conditions providing the Coal Authority objection has been resolved



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Officers Report

Application and Site Details

This application seeks planning permission for the change from a hot food takeaway and café, store and vehicle sales to 30 bedroom house with shared basic facilities for unrelated individuals. The building was formerly used as an electricity substation. At the front of the building is an existing 5.5 m deep single storey flat roof element. The application proposes;

- to extend at first floor above the existing single storey element
- add a further 2.4m two storey extension to the front.
- include a 27 space car park (including three disabled spaces),
- most of the car park would be secured by railings with fob operated gated access,
- a 2.9m high timber bin store to be provided within the secured car park, with a bin collection point close to the road,
- The existing vehicle access point would be slightly re-positioned
- 340sqm rear communal garden. ..
- The house at 259 Park Road is next to the existing car park, the application proposes in addition to the existing boundary fence a 2.1m high acoustic fence with 300mm trellis above.
- The other existing side and rear boundaries, 300mm trellising is proposed to be added.
- The south elevation facing across the car park, eight mid-slope dormer and four roof lights are proposed.
- Nine windows are proposed to both the ground and first floor elevations with two access doors and canopy above.
- The east elevation facing Park Lane the extension replaces the existing shop front with four windows at both ground floor and first floors.
- The existing west elevation includes a high level roller shutter door, personnel door and second floor window. The proposal would block up the door ways and replace with two windows at ground and first floor, and relocate the second floor window. To the existing blank northern elevation four doors are proposed, two fire exits and two internal bicycle stores.
- The building would be finished in painted render, with upvc doors and windows and facing brick feature to the new front facing gable wall.

The proposed accommodation includes:

- Ground floor: 12 bedrooms with own bathrooms, two communal kitchens (split six bedrooms to each kitchen).
- First floor: 12 bedrooms with own bathrooms, two communal kitchens (split six bedrooms to each kitchen), two laundry rooms and two store rooms.
- Second floor: Six bedrooms with own bathrooms, two communal kitchens (split three bedrooms to each kitchen).

This rectangle building is located on the western side of Park Lane with residential houses of James Close to the north, residential of Park Lane/Wood Street to the south, and to the west across residential gardens is Fallings Heath House (accessed from Darlaston Road). To the east across the road is the rear of Gala Bingo with Ikea further to the east.

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The following documents have been submitted in support of the application:

Design and Access Statement

- Existing café and takeaway and car sales business are proving to be unsustainable. A large portion of the building remains unused.
- Rooms will be single occupancy, all meals are proposed within the communal kitchens
- Two internal secure bicycle stores are proposed with internal and external access secured at the front by a metal gate with key code access.
- All ground floor windows will have laminated safety glazing, access to the building will be via an audio visual visitor control system through a double door air lock entrance hall.
- CCTV cameras will be provided to cover the car park, building and vehicle entrances
- Layout allows for defensible planting in front of bedroom windows and to the boundary with 259 Park Lane.
- Existing over powering building will be softened with introduction of new windows, dormer windows, roof light s, entrance canopies and re-painting of render.
- Existing flues and catering operations together with noise and smells will be removed from the site, traffic volumes to and from the site will be drastically reduced.
- Applicant is highly experienced in development and running this type of development. While falls within HMO category, the development is similar to a high quality hotel where rooms are rented on a long term basis. Have 5 star landlord rating from Wolverhampton Council.
- Would provide high quality accommodation in the form or large boutique rooms with ensuite and communal accommodation and offer them to provide individuals.
- Accommodation will not be used for Supported Accommodation, the applicant will only let rooms to unsupported clients, a vigorous vetting process is undertaken before the tenancy agreement is signed, including 3 months of bank statements, proof of employment to confirm that the tenant has means to afford the rental terms.
- Example tenancy agreement submitted, Tenants must sign a tenancy for minimum of six months. Anyone with a serious criminal record or seriously adverse credit would not pass the checks to reside in the property. The landlord will not accept DSS tenants.
- Will follow the Police's recommendations in regard to secure by design security measures within the build.
- Applicant has had enquiries from large local employer to rent blocks or rooms on six month terms to accommodate its staff from all over the country who attend regular training programmes and require local accommodation.
- Electric sliding gates will be operated by key fob on entry and automatic exit. Automation limits speeds to cause little disturbance, rubber buffers will be located to avoid clanging.
- Landlord would visit at least once a week to inspect communal areas and ensure all fire safety is in order.
- Weekly cleaners are employed for the communal areas and will notify landlord of concerns e.g. anti-social behaviour, suspicious odours, damage etc.

Relevant Planning History

BC54194P – Change of use from substation to hot food takeaway. Allowed at appeal 3/11/99.

BC55308P – After local appeal: Change of use from sub-station to hot food takeaway. GSC 24/1/2000.

03/2395/FL/W5 (rear part of sub - station) Change of use to storage of boats and fitting of engines. Granted 2004

04/1628/FL/W3 - Change of Use to Car Park Extension. GSC 28/9/04.

05/1988/FL/W5 - Extension of closing hours for takeaway to 11 pm. GSC 13/12/05

11/0177/FL - Change of use from light industrial to florist shop/garden centre (A1) and addition of new door. GSC 5/5/11

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

Key provisions of the NPPF relevant in this case:

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

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On **planning conditions** the NPPF says:

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

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

The Development Plan

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

- CSP1: The Growth Network
- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall's Unitary Development Plan (UDP) (2005)

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

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

The relevant policies are:

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing woodland, trees and hedgerows.
- ENV32: Design and Development Proposals
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings

- H7: Hostels and Houses in Multiple Occupation
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW10 Well Designed Sustainable Buildings

Black Country Air Quality SPD

As a minimum, new developments should include the provision of electric vehicle charging points

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

Consultations

Transportation – no objection subject to the use of recommended conditions in regard to demarcating parking spaces, engineering works to the amended access and provision of cycle storage.

Pollution Control – no objection. Recommends conditions to mitigate the effects of noise, ground contamination and to require the incorporation of electric charging points at the development. Conditions are also recommended in order to prevent or minimise environmental impact during the course of building works.

Police Crime Prevention Design Advisor – no objection subject to use of recommended design measures.

Housing Standards – no objection, will require mandatory licence.

Community Safety – no objection. Fear of crime issues addressed

Coal Authority – objects as development not supported by a Coal Mining Risk Assessment.

Environmental Health – no objection.

Severn Trent Water – no objection subject to use of recommended drainage condition.

Fire Service – objects. The sliding gates do not appear to offer sufficient access for a fire appliance to drive through, the minimum width should be at least 3.1 metres. Fire service would not be able to access all parts of the building within 45 metres of a positioned fire appliance.

Public Participation Responses

Site notice displayed and surrounding occupiers notified by letter.

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

- Impact on security
- Risk of property damage
- Littering
- Noise pollution
- Drug and alcohol paraphernalia on door step
- Attract wrong sort of tenants
- Use as bail hostel is entirely unsuitable
- Vulnerable adults on door step
- Existing noise and traffic issues

Following re-consultation in regard to amended plans five letters have been received making the following additional points:

- No indication into what sort of individuals the proposed building is aimed at.
- Already HMO at 248 Walsall Road
- Increase in vehicle traffic, danger to local residents taking children to school
- Diminish security to neighbours
- Previous fly-tipping from the site
- Overlooking diminish current use of garden and hinder future plans.
- Increase of developments in area pushing already strained and tense community by cramming more people and over populating it.
- Transient occupiers threaten commercial properties in the area.

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

Determining Issues

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

Observations

Principle of development

This planning application is for a sui generis use as it does not fall within the Town and Country Planning Act definition of a HMO. The Planning Act defines HMO's as up to six people sharing basic amenities in a single property. Whilst this is classed as a sui generis use because it is forming a 30 bedroom property with shared basic facilities for unrelated individuals, it is considered to be a similar residential use as an HMO.

The NPPF and UDP policy H3 encourages the provision of residential accommodation through the conversion of existing buildings in sustainable locations. Further, UDP policy H7 encourages the provision of houses in multiple occupation 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 is an existing HMO at 248 Walsall Road. There are no policies that limit the number of HMO or other residential uses in the borough. The Council recognises the role well managed and appropriately located multiple occupied properties play in providing valuable accommodation.

Neighbours object that transient occupiers threaten commercial properties in the area. It is recognised that residents of any defined tenancy period are likely to use local shops and businesses. It is considered, the proposal would support the vitality and viability of local shops/ centres.

Crime and disorder/fear of crime

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 and in addition to safety certificates evidence that tenants would have a reasonable tenancy agreement. 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 can be subject to on-going management requirements.

It is recognised here that existing residents are concerned about crime and anti-social behaviour and that the applicant would not wish to entertain bad tenants. The fear of crime is a material consideration in planning decisions, although the weight that can be given to it 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 application explains that the accommodation will not be used for Supported Accommodation and that the applicant will only let rooms to unsupported clients with a vigorous vetting process being undertaken before the tenancy agreement is signed, including three months of bank statements, proof of employment to confirm that the tenant has means to afford the rental terms. Tenants must sign a tenancy for minimum of six months. Anyone with a serious criminal record or seriously adverse credit would not pass the checks to reside in the property. The landlord will not accept DSS tenants.

While some of these factors could be conditions of the licence, the planning proposal is considered on the grounds of suitability of its proposed use and planning

conditions could not control the day-to-day running of the house or the tenants that do or do not reside there.

The Police explain that this area has suffered over 4334 police reported incidents over the last 12 months. Of these 2617 were recorded crimes. Of the recorded crimes 201 were burglary, 357 were vehicle related, 601 were Assault/ Drug related and 313 Robbery/ theft related crimes. There have been 354 reports of criminal damage to houses and vehicles and 667 reports of anti-social behaviour. The area suffers a high proportion of violent crimes and anti-social behaviour.

As a general rule HMOs provide multi occupancy accommodation for vulnerable members of our society i.e. persons suffering from various types of vulnerability and issues. The HMO 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 this type of proposal have 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 Providence Chapel appeal had concerns raised by both the Police and the Council's Community Safety Team on the grounds of management control. The resultant appeal was dismissed as there was no information before to demonstrate how the proposal would be managed to minimise the opportunity for anti-social behaviour to occur which may reduce the fear of crime.

Both the Police and Community Safety have considered the application and its supporting statement, noting that the property would require a separate licence and the applicant's proposed way of managing the property. Neither consultees raise an objection on the grounds of fear of crime.

Neighbours object on the grounds of littering and drug and alcohol paraphernalia on their door step. There is no evidence to support a refusal on these grounds. Neighbours' concerns that the proposal is for a bail hostel and vulnerable adults are unfounded. As explained the proposal is not for supported accommodation and stringent checks are undertaken including not permitting those with serious criminal records.

The application proposes secure by design measures including, access control measures around the building, CCTV covering the car park, building and vehicle entrances, defensible planting, recommended locks and window standards and

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trellising to side and rear fences. The measures are considered to provide appropriate security to the building and assist in reducing the perception of crime for neighbours.

Neighbours have objected on the grounds of risk to property damage. There is no evidence to suggest potential occupiers would cause such an issue.

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.

In the circumstances the management details submitted show an aspiration to minimise the fear of crime. These measures could be enforced through the housing 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 and would provide a safe and accessible environment subject to the provision of security measures which can be achieved by condition.

Design and character of the area.

The changes to the external appearance include the two storey extension, dormer windows, entrance doors and canopy and additional windows. The building was originally constructed as a substation and therefore has a commercial/utilitarian appearance and currently has adverts and an extraction flue. The proposed changes would soften the appearance of the building and would not have an adverse visual impact.

On the side of the building is a stone tablet in memory to men who worked at the building and who lost their lives in the First World War. It is considered necessary for this tablet to be retained and a condition is recommended.

Neighbouring and occupiers amenity

The front of the building is used as a café/hot food takeaway with permitted opening hours of 12pm to 11pm with a generous car park to the side. The rear of the building is used for storage with a small yard currently use for car sales, in recent years this area has been used as a florist and boat repairs yard.

The proposed residential use would change the nature of people and vehicle movements. Currently visitors will attend the property for a relatively short period of time throughout the day at a regular turnover. During this time food would continue to be cooked at the property. The proposed use would be most noticeable during peak hours. At the rear the existing car park would be replaced with a communal garden area providing greater security and reducing the current impact of vehicle movements. To the boundary with 259 Park Lane an additional boundary fence that would be acoustic with trellising above would provide further relief from noise associated with the resident's car park and would provide greater security to this property. The car park would only be accessible to people with a key fob. It is considered the residential use within an existing residential area compared with the current commercial activities would not give rise to an unacceptable level of noise and disturbance.

The side of the building is 17m from the boundary with 259 Park Lane, including the blank side elevation of this house. The current building has one doorway to this elevation. The proposal would introduce entrance doors, bedroom, dining and kitchen windows to ground, first and second floors. Given the existing relationship the proposal limits overlooking of the garden to no. 259, as it exceeds Designing Walsall's 13m separation between habitable room windows and blank elevations exceeding 3m in height. In urban design terms this relationship would not severely diminish the value of the amenity space enjoyed by the occupier of no. 259. There would be no loss of privacy between habitable room windows.

To the western elevation habitable room windows replace the existing roller shutter door. This elevation is to the side of 1 James Close. The proposed windows would have the potential to overlook the garden of no.1 in the same way as no. 3 and no.15 overlooks the neighbouring garden. While there is an increase in overlooking of the private amenity space the resultant relationship is typical of urban environments, reflects the immediate local character of the area, without reducing residential amenity to an unacceptable level.

To the north elevation no windows are proposed. The proposed fire escape and cycle store doors would be behind a 1.8m timber fence and would have minimal impact.

The proposed extension would not result in a loss of light, outlook or privacy to the occupiers of 265 Park Lane.

For potential occupiers each bedroom is of an acceptable size that includes its own bathroom. There are communal kitchen and laundry facilities with sufficient communal garden.

Pollution Control comment that as the proposed development is located adjacent to the busy Park Lane there is the potential for significant traffic noise emissions which could impact on the proposed residential units occupiers. It is recommended that the applicant undertakes a noise survey to determine whether the site is suitable for residential development and to identify any noise mitigation measures required. This requirement can be secure through condition.

No information regarding on site ground contamination was provided in support of the application. A desk study and site reconnaissance will be required to determine the ground conditions and to identify any mitigation measures that may be required. In addition conditions regarding working hours and measures to control noise, dust and debris during construction work are recommended.

The site falls within the defined Coal Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth. In such circumstances applications must be accompanied by a Coal Mining Risk Assessment. An assessment has not been submitted at this stage and the Coal Authority object. The applicant is required to provide this information to the satisfaction of the Coal Authority prior to a decision being issued.

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Neighbours object at the increase of developments in the area pushing already strained and tense community by cramming more people and over populating it. Consultation has been undertaken and none of the consultees have raised issues with existing capacity issues. There are local shops, bus stops and open space within walking distance of the application site. Park Lane is an existing District Distributor (connecting routes between residential and employment areas). The proposal is considered not to contribute to overpopulation of the area.

Parking and Access

The development would provide 30 bedrooms supported by 27 parking spaces (including 3 disabled) and two internal bike stores. The UDP parking policy has no specific category for multiple occupancy properties. Taking into account the car ownership levels for multiple occupancy properties is likely to be considerably less than residents of flats that require 150% parking. 2011 Census data shows that for Darlaston South Ward 38% of households had no car and 41% had 1 car so levels of car ownership is relatively low in this area. Also, a recent appeal in Willenhall for a similar albeit smaller proposal (Providence Chapel) an Inspector accepted that a level of 50% would be appropriate for this type of use. Taking into account UDP Policy H3(b) states that the Council will be flexible in the application of parking standards for the conversion of appropriate buildings into dwellings and UDP Policy H7, multiple occupancy properties will be encouraged if it can be demonstrated that it would not impair the free flow of traffic or highway safety. On balance the Highway Authority considers the development will not have severe transportation implications as the level of vehicle movements are not considered severe. Sufficient visibility splays remain from this established access to ensure the safe use of the site.

Retention of the parking area, cycle store and engineering details for the access can be secured by condition and is recommended.

Having regard to the Air Quality SPD and to allow future residents a readily available infrastructure to switch to environmentally sustainable transport, it is necessary that there is provision for three electric vehicle charging points which can be provided by condition.

Fire Services object to the width of the access gates and being able to gain access to the building. The gates have been widened to meet the required standards and the applicant's agent confirms that the automated gates would automatically open in the event of a fire alarm evacuation.

Accordingly the proposal is considered not to give rise to conditions prejudicial to highway or fire safety.

Conclusion

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. The proposal would not result in a significant loss of

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amenity for adjoining neighbours and is considered, subject to safeguarding conditions, to provide sufficient amenity for potential occupiers. The proposal would provide sufficient off-street parking to meet the needs of the development utilising an appropriate access. Neighbours' concerns have been considered and in this instance, on balance, the development is recommended for approval.

Positive and proactive working with the applicant

The application has been amended since first submission, reducing the number of bedrooms, change to the external design and clarification on operational measures. to enable support to be given.

RECOMMENDATION: Delegate to the Head of Planning, Engineering and Transportation to grant planning permission subject to conditions providing the Coal Authority objection has been resolved.

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 application form and following plans and documents: -

- Location and block plan received 7/10/16
- Existing site plan received 7/10/16
- Proposed site plan received 27/2/17
- Existing plans and elevations received 7/10/16
- Proposed floor plans received 13/1/17
- Proposed elevations received 27/2/17
- Bin store detail 13/1/17

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

3a. A desk study and site reconnaissance shall be conducted to identify the potential for contaminants and/or ground gases likely to present a risk to proposed structures or future occupants of the development to be present on site. Results of the desk study and site reconnaissance shall be submitted for written approval of the Local Planning Authority prior to built development commencing. (see Note for Applicant CL 4).

3b. In the event that the desk study and site reconnaissance indicates the potential presence of contamination and/or ground gases on site. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1).

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

3d. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted for written approval of the Local Planning Authority. (see Note for Applicant CL2).

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

3f. 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 b) of this condition is encountered development shall cease until the "Remediation Statement" required by part c) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

3g. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3).

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

4a. Prior to the commencement of any part of the development a noise assessment report detailing the findings and any recommendations for mitigation measures shall be submitted for written approval of the Local Planning Authority.

4b. Any mitigation measures shall be agreed in writing with the Local Planning Authority prior to commencement of development.

4c. The development shall not be brought into use until a validation report confirming the installation of all agreed mitigation measures has been submitted for written approval of the Local Planning Authority.

4d. The measures shall thereafter be maintained and retained.

Reason: To protect local amenity in accordance with UDP policies GP2 and ENV10.

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5a. Prior to the commencement of development details of measures for controlling noise, dust, flying debris, and drag-out from engineering and construction activities at

the site and the proposed hours of works for construction shall be first submitted for written approval of the Local Planning Authority.

5b. All agreed measures shall be implemented and maintained throughout the duration of demolition operations and construction activities.

Reason: To protect local amenity

6a. Prior to the commencement of development drainage plans for the disposal of surface water and foul sewage shall have first been submitted for written approval of the Local Planning Authority. The drainage scheme shall include where possible sustainable drainage methods and a demonstration that surface runoff would not increase beyond the current surface water runoff rates of the site.

6b. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use and retained thereafter.

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.

7a. 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.

7b. 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.

8a. Prior to the development first coming into use the cycle storage area as shown on the approved drawings shall be fully implemented and available for use.

8b. The cycle storage area shall thereafter be retained and used for no other purpose.

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

9a. Prior to first occupation of the development details of the type and location of three electric vehicle charging points to be provided for the development shall have first been submitted for written approval of the Local Planning Authority.

9b. Prior to first occupation of the development the electric vehicle charging points shall be fully 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.

10. Prior to the development first coming into use the following works within the public highway shall be undertaken:-

- i) The modification of the existing vehicle footway crossing to align with the revised car park access point including the reinstatement of any redundant dropped kerbs back full kerb height,
- ii) The full reinstatement of the northern-most existing redundant vehicle access point back to full kerb height.

All works within the public highway shall be in accordance with all statutory requirements.

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

11a. Landscape areas as shown on the approved drawing shall be implemented within 12 months of any part of the development being brought into use.

11b. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

- (a) grassed areas shall be maintained and any areas that fail to establish shall be reinstated;
- (b) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;

Reason: To ensure the satisfactory appearance of the development.

12. 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 have at least one pane of 6.4mm laminated glass. This includes French doors and patio doors.
- There should be an area of defensible space in front of all ground floor front facing windows
- 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.
- No Lead or metal should be used on the ground floor, this includes outside taps to the front of properties as the West Midlands is suffering high levels of metal theft where possible lead substitute products should be used.
- Use of DAD UK Ltd DAD009 1.5mm steel letter boxes
- 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.

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- Sliding vehicle gates to be 2.1m in height of a railing style design finished in black; be self-closing and self-locking so that no one except residents have access to these vehicles.
- 300mm anti-climb (Criss Cross) trellis topping on top of all existing and proposed side and rear boundaries.
- All side entry gates or pedestrian gates should be 2.1m high and be key lockable from both sides, they should be positioned flush with the front of the building line.

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

13a. Prior to the development first coming into use the secure bin store and bin collection point as shown on the approved drawings shall be fully implemented.

13b. These areas/buildings shall thereafter be retained and used for no other purpose. with bins only being left out on the bin collection point on the day of collection.

13c. The bin collection point shall only be used for the storage of bins on the day that bins are to be collected. The area shall otherwise be kept clear of waste or storage containers for the rest of the week.

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

14. The development shall be finished in materials as specified on the application form and approved plans.

Reason: In the interests of visual amenity.

15. The memorial stone tablet to the south elevation of the building shall be retained and visible at all times.

Reason: To retain this heritage asset.

Notes for applicant:

Highways

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

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

Pollution Control

CL1 - Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA

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C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

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

CL4 - The desk study and site reconnaissance shall have regard to previous unknown filled ground and materials used and processes carried on. A further detail on the matters to be addressed is available in "Model Procedures for the Management of Contamination" (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 11.

Reason for bringing to committee: Significant Community Interest

Location: 5, KINNERLEY STREET, WALSALL, WS1 2LD

Proposal: RESUBMISSION OF 16/1341: CHANGE OF USE OF DISUSED TANNERY TO 1NO FLAT, 1NO BEDSIT AND ANCILLARY ACCOMMODATION SERVING 5 KINNERLEY STREET

Application Number: 17/0168

Applicant: Mr M Ali

Agent: Anthony Spruce

Application Type: Full Application

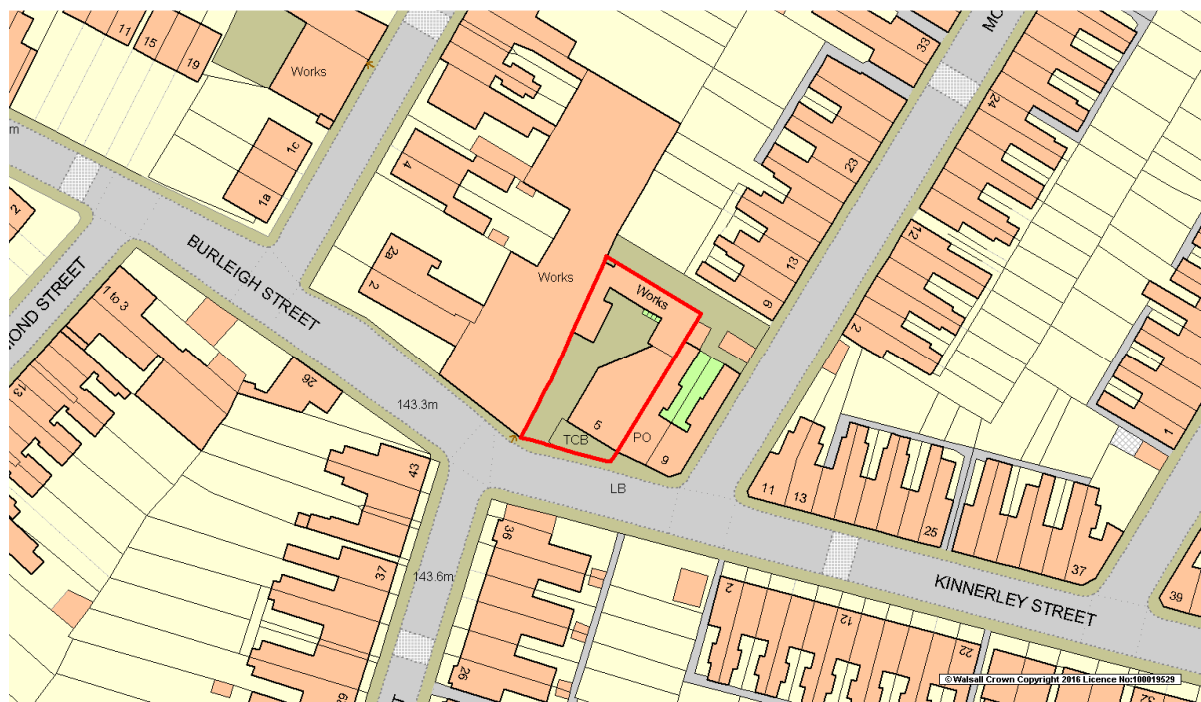
Case Officer: Paul Hinton

Ward: Paddock

Expired Date: 04-Apr-2017

Time Extension Expiry:

Recommendation Summary: Delegate to the Head of Planning, Engineering and Transportation to grant planning permission subject to conditions once noise impacts have been satisfactorily addressed including relevant conditions where necessary



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Officers Report

Application and Site Details

This is a resubmitted application following the refusal of a scheme for 2 flats and 2 bedsits at the site on grounds of residential amenity and highway safety. In response this amended application now seeks planning permission for the change of use of a former clothing manufactures to 1no. flat, 1no. bedsit and ancillary accommodation serving 5 Kinnerley Street. The new residential uses are proposed at first floor, with proposed storage area and study on the ground floor for the sole use of the existing house at no. 5.

This existing two storey building is directly to the rear of this 5 bedroom semi-detached house. There is a shared driveway to the side which leads to a yard. There is an existing front boundary wall and gate with the existing access proposed to be widened and slightly re-positioned. The application proposes one parking space in front of the existing house, three spaces within the rear yard and an enclosed area for bicycle storage. Bins would continue to be stored at the front of the property. Landscaped areas are proposed between the parking area and the building.

The application property is between a derelict factory and a pharmacy. To the rear are houses in Moncrieffe Street. This is a residential area, 350m from the Walsall Town Centre boundary. Houses in the area are traditional designed Victorian terraces with on street parking. The nearest play area/open space is on the corner of Walsingham Street 250m away.

The rear elevation, three existing first floor windows would be removed and replaced with high level fixed obscure glazing to Pilkington privacy level 4. To the rear of the existing house the ground floor lounge window would be removed and replaced with a high level obscure window. The first floor bedroom window would be blocked up, with a replacement added to the west elevation facing the derelict factory.

The development would have density of 60 dwellings per hectare.

Supporting letter

- The continuation of the tannery is not an option
- To incorporate it as part of the house is not an option due to the size.
- If property is left as it is it will rot and become derelict like the building next door.

Relevant Planning History

16/1341 - Change of use of disused tannery to 2 no. flats and 2 no. bedsits. Refused 15/11/16 on the following summarised grounds:

1. Loss of privacy and amenity for the existing occupiers of 5 Kinnerley Street, less than acceptable privacy separation distance between habitable room windows

and unacceptable levels of outlook for potential occupiers. Insufficient useable private amenity area

2. Fails to demonstrate that potential occupiers would be able to have a satisfactory environment should the adjacent commercial building be brought back into use.
3. Intensification of an existing substandard vehicle access which does not achieve safe pedestrian and vehicle visibility. Fails to provide sufficient off-street parking to meet the needs of the development.

BC46203P – Change of use of front building to be used as residential and rear yard out building to be used for clothing manufacture only. GSC 19/4/1996.

BC45119P – Two storey rear extension and front bay window. GSC 31/10/1995

BC44085P – Change of use from commercial to residential use, with side two storey and rear single storey extensions. GSC 3/7/1995 condition 4 requiring outbuildings to be used incidental

BC44797P – Change of use of front building to be used as residential and rear yard out building to be used as light engineering manufacturing. Refused on amenity and highway grounds 2/10/1995.

BC12638 – Erection of warehouse extensions. Refused on highway grounds 7/8/1979

BC6661 – Change of use to storage and display of saddler. GSC 7/4/1977

BC8242 – Erection of warehouse. GSC 19/1/1972

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Contribute to conserving and enhancing the natural environment and reducing pollution.

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- Encourage the effective use of land by reusing land that has been previously developed.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***
- ***NPPF 12 – Conserving and enhancing the historic environment***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- HOU2: Housing density, type and accessibility
- TRAN1: Priorities for 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

Unitary Development Plan

- GP2: Environmental Protection
- 3.6 and 3.7: Environmental Improvement
- ENV10: Pollution
- ENV14: Development of derelict and previously developed sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites 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

Conserving Walsall's Natural Environment

- Development with the potential to affect species, habitats or earth heritage features
 - NE1 – Impact Assessment
- Development with the potential to affect trees, woodlands and hedgerows
 - NE7 – Impact Assessment

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW4 Continuity
- DW6 Legibility
- DW9 High Quality Public Realm
- DW10 Well designed sustainable buildings

Design Principle – Homes: Plot sizes and built density will relate to their local context.

Appendix D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above (this standard will be applied more robustly at the rear than across roads at the front), 13m separation between habitable room windows

and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing.

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

Consultations

Highways – no objection subject to use of recommended conditions in regard to demarcation and retention of vehicle and cycle parking.

Pollution Control – recommends that the application is refused unless the applicant can demonstrate that suitable mitigation measures can be installed to satisfactorily mitigate any likely noise from the adjoining industrial site having regard to appropriate standards.

Police – no objection subject to use of recommended security measures.

Environmental Health – no objection.

Public Participation Responses

Surrounding occupiers notified by letter.

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

- Windows will overlook courtyard and private space

One letter of support from the occupier of 9 Moncrieffe Street was submitted with the application making the following comments:

- Will help bring the property back into use.
- Have no issues with the existing windows facing garden

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

Determining Issues

- Whether the application overcomes the previous reasons for refusal in regard to:
 - Amenity of Occupants and Nearby Residents
 - Parking
- Principle of development
- Impact on the character and appearance of the surrounding area
- Local Finance Considerations

Observations

Amenity of Occupants and Nearby Residents

Application 16/1341 was refused because the units would result in loss of privacy and amenity for the existing occupiers of 5 Kinnerley Street by virtue of the proximity

of habitable room windows, the absence of any private amenity space and the unrestricted use of the shared parking area immediately next to habitable room windows.

The current application has reduced the number of additional residential units from four to two (flat and bedsit). The orientation and layout of the proposal coupled with obscuring the existing facing lounge window and relocating the first floor bedroom window ensures sufficient privacy and outlook is retained for the existing occupiers. Landscaping in front of windows ensures vehicle and people movements are away from these habitable room windows. This is considered in the context of the existing commercial building and the level of people/vehicle movements that could take place should the building be used as a tannery again.

The previously refused application provided unacceptable privacy separation distance between habitable room windows and unacceptable levels of outlook. In response the change to the layout and blocking up of windows means that most habitable room windows are in accordance with the Council's window separation guidance. The bedsit kitchen window would have obscure glazing that would be 7.5m away from one of the proposed flat bedroom windows. While this separation is below the 13m aspiration this is balanced against the most effective use of the land. Sufficient privacy is provided and while outlook is reduced, the circumstances provide acceptable amenity to the flat.

The previously refused application for insufficient private amenity area. Due to the layout there are no private amenity areas. The application does provide some areas of landscaping around the yard which are not currently provided. For the bedsit a Juliet balcony would provide amenity value. While the lack of amenity space is a constraint of the development, weight must be given to the existing building that has limited value to the local area. The proposal would provide two further residential units in a sustainable location, re-using an existing building in a sustainable way. The material considerations outweigh the limited on-site amenity space. The nearest play area/open space at the corner of Walsingham Street is 250m away.

Objector concerns that windows will overlook courtyard and private space. To the rear of the building existing first floor windows face the rear garden of 9 Moncrieffe Street would be replaced with high level fixed obscure glazed windows. These changed windows would protect privacy to this property and would be secured by planning condition. The existing clear glazed ground floor window would serve the non-habitable store and therefore would have no further impact. The other windows are at first floor to the east elevation. These windows serve the landing and store to the proposed flat and face towards the courtyard to the rear of 9 Kinnerley Street and the Pharmacy. These windows serve non-habitable rooms; however they are right on the boundary and would provide the opportunity for overlooking. This can be addressed through the use of fixed glazed obscure windows which would protect amenity of the neighbours and can be secured through condition.

The proposed store areas have a lack of natural light which would discourage any habitable use of these areas, in addition conditions are recommended to define the use of these rooms.

Adjoining the site is a derelict factory; while this is unoccupied it does have extant general industrial use. While there is no current evidence of intent for it to be brought back into use there is no evidence of any alternative use. It is feasible that the building could be brought back into use and that is a material planning consideration. If it were brought back into use Pollution Control explain that it is likely that occupiers of the proposed development would be affected by noise emissions from this adjacent site.

The applicant has confirmed their commissioning a noise assessment and would agree to a planning condition. As the outcome of the noise assessment could indicate that a satisfactory residential environment due to this relationship might not be possible, it would be wrong to issue a planning permission that could not be implemented. In the circumstances, should the other reasons for refusal be addressed officers would seek for the decision to be delegated to the Head of Planning, Environment and Transportation for the applicant to provide a noise survey that demonstrates a satisfactory residential environment. If the outcome of this is positive the Head of Planning, Environment and Transportation would resolve to grant subject to conditions. If the survey provides issues that cannot be addressed then the application would be referred back to committee for refusal.

Pollution Control notes that the site is known to have been historically used for various industrial purposes and there is likelihood that the land will be contaminated. These issues can be addressed through conditions.

Parking

The application proposes four shared parking spaces. The existing house is five bedroom, which UDP parking policy T13 requires three off-street spaces. T13 for flats requires 1.5 spaces per unit when parking provision is shared. Other houses in the area are reliant on on-street parking as they do not have their own off-street provision. In addition the pharmacy next door relies on on-street parking. Four parking spaces, two for the existing house, and a cycle store are proposed. Weight is given to the previous commercial use and the associated staff and delivery vehicle movements. While there would be a shortfall in parking, compared to a fall-back position the proposal is considered to be a betterment.

The existing access point is next to the two storey factory building that is immediately at the back of pavement and at a point where there is a bend in the road. The proposal looks to move this access slightly to increase visibility. While this is still restricted compared to the commercial use, it is considered that the development would not have severe implications.

Highways raise no objection subject to the use of recommended conditions in regard to providing and retaining parking/cycles stores. The development is not considered to give rise to additional highway impacts compared to the existing situation.

Principle of development

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development. The site lies within an established urban area, near to existing bus routes and within walking distance of the Town Centre. This is a

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sustainable location and the principle of residential development is acceptable subject to meeting other requirements of the development plan.

Impact on the character and appearance of the surrounding area

It is understood that the building has been vacant for 20 years. The proposed change of use would ensure investment within the building, general maintenance and activity to the property. The external changes to the building would be minimal and would not change the fabric of the building whilst bringing visual improvement and increased security to the area.

BCCS Policy HOU2 states that all developments should aim to achieve a minimum net density of 35 dwellings per hectare: the proposal at 60 dph does not accord with this aim. It also states density and type of new housing will be informed by the need for a range of types and sizes of accommodation to meet sub regional and local needs, the level of accessibility and the need to achieve high quality design and minimise amenity impacts. The NPPF says that decisions should optimise the potential of the site to accommodate development. Over-development results in designs which impact unduly on the character and amenity of the locality. The design approach in this instance does not impact detrimentally upon the character of the area.

The Council issued a S215 (amenity notice) on the owners of the derelict factory next door requiring improvement works. Some works have been undertaken, officers are checking whether the notice has been complied with.

Local Finance Considerations

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

This application proposes two new homes.

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

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

Conclusion

The application provides the opportunity to bring a long term former commercial building back into use, to provide additional residential units within a sustainable

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location. The application has overcome the previous reasons for refusal. The proposal ensures amenity value of the existing occupiers is retained and ensures an appropriate level of amenity, given the constraints of the site, is provided for future occupiers. The proposal provides sufficient and suitable off-street parking to meet the needs of the development without giving rise to additional highway impacts compared to the existing situation. Subject to addressing the relationship with the factory next door in the event it was re-used as a commercial unit, the application is, on balance, considered acceptable.

Positive and proactive working with the applicant

Officers have worked with the applicant following the previous refusal to enable the presentation of a scheme that overcomes the previous concerns.

Recommendation: Delegate to the Head of Planning, Engineering and Transportation to grant planning permission subject to conditions once noise impacts have been satisfactorily addressed including relevant conditions where necessary.

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

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

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

- Existing floor plans and elevations received 10/2/17
- Site, block, floorplan and elevations received 16/2/17

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

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

3c. Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2).

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

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

3f. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3).

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

4. Prior to the first occupation of the development, the residents parking spaces shown on drawing no.1731 F, shall be clearly demarcated on the ground and thereafter retained and used for no other purpose.

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

5. Prior to the first occupation of the development the internal cycle storage facility for the use of residents shall be fully implemented and brought into use and thereafter retained for the life of the development.

Reason: To encourage sustainable modes of travel in accordance BCCS Policy TRAN4 and UDP Policy T13.

6a. Prior to the first occupation of the development the first floor windows the northern elevation shall be replaced with high level fixed windows with obscure glazing to Pilkington level 4. The replacement brick work shall closely match in colour, size and texture to that which currently exists on the building at the time of the application.

6b. The windows shall thereafter be retained.

Reason: In the interests of residential and visual amenity.

7a. Prior to the first occupation of the development the first floor windows the east elevation shall be replaced with fixed windows with obscure glazing to Pilkington level 4

7b. The windows shall thereafter be retained.

Reason: In the interests of residential amenity.

8. Prior to the first occupation of the development the existing bedroom window to 5 Kinnerley Street, as shown on the approved drawing shall be blocked up in brick work that closely matches in colour, size and texture to that which currently exists on the building at the time of the application and retained thereafter. The new window as shown on the drawing shall be provided and retained thereafter.

Reason: In the interests of residential amenity.

9. Prior to the first occupation of the development the existing clear glazed windows within the side elevation of the approved bedsit shall be blocked up in brick work shall closely match in colour, size and texture to that which currently exists on the building at the time of the application and retained thereafter for the life of the development. The kitchen window to the bedsit shall be obscurely glazed to Pilkington Level 4 and thereafter retained for the life of the development.

Reason: In the interests of residential amenity.

9a. Prior to the first occupation of the development the window to the study at 5 Kinnerley Street shall be obscurely glazed to Pilkington Level 4 and thereafter retained for the life of the development.

Reason: In the interests of residential amenity.

10. The store room to the flat as shown on the approved plans shall be retained as a non-habitable room for the life of the development.

Reason: In the interests of residential amenity.

11. The study and storage areas for 5 Kinnerley Street as shown on the approved drawing shall be retained as these uses for the life of the development and for no other uses.

Reason: In the interests of residential amenity.

12a. Prior to first occupation of the development details of electric vehicle charging points, to be provided for the dwellings hereby approved shall have first been submitted for written approval of the Local Planning Authority.

12b. Prior to first occupation of the development the electric vehicle charging points shall be fully 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.

13. 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 have at least one pane of 6.4mm laminated glass. This includes French doors and patio doors.

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- There should be an area of defensible space in front of all ground floor front facing windows
- 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.
- No Lead or metal should be used on the ground floor, this includes outside taps to the front of properties as the West Midlands is suffering high levels of metal theft 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.
- If there are communal areas for letterboxes DAD UK Ltd DAD009 1.5mm steel letterboxes, or similar are recommended.

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

14. 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; and 08.00 to 14.00 on Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

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

Notes for applicant – Contaminated Land

CL1 - *Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 +A1:2013 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.*

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

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contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

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

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 12.

Reason for bringing to committee: Significant Community Interest

Location: SADDLERS ARMS, FISHLEY LANE, BLOXWICH, WALSALL, WS3 3PS

Proposal: OUTLINE PLANNING PERMISSION FOR THE ERECTION OF ONE HOUSE (ACCESS TO BE CONSIDERED AT THIS STAGE) AND RECONFIGURATION OF PARKING FOR THE PUBLIC HOUSE.

Application Number: 16/0249
Applicant: New River Property Unit Trust
No.4

Agent:
Application Type: Outline Application

Case Officer: Devinder Matharu
Ward: Bloxwich East

Expired Date: 12-Jul-2016
Time Extension Expiry: 05-May-2017

Recommendation Summary: Grant Planning Permission Subject to Conditions



Officers Report

Application and Site Details

The application seeks outline consent for the erection of one house on land to the side of the Saddler's Arms pub, Fishley Lane. The proposal seeks to determine means of access at this stage and including reconfiguration of parking for the public house.

The existing pub vehicular access is an in and out arrangement. With one existing access retained for the proposed house and the other access being retained for the public house.

An indicative sketch plan has been provided showing three off road parking spaces including a turning head for the proposed house with two of these spaces being adjacent number 28 Fishley Lane. The indicative layout shows the proposed house would be set back approximately 15m from Fishley Lane with the approximate dimensions of 6.5m by 9m. The house would have a rear garden length of 11m with a total amenity area of 140 square metres. The house would be set off the boundary with number 28 by approximately 3.5m and from new boundary with the public house by approximately 1.5m.

The car park to the public house would be reconfigured to provide nine parking spaces to the north of the public house with a 2m planted strip between the proposed house and car parking spaces. A further 6 car parking spaces would be provided towards the front of the public house fronting Fishley Lane.

The tree towards the front of the site would be retained.

The site is located 428m from the edge of Buxton Road Local Centre.

There are bus stops along Stoney Lane within a 3 minute walk from the application site served by bus route number 302 which offers frequent services to and from Walsall.

The Saddlers Arms is a two storey public house with single storey flat roof side extensions. It is set back within the site with a garden fronting both Fishley Lane and Simmonds Road. The car park and in and out vehicular access to the site is located off Fishley Lane adjacent number 28 Fishley Lane. In between the two access points there is a speed cushion on the highway. The public house is set at a higher level than Fishley Lane. The public house is set off the rear boundary of the site and the land slopes down towards the junction with Simmonds Road. The boundary to the site fronting both Fishley Lane and Simmonds Road is a low level wall and a low level wall and railings. The boundary with the neighbouring residential properties is a 1.8m high close board fence. Within the car park fronting Fishley Lane is a mature tree which is retained by a low wall.

The area is residential in character with residential properties to the north and west, number 28 Fishley Lane to the south and numbers 67 to 75 and 83 Simmonds Road

to the east. The houses along Fishley Lane and Simmons Road are two storey semi-detached and terraced houses.

The following documents have been submitted with the application:

- Arboricultural report
- Noise impact assessment
- Desk top survey.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- NPPF 1 - Building a strong, competitive economy
- NPPF 6 - Delivering a wide choice of high quality homes
- NPPF 7 - Requiring good design

On planning conditions the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality
- TRAN2: Managing transport impacts of new development

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Unitary Development Plan

- GP2: Environmental Protection
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing

Buildings

- T4 - The Highway Network
- T7 - Car Parking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Documents

Conserving Walsall's Natural Environment (2013)

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

- NE1
- NE2
- NE3

Survey standards

- NE4

The natural environment and new development

- NE5
- NE6

Development with the potential to affect trees, woodlands and hedgerows

- NE7
- NE8
- NE9
- NE10

Designing Walsall (2013) Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies. The following are the relevant policies;

- DW3 Character
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Annexe D: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a

proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Black Country Air Quality (2016)

The West Midlands suffers from the most extensive exceedance of the EU health based limit value for Nitrogen Dioxide (NO₂) in the UK outside of London. Recent research has estimated that road transport emissions account for 630 premature deaths each year in the West Midlands¹

- 5.5 As a minimum, new developments should include the provision of electric vehicle charging points.

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

Relevant Planning History
None

Consultations

Arboricultural Officer- Verbal comments, no objection subject to planning condition relating to the retained tree and the proposed driveway.

Canal and Rivers Trust – No objection

Coal Authority – No objection

Environmental Health – No objection subject to conditions suggested by Pollution Control.

Fire Officer - No objection subject to access to water supplies and emergency vehicle access.

Transportation- No objection subject to conditions relating to parking.

Pollution Control – No objection subject to conditions relating to contaminated land, acoustic noise measures and provision for future electric vehicle charging points.

Police – No objection subject to incorporation of Secure by Design measures.

Severn Trent Water – No objection subject to drainage condition.

Strategic Policy – No objection to windfall sites subject to satisfactory residential amenity.

Representations

Five letters have been received from four residents objecting to the proposal on the following grounds:

- loss of sunlight especially house adjacent the public house
- overlooking
- loss of privacy
- Loss of tree

- distress to established trees and plants in neighbouring gardens
- no details as to the size and type of house
- new house not in keeping with street
- out of keeping
- unsightly
- noise from building work
- loss of view
- car parking and access issues including – where will cars park, how many cars will park on site, customers park outside resident's homes at present, how will deliveries to the site be undertaken, residents cannot park near their homes.

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

Determining Issues

- Principle of development
- Design and layout
- Impact upon neighbouring occupiers
- Impact upon the tree
- Parking and access
- Local Finance Considerations

Observations

Principle of development

The application is an outline application that seeks the approval of the access and the principle of development at this stage. All other details will be reserved for future consideration. The proposal also seeks the realignment of existing public house car park.

Saved Policy H3 of the UDP supports housing in windfall sites providing the other detailed design criteria can be met and Policy HOU2 of the BCCS supports a mixture of housing.

Paragraph 7.51 of the UDP states walking and cycling should be encouraged as an alternative to the car for short journeys. The walking and cycling distances will depend on the local circumstances and the maximum distance will normally be 1000m. It also states that pedestrians should not have to cross roads unless absolutely necessary. In this case, Buxton Road Local Centre is located 428m from the application site. The site is located within walking distance of Stoney Lane where there are bus stops on both sides of the road with frequent bus service to and from Walsall.

In conclusion it is considered that the proposed housing development would be in a residential area within easy walking distance of a local centre and is considered acceptable in principle. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP.

Design and layout

The proposal is an outline scheme seeking the principle of development and the principle of the access. Details relating to design and layout are not for consideration at this time although indicative plans have been provided.

Despite neighbour's concerns that there are no details of the design and type of house and the proposal would be out of keeping with the street and would be unsightly the principle of residential development is acceptable and the indicative layout and position of the building is in keeping with the character of the surrounding area. The design details of the proposed development including design, scale and appearance are for consideration at reserved matters stage. Details regarding any boundary fencing would also be sought at reserved matters stage.

The proposal includes a block plan that shows the layout of a single house on the site. The house would be set 15m back into the site and set off the boundary with number 28 Fishley Lane by 3.5m and set off the boundary with the new boundary to the car park for the public house by 1.5m. Whilst this is indicative scheme is considered appropriate, these details will be fully considered under the reserved matters scheme. A planning condition is recommended to advise the applicant that the submitted layout scheme is not approved.

The creation of a parking area in front of the public house would be no different to the converted front gardens of properties along Fishley Lane to provide off road parking facilities.

Pollution Control have concerns over the level of amenity for potential occupiers in close proximity to the public house in respect of noise. A noise impact assessment has been submitted and based on this report, Pollution Control have sought details of noise mitigation measures to be submitted via condition. They have also sought conditions relating to contaminated land and provision for future electric vehicle charging points.

The Police Architectural Liaison Officer has stated that the proposal should have regard to Secure by Design and this could be included as a note for applicant.

Severn Trent Water has recommended a drainage condition to prevent pollution and to ensure adequate drainage facilities are provided; these can be sought by condition.

The Fire Officer has no objection subject to access to water supplies and emergency vehicle access. The site is accessible from Fishley Lane and emergency access and water supplies should not pose a problem.

Impact upon neighbouring occupiers

Whilst an indicative plan has been submitted showing the position of proposed house, the full impact of the proposed development would have on neighbouring residential occupiers would be considered at the reserved matters stage where full details of the design, scale, layout and position of the proposed house would be submitted.

Neighbouring residents have raised concerns regarding overlooking, loss or privacy and loss of light. These issues would be assessed further at the reserved matters

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stage where full details of the design including the position of the proposed habitable room windows would be provided. The proposal would be assessed against residential standards as set out in Annexe D of Designing Walsall. It is clear from the indicative layout supplied that there is scope within the site to position a house without harm to the amenities of the adjoining properties or character of the area.

To protect the amenities of neighbouring residential occupiers from noise and disturbance associated with construction work, a condition is recommended to restrict hours of construction.

Objectors have raised concerns regarding loss of view; this is not a material planning consideration in this case. There is no right to a distant view.

Impact upon the tree

There is a tree to the front of the site which is contained within a dwarf brick wall. The proposal includes retention this tree. The indicative sketch plan shows the retaining wall and an area sectioned off around the wall and the proposed driveway. It is unclear what this area in between the retaining wall of the tree and the boundary of the proposed driveway will be utilised for and therefore details of this are required by way of condition and the Arboricultural Officer has verbally agreed with details of this being sought by condition. A condition is recommended to seek retention of the tree in line with Policy ENV18 of the UDP.

Objectors have raised concerns that the proposal would distress established trees and plants in neighbouring gardens. There is no evidence to suggest that the proposal would impact upon neighbouring plants and trees.

Parking and access

The development seeks outline consent for a house on part of the car park to the public house with access to be considered at this stage.

Neighbouring objectors have raised concerns regarding car parking and access which include where cars to the public house will park, how many cars will park on site and how deliveries to the car park will be undertaken. They also make reference to customers to the public house parking outside resident's homes resulting in residents being unable to park outside their homes.

The existing public house has two access points onto Fishley Lane. The proposal for the new house would retain one access and the car park to the public house will retain the other access.

The proposed dwelling is shown with 2/3 parking spaces which meets the parking requirement as set out in policy T13 of the UDP.

The revised car parking layout for the retained public house shows 15 parking spaces within the curtilage of the site. Whilst this figure is just below the parking standard as set out in policy T13 of the UDP for a public house, it is considered that the site is in a residential area and within walking distance and would not unduly impact upon the local highway network or the amenities of the neighbouring occupiers. The Transportation officer is satisfied that the proposals would not cause

severe highway impacts. Any issues with highway obstruction are matters for parking enforcement and the Police.

The deliveries access to the pub site would remain unchanged.

The Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32. The retention of parking for the pub and provision of parking for the proposed dwellings is considered adequate to address the concerns of neighbour's.

Local Finance Considerations

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

This application proposes the erection of one dwelling.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 792 new homes during 2010-2011 the award of £1,095,219 (which included a premium for affordable housing but also a deduction for an increase in vacancies) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards might be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Positive and Proactive working with the applicant

Officers have confirmed to the applicant's agent that the submitted amended details are acceptable and no further changes have been requested. The agent has amended the scheme to take into account officer's comments.

Recommendation: Grant Planning Permission Subject to Conditions

1. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

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

2. The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters application, or the last reserved matters approval.

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

3. This development shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-

- a) Appearance
- b) Landscaping
- c) Layout
- d) Scale

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

4. The development shall be completed in accordance with the location plan submitted on 28 April 2016.

Reason: To define the permission.

5. Notwithstanding the sketch site layout drawing number SK01/D submitted on 22 February 2017 the indicative layout is not approved under this permission and should be submitted as part of the reserved matters scheme.

Reason: To fully assess the site in accordance with the National and Local Development Plan policies, the residential standards as set out in Annexe D of Designing Walsall SPD and the Council's 45 degree code.

6i) Prior to the commencement of this permission a site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

6ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

6iii) Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

6iv) 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.

6v) 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.

6vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

7i) Prior to the commencement of this permission a scheme of acoustic mitigation measures to address the issues identified in the Noise Impact Assessment 'Hepworth Acoustics – Report No P16-638-R01v1 January 2017 shall be submitted to and approved in writing by the Local Planning Authority.

7ii) The approved acoustic mitigation scheme required by part 7i) of this condition shall be installed and a report confirming compliance with the agreed measures shall be provided to the Local Planning Authority and accepted in writing prior to occupancy of the proposed housing development.

Reason: To ensure suitable development and protect amenity of occupiers of the proposed housing development.

8a. Prior to the commencement of this permission details of the construction works, boundary details, soil in filling or any other works to be proposed in the area in between the retaining wall of the retained tree and the boundary of the proposed driveway as shown on the sketch site layout drawing number SK01/D submitted on 22 February 2017 shall be submitted to and approved in writing.

8b. Only the approved works in this area shall be undertaken.

Reason: To protect the future health of the retained tree on the site.

9a. Prior to the commencement of this permission details of the position and location of the proposed electric vehicle charging point for the proposed house shall be submitted on a scaled plan for approval in writing by the Local Planning Authority.

9b. The full infrastructure for electric vehicle charging facilities for the new house and the agreed scheme shall be fully implemented in accordance with the approved details before the proposed house is first occupied.

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.

10a. Prior to the commencement of development above damp proof level details of all facing, roofing and driveway surface materials shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: Necessary to ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

11a. Prior to the commencement of this permission, full details of the revised and extended car parking area for the public house to be fully consolidated, hard surfaced and suitably drained to ensure surface water from the area does not discharge onto the public highway or into any highway drain and the parking bays clearly demarcated on the ground shall be submitted to and approved in writing by the Local Planning Authority.

11b. The revised and extended car parking area for the public house shall be fully implemented and brought into use prior to the occupation of the proposed house.

11c. The parking area shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate parking is retained for the public house prior to the construction of the new dwellings, in accordance with UDP Policy GP2, T7 and T13, to the free flow of traffic on the public highway and to highway safety.

12a. Prior to the commencement of this permission, full details of the access and parking areas serving the dwelling to be fully consolidated, hard surfaced and suitably drained to ensure surface water from the area does not discharge onto the public highway or into any highway drain shall be submitted to and approved in writing by the Local Planning Authority.

12b. The access and parking areas to the new house shall be available to be utilised prior to the occupation of the house.

12c. The access and parking area shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP Policy GP2, T7 and T13, to the free flow of traffic on the public highway and to highway safety.

13a. Prior to the commencement of development above damp proof level details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

13b. The boundary treatments shall be erected prior to the occupation of the proposed house and in accordance with the approved details and retained and maintained at all times.

Reason: Necessary in the visual amenities of the area and to protect the amenities of the proposed residential occupiers.

14a. Prior to the commencement of development above damp proof level a detailed landscaping scheme illustrating planting within the proposed housing site including:

- detailing planting densities
- planting numbers
- size of plants to be planted

- soil depth and specification
shall be submitted to and approved in writing by the Local Planning Authority.

14b. The approved scheme shall be implemented within 12 months of any part of the development being brought into use.

14c. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within the first 5 years shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: Necessary in the visual amenities of the area and the proposed site.

15a. Prior to the commencement of development above damp proof level details of any external lighting to be installed around or within the development shall be submitted to and approved in writing by the Local Planning Authority.

15b. The development shall be completed with the approved details and retained and maintained at all times.

Reason: Necessary to prevent light pollution and to protect the amenity of surrounding residential occupiers.

16. The development shall be completed to include the following security measures:

- The frontages and accessible windows of the houses need to have defensible planting
- 2.1m on all rear perimeter fences
- A suitable intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.
- Vehicles are parked in a locked driveway in front of the vehicle owner's property.

Reason: To ensure the security of occupants and comply with BCCS policy ENV3.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, no development within classes A, B, C, D, E, F, G and H shall be undertaken without planning permission.

Reason: To safeguard the amenities of the occupiers of proposed houses and to comply with policy GP2 of Walsall's Unitary Development Plan.

18. No construction, demolition, 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 otherwise 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; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).

Reason: To safeguard the amenity of occupiers of premises within the vicinity.

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19. Disposal of materials by burning on bonfires, ground fires or in containers at the site is not permitted.

Reason: To protect neighbouring occupiers.

Notes for Applicant:
Contaminated Land

CL1 -Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 +A1:2013 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

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

Highways

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.

Police

All ground floor windows and any accessible windows should have at least one pane of 6.4mm laminated glass. This includes French doors and patio doors and should improve the standard of security to the more vulnerable ground floor windows.

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The frontages and accessible windows of the houses need to have defensible planting under them. This can be created by dense low level shrubbery which should be around 1m in depth. This will assist in stopping unauthorised persons gaining access to vulnerable windows and make it more difficult for persons to peer in through window or have access to the locking mechanisms. The defensible space should overlap the whole length of the window at least. Low level dense shrubbery is the preferred method to create this barrier with a mature height of no more than 1m and should be suitable for the light and soil environment at its location.

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

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

Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area. It is recommend 2.1m on all rear perimeter fences and should be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. This is especially important on the plots that back onto the rear access footpaths. This can include 300mm anti-climb (Criss Cross) trellis topping. The trellis should not be of a robust construction as this will create a climbing aid, rather than create a topping that will break, crack, and create noise if climbed, as intended. Where concrete post and panels are to be used the fence panels need to be tied using galvanised metal straps, so that the panels cannot be lifted by offenders as a means of entry. The fencing needs to be treated wood with guarantee life span of 25yrs. Any side entry gates should be the same height (2.1m) and be key lockable from both sides, they should be positioned flush with the front of the building line their design and construction should not provide climbing aides to offenders. The fencing needs to be located as near to the front of the building as possible but should not butt up next to a fence or wall of differing height forming a step ladder.

No Lead or metal should be used on the ground floor, this includes outside taps to the front of properties as the West Midlands is suffering high levels of metal theft where possible lead substitute products should be used.

Where sheds are to be supplied consideration should be given to the new Secured by Design Shed The shed is made of TPR, an award-winning alternative to concrete that is manufactured using waste diverted from landfill, having a low carbon footprint. It has been successfully tested to LPS1175 Issue 7: 2010 SR1 Specification for

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testing and classifying the burglary resistance of building components, strong points and security enclosures. It can be manufactured to any size and is ideal for scooters and cycles not just as a shed. This has a guaranteed maintenance free 80 year life span therefore would not be added cost replacing or repairing this for residents.

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 13.

Reason for bringing to committee: Contrary to Policy

Location: QUEENS HEAD, CHURCH STREET, BLOXWICH, WALSALL, WS3 3JQ

Proposal: OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF 2NO HOUSES WITH ACCESS TO BE CONSIDERED WITH ALL OTHER MATTERS RESERVED AND REALIGNMENT OF EXISTING PUBLIC HOUSE CAR PARK.

Application Number: 16/1020
Applicant: NEWRIVER PROPERTY UNIT TRUST NO. 4

Agent: Mr Richard Springett
Application Type: Outline Application

Case Officer: Devinder Matharu
Ward: Bloxwich East

Expired Date: 05-Sep-2016
Time Extension Expiry: 04-Apr-2017

Recommendation Summary: Grant Planning Permission Subject to Conditions



Officers Report

Application and Site Details

The application seeks outline consent for the erection of two houses on land to the rear of the Queens Head public house. Means of access is to be considered at this stage with all other matters reserved. The proposal includes realignment of the existing public house car park.

The access from Church Street would be retained for the public house with the access from Woodall Street being realigned to serve the proposed houses.

The realigned car park would provide sixteen car parking spaces with three positioned at an angle to the front of the site and the remainder positioned adjacent 126 Church Street and fronting Church Street.

An indicative sketch plan has been provided showing the position of the proposed new houses. Plots 1 and 2 front Woodall Street with two parking spaces each in front of the houses. A landscaped strip between the parking areas for the two houses would be provided. Plot 1 would be set approximately 6m back into the site with the approx dimensions being 5m by 8m and would have a rear garden length of 7m with a total amenity area of 49 square metres. Plot 2 would be set approximately 7m back into the site with the approx dimensions being 6m by 9m and would have a rear garden length of 8m with a total amenity area of 88 square metres. The houses would be set off the boundary with the public house by approximately 8.5m and 9.5m respectively.

The trees towards the front of the site would be retained.

The site is located 370m from the edge of Bloxwich District Centre.

There are bus stops along Field Road / Pinfold less than a minute from the application site served by bus route number 8a and 23 which offers frequent services to and from Walsall.

The Queens Head is a two storey public house with single storey flat roof extensions at the front and side. The site is relatively flat. There is a zebra crossing outside the site along Field Road and double yellow lines outside the site on Woodall Street. The existing car park is located in front of the building fronting Church Street, Field Road and Woodall Street. The car park is fenced off from the public highway by a 1.2m high railing fence and has an access from Church Street and Woodall Street. The public house is set off the rear boundary of the site with 126 Church Street by 7m. The boundary with the neighbouring residential properties is a brick wall. Fronting Field Road at the junction of Church Street and Woodall Street are trees.

The area is mixed in character with residential properties to the west of the public house, an education centre on the opposite side of Field Road and health centre on the opposite side of Woodall Street. The houses in the area are terrace houses.

The following documents have been submitted with the application:

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- Arboricultural report
- Transport assessment
- Geo environmental assessment

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality
- TRAN2: Managing transport impacts of new development

Unitary Development Plan

- GP2: Environmental Protection
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T4 - The Highway Network
- T7 - Car Parking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Documents

Conserving Walsall's Natural Environment (2013)

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

- NE1
- NE2
- NE3

Survey standards

- NE4

The natural environment and new development

- NE5
- NE6

Development with the potential to affect trees, woodlands and hedgerows

- NE7
- NE8
- NE9
- NE10

Designing Walsall (2013) Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies. The following are the relevant policies;

- DW3 Character
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Annexe D: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a

proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Black Country Air Quality (2016)

The West Midlands suffers from the most extensive exceedance of the EU health based limit value for Nitrogen Dioxide (NO₂) in the UK outside of London. Recent research has estimated that road transport emissions account for 630 premature deaths each year in the West Midlands¹

- 5.5 As a minimum, new developments should include the provision of electric vehicle charging points.

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

Relevant Planning History

None

Consultations

Environmental Health – No objection subject to agreed noise comments made by Pollution Control.

Fire Officer - No objection subject to access to water supplies and emergency vehicle access.

Transportation- No objection subject to conditions relating to parking, access and house type.

Pollution Control – No objection subject to conditions relating to contaminated land, acoustic noise measures and provision for future electric vehicle charging points.

Public Rights of Way – No objection

Police – No objection subject to consideration of Secure by Design measures.

Severn Trent Water – No objection subject to drainage condition.

Strategic Policy – No objection to windfall sites subject to satisfactory residential amenity.

Representations

None

Determining Issues

- Principle of development
- Design and layout
- Impact upon neighbouring occupiers
- Impact upon the trees
- Parking and access

- Local Finance Considerations

Observations

Principle of development

The application is an outline application that seeks the approval of the access and the principle of development at this stage. All other matters are reserved for future consideration. The proposal also seeks the realignment of existing public house car park.

Saved Policy H3 of the UDP supports housing in windfall sites providing the other detailed design criteria can be met and Policy HOU2 of the BCCS supports a mixture of housing.

Paragraph 7.51 of the UDP states walking and cycling should be encouraged as an alternative to the car for short journeys. The walking and cycling distances will depend on the local circumstances and the maximum distance will normally be 1000m. It also states that pedestrians should not have to cross roads unless absolutely necessary. In this case, Bloxwich District Centre is located 370m from the application site. The site is located within walking distance of Field Road where there are bus stops on both sides of the road with frequent bus service to and from Walsall.

In conclusion it is considered that the proposed housing development would be in a residential area within easy walking distance of a local centre and is considered acceptable in principle. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP.

Design and layout

The proposal is an outline scheme seeking the principle of development and the principle of the access.

The design details of the proposed development including design, scale and appearance are reserved for consideration at reserved matters stage. Details regarding any boundary fencing would also be sought at reserved matters stage.

The proposal includes an indicative block plan that shows the layout of a two houses on the site. Plot 1 would be set approximately 6m back into the site with the approx dimensions being 5m by 8m and would have a rear garden length of 7m with a total amenity area of 49 square metres. The total amenity area of this plot would fall short of the 68 square metres by 19 square metres set out in Annexe D of Designing Walsall. Whilst this plot has a short fall in amenity space, this is reflective of the existing properties adjacent the application site, 2 Woodall Street and is acceptable.

Plot 2 would be set approximately 7m back into the site with the approx dimensions being 6m by 9m and would have a rear garden length of 8m with a total amenity area of 88 square metres. Whilst this plot extends beyond the building line to Field Road there is scope to amend this proposed house type to better respect the street scene to this elevation yet still achieve an appropriate level of accommodation.

Whilst this is an indicative scheme, the full proposal will be considered under the reserved matters scheme and a planning condition is recommended to advise the applicant that the submitted layout scheme is not approved at this stage.

Pollution Control have concerns over the level of amenity for potential occupiers in close proximity to the public house in respect of noise and have sought details of noise mitigation measures to be submitted via condition. They have also sought conditions relating to contaminated land and provision for future electric vehicle charging points.

The Police Architectural Liaison Officer has stated that the proposal should have regard to Secure by Design and this could be included as a note for applicant.

Severn Trent Water has recommended a drainage condition to prevent pollution and to ensure adequate drainage facilities are provided; these can be sought by condition.

The Fire Officer has no objection subject to access to water supplies and emergency vehicle access. The site is accessible from Woodall Street and emergency access and water supplies should not pose a problem.

Impact upon neighbouring occupiers

Whilst an indicative plan has been submitted showing the position of two houses, the full impact of the proposed development would have on neighbouring residential occupiers would be fully considered at the reserved matters stage where full details of the design, scale, layout and position of the proposed houses would be submitted.

The proposal would need to achieve the residential standards as set out in Annexe D of Designing Walsall. It is clear from the indicative layout supplied that there is scope within the site to position the proposed houses without causing harm to the amenities of the adjoining properties or character of the area.

To protect the amenities of neighbouring residential occupiers from noise and disturbance associated with construction work, a condition is recommended to restrict hours of construction.

Impact upon the trees

The existing trees located within the site at the junction of Church Street and Field Road are to be retained, although this has not been clearly indicated on the submitted plan. The tree in the middle of the site fronting Field Road also appears to be retained. The three trees within the site fronting Field Road are to be removed with replacement planting undertaken within the proposed development part of the site.

The existing trees to be removed have been severely pruned in the past and whilst they add to the landscape character of the street scene, their existing condition warrants them unworthy of retention. The proposal includes the removal of these trees with replacement planting. Details of the replacement planting can be secured by condition.

Parking and access

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The development seeks outline consent for two houses on part of the car park to the public house with access to be considered at this stage.

The Highway Officer has advised that two car parking spaces per dwelling are proposed which dictates that the dwelling types under Reserved Matters shall have no more than 3 bedrooms to accord with UDP T13 parking policy.

A total of 16 parking spaces for the public house would be retained which accords with the parking policy T13 of the UDP.

The development will result in the loss of one of the two pub car park access points. The removal of the existing access bell mouth in Woodall Street and replacement with a dropped kerb access design will improve accessibility for all users along Woodall Street. This will result in vehicles visiting the retained pub car park having to drive round Woodall Street and into Church Street as both streets are one-way. Nevertheless the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with the NPPF in this respect.

Local Finance Considerations

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

This application proposes the erection of two dwellings.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 792 new homes during 2010-2011 the award of £1,095,219 (which included a premium for affordable housing but also a deduction for an increase in vacancies) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards might be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Positive and Proactive working with the applicant

Officers have confirmed to the applicant's agent that the submitted amended details are acceptable and no further changes have been requested. The agent has amended the scheme to take into account officer's comments.

Recommendation: That planning permission is granted subject to the following conditions

1. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

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

2. The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters application, or the last reserved matters approval.

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

3. This development shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-

- a) Appearance
- b) Landscaping
- c) layout
- d) Scale

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

4. The development shall be completed in accordance with the location plan drawing number SK002/X submitted on 26 August 2016.

Reason: To define the permission.

5. Notwithstanding the sketch site layout drawing number SK001/H submitted on 17 February 2017 the indicative layout is not approved under this permission and should be submitted as part of the reserved matters scheme.

Reason: To fully assess the site in accordance with the National and Local Development Plan policies, the residential standards as set out in Annexe D of Designing Walsall SPD and the Council's 45 degree code.

6i. Prior to built development further commencing a ground contamination survey having regard to current best practice shall be undertaken. (see Note for Applicant CL1).

6ii. 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).

6iii. 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).

6iv. 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.

6v. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation

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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.

6vi.A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3).

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

7i) Prior to the commencement of this permission a noise mitigation scheme between the proposed development site and the adjoining public house premises shall be submitted to and approved in writing by the Local Planning Authority.

7ii) The approved acoustic mitigation scheme required by part 7i) of this condition shall be installed and a report confirming compliance with the agreed measures shall be provided to the Local Planning Authority and accepted in writing prior to occupancy of the proposed housing development.

Reason: To ensure suitable development and protect amenity of occupiers of the proposed housing development.

8a. Prior to the commencement of this permission details of the position and location of the proposed electric vehicle charging points for each of the proposed houses on a plan shall be submitted to and approved in writing by the Local Planning Authority.

8b. The full infrastructure for electric vehicle charging facilities for the new house and the agreed scheme shall be fully implemented in accordance with the approved details before either house is first occupied.

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.

9a. Prior to the commencement of development above damp proof level details of all facing, roofing and driveway surface materials shall be submitted to and approved in writing by the Local Planning Authority.

9b. The development shall be completed with the approved details and retained as such.

Reason: Necessary to ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

10a.Prior to the commencement of this permission, details of the retained bellmouth access point serving the public house car park on Church Street, shall be modified to include a tactile pedestrian crossing point shall be submitted to and approved in writing by the Local Planning Authority.

10b. The development shall be completed in accordance with the agreed details prior to the first occupation of either of the proposed houses.

Reason: Due to the intensification of the retained car park access point as a result of the permanent loss of the Woodall Street access, in accordance with fully inclusive design standards and in the interest of highway safety.

11a. Prior to the commencement of this permission, details of new vehicle footway crossing to align with the new parking spaces shall be installed to replace the existing bellmouth type access shall be submitted to and approved in writing by the Local Planning Authority.

11b. The development shall be completed in accordance with the agreed details. The works shall be in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements.

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

12a. Prior to the commencement of development above damp proof level details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

12b. The boundary treatments shall be erected prior to the occupation of the proposed house and in accordance with the approved details and retained and maintained at all times.

Reason: Necessary in the visual amenities of the area and to protect the amenities of the proposed residential occupiers.

13a. Prior to the commencement of development above damp proof level details of the replacement tree planting on site including:

- Location of the replacement trees
- Species of the replacement trees to be planted
- size of trees to be planted
- quantity of replacement trees to be planted
- soil depth and specification

shall be submitted to and approved in writing by the Local Planning Authority.

13b. The approved scheme shall be implemented within 12 months of any part of the development being brought into use.

13c. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within the first 5 years shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: Necessary in the visual amenities of the area and the proposed site.

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14a. Prior to the commencement of development above damp proof level details of any external lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority.

14b. The development shall be completed with the approved details and retained and maintained at all times.

Reason: Necessary to prevent light pollution and to protect the amenity of surrounding residential occupiers.

15a. Prior to the first occupation of either dwelling on the development, the parking spaces serving that dwelling shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or any highway drain.

15b. The parking spaces 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.

16. The development shall be completed to include the following security measures:

- The frontages and accessible windows of the houses need to have defensible planting
- 2.1m on all rear perimeter fences
- A suitable intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.
- Vehicles are parked in a locked driveway in front of the vehicle owner's property.

Reason: To ensure the security of occupants and comply with BCCS policy ENV3.

17. As part of any Reserved Matters application the dwelling types shall have no more than 3 bedrooms.

Reason: To accord with UDP T13 parking policy for 2 spaces for dwellings up to 3 bedrooms.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, no development within classes A, B, C, D, E, F, G and H shall be undertaken without planning permission.

Reason: To safeguard the amenities of the occupiers of proposed houses and to comply with policy GP2 of Walsall's Unitary Development Plan.

19. No construction, demolition, 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 otherwise 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

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

Reason: To safeguard the amenity of occupiers of premises within the vicinity.

20. Disposal of materials by burning on bonfires, ground fires or in containers at the site is not permitted.

Reason: To protect neighbouring occupiers.

Notes for Applicant: Contaminated Land

1.CL1 -Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 +A1:2013 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

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

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.

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2. The applicant will be expected to obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

Police

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 house need to have defensible planting under them. This can be created by dense low level shrubbery which should be around 1m in depth. This will assist in stopping Unauthorised persons gaining access to vulnerable windows and make it more difficult for persons to peer in through window or have access to the locking mechanisms. The defensible space should overlap the whole length of the window at least. Low level dense shrubbery is the preferred method to create this barrier with a mature height of no more than 1m and should be suitable for the light and soil environment at its location.

The developer to be made aware of and fit the PAS 24:2012 doors. Where euro profile cylinder locks are proposed in doors, shutters etc. consideration should be given to the ever increasing trend in lock snapping as a means of forcing entry to a building. To reduce such risk a minimum standard of TS-007 3 star rated cylinders with Secure by Design and Sold Secure Diamond Standard certification should be used instead of the standard 1 Star cylinder.

Also where thumb turn locks are to be installed considerations should be given to the use of the 'BY Pass' method of entry by offenders. There are thumb locks on the market that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.

Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area.

Recommend 2.1m on all rear perimeter walls/fences and should be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. This can include 300mm anti-climb (Criss Cross) trellis topping. The trellis should not be of a robust construction as this will create a climbing aid, rather than create a topping that will break, crack, and create noise if climbed, as intended. Where concrete post and panels are to be used the fence panels need to be secured together using galvanised metal straps, so that the panels cannot be lifted by offenders as a means of entry. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. The fencing needs to be treated wood with guarantee life span of 25yrs.

All side entry gates should be the same height (2.1m) and be key lockable from both sides, they should be positioned flush with the front of the building line which this development appears to have covered. Their design and construction should not provide climbing aides to offenders. The perimeter wall or fence needs to be located as near to the front of the building as possible but should not butt up next to a fence or wall of differing height forming a step ladder.

No Lead or metal should be used on the ground floor, this includes outside taps to the front of properties as the West Midlands is suffering high levels of metal theft 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.

Where sheds/cycle storage and scooter storage are to be supplied considerations should be given to the new Secured by Design Shed. The shed is made of TPR; an award-winning alternative to concrete that is manufactured using waste diverted from landfill, having a low carbon footprint. It has been Successfully tested to LPS1175 Issue 7: 2010 SR1 Specification for testing and classifying the burglary resistance of building components, strong points and security enclosures. It can be manufactured to any size and is ideal for scooters and cycles not just as a shed. This has a guaranteed maintenance free 80 year life span therefore would not be added cost replacing or repairing this for residents.

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 14.

Reason for bringing to committee: Recommendation contrary to consultee objection

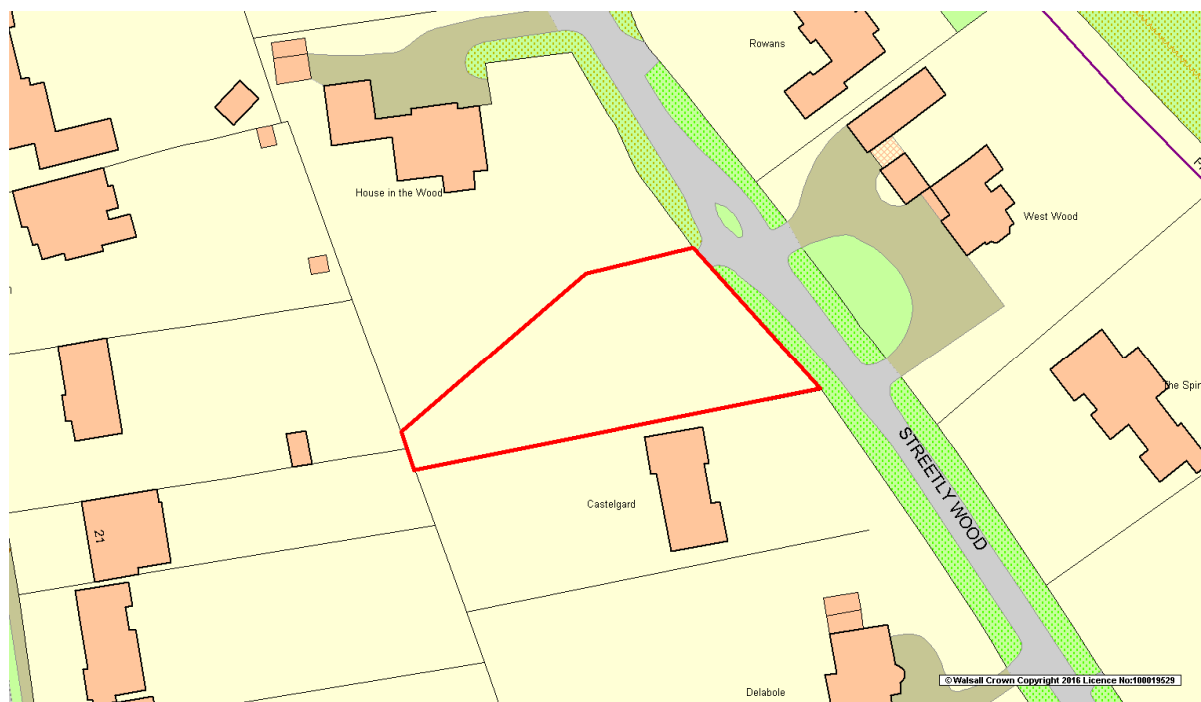
Location: HOUSE IN THE WOOD, STREETLY WOOD, STREETLY, SUTTON COLDFIELD, B74 3DQ

Proposal: ERECTION OF 1 NO. DWELLINGHOUSE WITH ASSOCIATED WORKS (RESUBMISSION OF 14/0804/FL)

Application Number: 15/1635
Applicant: Mr & Mrs P. Light
Agent: Mr Christopher Timothy
Application Type: Full Application

Case Officer: Mike Brereton
Ward: Streetly
Expired Date: 01-Feb-2016
Time Extension Expiry: 05-May-2017

Recommendation Summary: Grant Planning Permission Subject to Conditions



Officers Report

Application and Site Details

Streetly Wood is a gated private drive which serves 16 houses and is accessed from Hardwick Road to the north and Foley Road East to the south. The houses along Streetly Wood are set within large plots and separate driveways. This area has a spacious character with individually designed houses within areas of dense woodland. Existing houses along Streetly Wood are separated by distances ranging from 5 metres between Rowans and Westwood and the remaining houses by at least 11 metres.

This revised application is following a 2015 refusal to sub-divide the existing garden of 'House in the Wood' (a locally listed building) to provide a new 0.15 hectares triangular shaped residential plot at the southern end of the garden. This application seeks permission for the erection of a single, detached, two storey house with an attached garage fronting Streetly Wood. The development proposes the loss of 9 protected trees requiring a balanced judgement.

The application is supported by:

- **Assessment of Trees for Bat Potential** – concludes no evidence of bats and that six trees identified as having potential for roosting bats but not affected by the proposal. Recommends that works cease if bats recorded during on-site operations.
- **Bat Mitigation Strategy** – recommends use of low lux level LED lighting and range of planting to mitigate impacts on bats.
- **Design and Access Statement** – explains the design and layout has been improved following previous refusal.
- **Planning Statement and Addendum** – sets out policy context and explains how this application aims to overcome the previous refusal reasons.
- **Arboricultural Assessment** – identifies a number of protected trees on the application site and concludes that the existing mature trees would retain the current landscape view along Streetly Wood.
- **Tree Shading Plans** – show the extent of shading from trees to the proposed dwelling at different times of day during summer (June) and winter months (December).

Relevant Planning Policy Summary

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

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

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***
- ***NPPF 11 - Conserving and enhancing the natural environment***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

- NE1 – 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

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW6 Legibility
- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings
- Appendix D

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

Relevant Planning History

14/0804/FL - Erection of 1 no. dwellinghouse with associated works. Refused 12/02/2015 for the following reasons:

1. It is considered that the proposed new dwelling

- *would be of poor design and siting, to the detriment on the spacious character of the local area and amenity of future occupiers, by reason of incongruous utilitarian design,*
- *lacks positive design cues from the existing house and local area*
- *would have an unacceptably close proximity to Castalgard resulting in increased disturbance where a greater level of privacy between properties and quietness is characteristic in this area*
- *have a poor relationship to Streetly Wood due to being built side-on to the street*
- *result in a poor living environment for future occupiers because of shading from the dense tree canopy and leaf litter*
- *have a lack of useable amenity space because of the densely wooded nature of the site*

2. The felling of six Class B trees (classified in accordance with BS5837:2012) with high amenity value, and included in a Tree Preservation Order, would cause significant detriment to the landscape character of the site and the visual amenity of the wider area,

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3. *The siting of the proposed dwelling would lead to an unsustainable relationship with retained trees and it is considered likely to result in pressure on the Council from future occupier's for permission to heavily prune or remove additional trees to improve available amenity space and reduce overshadowing, leaf litter and potential risk of swaying/falling trees in close proximity to a dwelling. The removal of trees would cause significant detriment to the landscape character of the site and the visual amenity of the wider area,*

4. *The application fails to demonstrate that the proposals would not have a detrimental impact on foraging habits for bats within the site. The danger of the incremental loss of mature trees is considered likely to have an adverse impact on bat foraging. In the absence of information demonstrating that habits for bat foraging would be suitably protected,*

BC12885P – extension to lounge and conservatory – granted permission subject to conditions 11/12/84

Consultations (*Officer comments in italics*)

Conservation Officer – No objection subject to conditions to seek appropriate external materials due to proximity to locally listed buildings (House in the Wood and Stable Block, West Wood).

Transportation – No objection.

Tree Officer – Objects on grounds that 9 x protected trees would be lost and pressure would arise on future loss of further trees from shading to the proposed dwelling.

Ecology – Concerns regarding impacts of lighting on bats and requests an ownership schedule of trees for bat boxes.

Pollution Control – No objection subject to conditions to control dust, drag-out, and working hours to protect excessive disturbance of nearby residents.

Severn Trent Water – No objection subject to conditions regarding drainage.

Crime Prevention Design Advisor, West Midlands Police – No objection subject to meeting secure by design.

West Midlands Fire Service – No response received (*unlikely to have changed from previous application which was no objection*).

Public Participation Responses (*Officer comments in italics*)

1 x neighbour has objected on the following grounds:

- Existing covenant restricts additional dwellings in the area (*this is not a material planning consideration and a private matter*);

- Detract from the character and appearance of the area;
- Loss of, and further pressure on removing, protected trees;
- Additional stress on the services into Streetly Wood (*Severn Trent has advised the proposal is acceptable subject to conditions to ensure suitable drainage. Adequate provision of other services to the site and nearby area are not a material planning consideration and service providers have a duty to meet necessary demand*);
- Increased traffic into and through Streetly Wood;
- Development would set a precedent and similar previous applications have been refused (*each application is judged on its own merits*);
- Development would affect living conditions of residents in Streetly Wood;
- The new dwelling would be closer to existing buildings; and
- Would have an effect on local wildlife and habitat.

Determining Issues

- Whether the application has overcome the previous reasons for refusal
- Amenity of Nearby Residents
- Highways and Access
- Safety and Security of Development
- Local Finance Considerations
- Conclusion

Observations

Whether the application has overcome the previous reasons for refusal
The previous application 14/1804/FL was refused on the grounds that the proposal was of poor design, unacceptable impacts on amenity, loss of and affect on protected trees and potential impact on bats. This current application has been submitted in an effort to overcome the refusal reasons and each are considered in turn below.

Refusal reason 1 – Design and character of area

The first reason for refusal included a number of areas of concern and these, along with the assessment of the current application are provided as follows:

Poor design and siting, to the detriment on the spacious character of the local area and amenity of future occupiers, by reason of incongruous utilitarian design

The proposed design is now of a traditional style including a hipped roof with pitched front gable and the submitted plans show detailing around windows, doors and eaves, reflecting the arts and crafts style of the area. The design is considered to be an improvement to the previous box-like utilitarian design. The siting now provides a 6.5m separation between the proposed dwelling and Castलगard, reflecting the character of the area. The house now directly addresses the street. A neighbour's concern, the new house would be closer to existing buildings and would detract from the character and appearance of the area has been considered. For the reasons set out above, it is considered this part of the reason for refusal and the neighbour's concerns have been overcome. Conditions would be included on any permission to

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seek approval of materials to ensure satisfactory appearance of development in line with the Conservation Officers recommendations.

Lacks positive design cues from the existing house and local area

For the reasons set out above it is considered that this element of the refusal reason has been overcome.

Would have an unacceptably close proximity to Castलगard resulting in increased disturbance where a greater level of privacy between properties and quietness is characteristic in this area

For the reasons set out above, it is considered that this element of the refusal reason has been overcome. Separation distances between existing houses in Streetly Wood are between 5m and 11m, with the proposed 6.5m separation, considered to reflect the character of the area.

Poor relationship to Streetly Wood due to being built side-on to the street

The proposed house now addresses the street frontage and considered an improvement to the previous layout of the house which was at right angles to the street, reflecting the character of the area where the majority of houses are designed with front elevations facing the street. It is considered this element of the refusal reason has been overcome.

Would result in a poor living environment for future occupiers because of shading from the dense tree canopy and leaf litter

The submitted tree shading plans demonstrate that the proposed dwelling would be subject to shading during various times of the day during different times of year. Whilst this element of the refusal reason has not been fully overcome, it is considered the amended siting of the house does offer an improvement to the previous application, reflecting the existing local character and on balance, it would not be sufficient to sustain a refusal on this matter alone.

Lack of useable amenity space because of the densely wooded nature of the site

The site boundary has been amended to include a further section of garden to the south-west of the site. When combined with the amended siting of the house, which creates a larger area of useable outdoor amenity space, it is considered this overcomes this element of the refusal reason. The application site and wider area is already benefit from an Article 4 direction, removing permitted development rights for extensions, outbuildings, hard-standings, walls, gates and fences and new means of access, which is considered helps retain sufficient amenity space for future occupiers.

Refusal reason 2 – Loss of protected trees

Significant detriment to the landscape character of the site and the visual amenity of the wider area

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It is recognised that the loss of 9 trees protected trees, particularly one A Class tree on the site (Tree 33), has the potential to result in an impact to the woodland area and to the landscape character of the area. The applicant has agreed to provide replacement tree planting within the grounds of House in the Wood, owned by the applicant and outlined in blue on submitted plans. When combined with a reduced number of trees to be felled than the previous application (from 10 to 9), it is considered on balance, that tree replacement would minimise harm and could be dealt with by condition on any permission to provide at least two replacement Beech *Fagus Sylvatica* trees with an ultimate stem diameter of 700mm as compensatory planting in accordance with NE9 of the Natural Environment SPD. For the reasons above, refusal reason 2 of 14/1804/FL has been overcome.

Refusal reason 3 – Pressure on future loss of trees

The siting of the proposed dwelling would lead to an unsustainable relationship with retained trees and likely to result in pressure to remove additional trees

A neighbour's concern over further pressure on removing protected trees. Any future requests to remove trees would be considered on their own merits. Whilst the proposed house would still be in close proximity to existing trees, the amended siting of the house and larger plot is considered to provide an improved relationship between the house and trees. The area benefits from an Article 4 direction, removing permitted development rights for extensions, outbuildings, hard-standings, walls, gates and fences and new means of access and this is considered helps to minimise potential future pressure on retained trees. On balance, it is considered the proposed house would reflect the character of the area coupled with the existing Article 4 Direction, combining to minimise future pressure on the existing trees. For the reasons above, refusal reason 3 of 14/1804/FL has been overcome and tree protection conditions to protect trees during construction should be included on any permission.

Refusal reason 4 – Impact on bats

Potential for detrimental impact on foraging habits for bats within the site and absence of information demonstrating that habits for bat foraging would be suitably protected

A neighbour has objected on the grounds that the development would result in impacts on wildlife and habitat. The applicant provided bat report and bat mitigation details, proposing bat boxes within the proposal to mitigate potential harm, coupled with agreeing to conditions on any permission regarding any external lighting. For the reasons above, refusal reason 4 of 14/1804/FL has been overcome.

Amenity of Nearby Residents

The proposed new house would be positioned 6.5m to the north of Castlegard. Side facing obscurely glazed windows in Castlegard, serve non-habitable rooms. These are not afforded the same level of protection in planning guidance as habitable room windows and no side facing windows are proposed in the new house. Whilst a new

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house may potentially result in some increased level of disturbance to neighbours above what they may currently enjoy, it is considered the increased separation distance helps minimise such impacts. On balance, it is unlikely to result in any significant additional impacts on neighbour's amenity over and above the existing garden use associated with House in the Wood that would be sufficient to warrant a refusal.

A window-to-window separation distance exceeding 80 metres between the proposed house and Featherston Road houses, exceeds the Council's minimum separation distance of 24 metres. The 80m separation distance is considered to reflect local characteristics along the west side of Streetly Wood.

A neighbour's concern the development would affect living conditions of residents in Streetly Wood. The relationship between the closest neighbour at Castलगard has been assessed above and due to the distance of around 50m between the proposed house and other houses opposite, is considered exceeds the Council's separation distance minimising any impacts on other neighbours.

Pollution Control recommend conditions regarding the controlling dust, drag-out and prohibition of burning construction waste on site to minimise impacts on neighbouring residential properties, which are considered reasonable. A condition restricting construction hours cannot be included as there is separate environmental legislation for this form of harm. The condition does not meet the national planning policy tests for planning conditions.

Parking and Access

Streetly Wood is a gated access serving 16 existing houses. Whilst this road is narrow, it is considered there is a low volume of traffic using this road. Whilst a neighbour's concern, the development would result in increased traffic into and through Streetly Wood, it is considered the new house and additional single access, would result in significant additional impacts to existing users or on the volume of traffic. A condition would be included to ensure the laying out and retention of 2 off road parking spaces to meet UDP Policy T13.

Safety and Security of Development

Whilst the Crime Prevention Design Advisor has advised there should be a minimum of 1m defensible space in front of all front-facing windows, planted with dense low-level shrubbery, and more secure boundary treatment types and locations, to improve security to the proposed house, it is considered the location and surrounding dense vegetation, lack of boundary fences is a local characteristic and would not be appropriate in this instance to secure these measures.

The Police recommend a range of other security measures that can form a planning condition.

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

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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 1 new home.

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

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

Conclusion

Concerns from a neighbour have been considered and addressed as set out above and on balance, whilst refusal reason 1 of 14/1804/FL has not been fully overcome due to some shading arising from trees, it is considered this application offers an improvement in this regard and would not warrant a refusal on this matter alone when weighed against the Governments national planning guidance for the delivery of new homes. This current application has overcome all other refusal reasons and is considered an improvement to the previously refused application and when combined with the provision of replacement tree planting and bat boxes it is considered the application can now be supported.

Positive and Proactive working with the applicant

Officers have liaised with the applicant's agent and requested a number of amendments and additional supporting information which have been submitted and enable full support to be given to the scheme.

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 approved documents and plans: -

- Application Form. Deposited 06/11/2015
- Site Layout (03c). Amended Deposited 11/05/2016

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- Location Plan. Amended Deposited 11/05/2016
- Block Plan (04c). Amended Deposited 11/05/2016
- Site Section (05a). Amended Deposited 11/05/2016
- Elevations (02a). Amended Deposited 11/05/2016
- Floor Plans (01a). Amended Deposited 11/05/2016
- Tree Shading Extent Plans (5831-A-06). Amended Deposited 25/10/2016
- Arboricultural Assessment May 2016. Amended Deposited 11/05/2016
- Appendix A – Tree Schedule. Deposited 11/05/2016
- Assessment of Trees for Bat Potential 31/07/2014. Deposited 06/11/2015
- Property Detail and Level Survey (13/09/15). Deposited 06/11/2015
- Planning Statement. Deposited 06/11/2015
- Addendum Planning Statement. Deposited 06/11/2015
- Design and Access Statement. Deposited 06/11/2015
- Bat Mitigation Strategy 03/11/2016 (5831/Bat Mitigation). Deposited 04/11/2016
- Bat Mitigation Plan (Figure 1). Deposited 04/11/2016

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 commencement of development the following shall be submitted to and approved in writing by the local planning authority:

- i. Texture, size, materials and colour of proposed roof covering, with a thin leading edge of no more than 18mm;
- ii. Texture, size and colour of proposed facing bricks and detailing around windows and doors; and
- iii. Any other finish and colours to be used on the exterior of the building.

3b. The proposed scheme shall be fully constructed in the materials hereby approved and thereafter retained as such.

Reason: To ensure the satisfactory appearance of development and accord with Policy ENV29 of the Walsall Unitary Development Plan.

4a. Prior to commencement of development, a plan showing the location of replacement planting within the grounds of House in the Wood in the form of at least two mature Beech *Fagus Sylvatica* trees with an ultimate stem diameter of 700mm shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the management of replacement planting to show how the replacement trees will be planted, cared for and maintained to ensure their health and satisfactory appearance.

4b. Prior to commencement of development, the agreed replacement tree planting scheme shall be carried out and thereafter retained.

Reason: To provide appropriate compensatory planting to ensure satisfactory visual amenity of the area and in accordance with UDP Policy GP2 and NE9 of the Natural Environment SPD.

5a. Prior to commencement of development, a total of 5 x bat boxes shall be fixed to trees as shown on the submitted bat mitigation plan to include:

- i. 1 x schwegler bat box 1FF fixed to one tree;
- ii. 1 x schwegler bat box 2F fixed to one tree; and
- iii. 3 x wooden bat boxes fixed to one tree at a variety of southerly aspects.

5b. The bat boxes shall be positioned at least 3m from the ground (to help avoid predation and disturbance) and located so as not to interfere with any existing potential roosting features on the trees and positioned to avoid northerly aspects.

5c. In the event that a bat roost is discovered during construction, all works shall cease and shall not re-commence until a qualified ecologist has investigated and allowed works to proceed.

5d(a). Prior to commencement of development, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority showing how impacts on bats would be minimised and accompanied by a plan showing the location of lighting.

5d(b). External lighting shall be fully installed in accordance with the approved details and thereafter maintained and retained as such.

Reason: To conserve local bat populations and in accordance with the NPPF and NE2 and NE3 of the Natural Environment SPD.

6a. Prior to commencement of development a schedule of tree works listing all the trees requiring work within the application site (making use of reference numbers) accompanied by a plan showing the location of each tree shall be submitted to and approved in writing by the Local Planning Authority.

6b. Any tree works shall be carried out in accordance with the approved details by skilled tree surgeons and to comply with British Standard 3998:2010.

6c. All retained trees shall be subjected to sound arboricultural management as recommended within section 8.8.3 of BS5837 Post Development Management of Existing Trees.

6d. All vegetation and, particularly, woody vegetation proposed for clearance shall be removed outside of the bird-breeding season (March - September inclusive). Where this is not possible, vegetation shall be checked for the presence of nesting birds prior to removal by an experienced ecologist.

6e. The use of no-dig construction methods shall be used wherever possible and in particular in the case of footways, driveways and other light use access roads.

6f. Any new utility services shall be positioned so not to encroach within the root protection areas of any retained trees as recommended by the guidance given in section 7.7 of BS5837 and shall wherever possible be ducted for ease of access and maintenance and grouped together near existing and new planting to minimise any future disturbance.

Reason: To safeguard trees and preserve and enhance the visual amenities of the locality in accordance with Policies GP2 and ENV18 of the Walsall UDP 2005.

7a. Prior to commencement of development, details of tree protective fencing and other barriers shall be submitted to and approved in writing by the Local Planning Authority to take account of and include:

- i. All trees retained on site shall be protected by barriers or ground protection around the calculated RPA or other defined constraints of this assessment as detailed by section 6 and 7 of BS5837.
- ii. Barriers shall be erected prior to commencement of any construction work and prior to any demolition works including erection of any temporary structures. Once installed, the area protected by fencing or other barriers shall be regarded as a construction exclusion zone.
- iii. Fencing and barriers shall not be removed or altered without prior consultation with the project arboriculturalist.
- iv. All weather notices shall be attached to the protective fencing to indicate that construction activities are not permitted within the fenced area. The area within the protective barriers will then remain a construction exclusion zone throughout the duration of the construction phase of the proposed development.
- i. Any trees that are not to be retained as part of the proposals should be felled prior to the erection of protective barriers. Particular attention shall be given by site contractors to minimise damage or disturbance to retained specimens.

7b. Retained trees shall be adequately protected during works in accordance with the approved details and ensuring that the calculated root protection areas (RPA) for all retained trees are appropriately protected through the erection of the requisite tree protection barriers.

7c. Tree protection fencing shall be fit for the purpose of excluding any type of construction activity and suitable for the degree and proximity of works to retained trees comprised of a scaffold framework with a vertical and horizontal framework, well braced to resist impacts and barriers must be maintained to ensure that they remain rigid and complete for the duration of construction activities on site.

7d. Prior to commencement of development, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority to include the location of and design for temporary ground protection of any construction access within an RPA in line with section 6.2.3 of BS5837.

7e. The temporary ground protection measures shall be fully implemented and retained during construction works in accordance with the approved details.

7f. Wide or tall loads shall not come into contact with retained trees and shall be supervised by Banksman where in close proximity to retained trees.

7g. Oil, bitumen, cement or other material that is potentially injurious to trees shall not be stacked or discharged within 10m of a tree bole and no concrete mixing shall be done within 10m of a tree. Allowance should be made for the slope of ground to prevent materials running towards the tree.

7h. Notice boards, telephone cables or other services shall not be attached to any part of a retained tree.

7i. Any trees which need to be felled adjacent to or are present within a continuous canopy of retained trees, shall be removed with due care and if necessary removal shall be in sections.

7j. No ground fires shall be permitted on the application site.

Reason: To safeguard trees and preserve and enhance the visual amenities of the locality in accordance with Policies GP2 and ENV18 of the Walsall UDP 2005.

8a. Prior to commencement of development, a working plan for controlling dust and drag-out from the site shall be submitted to and approved in writing by the Local Planning Authority.

8b. All agreed measures shall be fully implemented and maintained throughout the duration of engineering and construction activities.

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

9a. Prior to commencement of development drainage plans for the disposal of foul and surface water flows, avoiding tree root bowels shall be submitted to and approved by the Local Planning Authority.

9b. The scheme shall be fully implemented in accordance with the approved details prior to the development first coming into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or create or exacerbating a flooding problem and to minimise the risk of pollution.

10. Prior to the first occupation of the house, the following security measures shall be fully installed and thereafter retained:

- i. New windows/ roof lights / patio / French doors/ windows should conform to PAS 24 2012 PS1A Standard with at least one pane of 6.4mm laminated glass in all ground floor windows.
- ii. All external doors should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock.
- iii. Due to the increase in metal theft consideration should be used to minimising the use of lead in the design, by using lead substitute or alternative products.
- iv. The property should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.
- v. Garage doors should be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or WCL 2 BR 1.

Reason: To ensure a safe and secure development and to comply with the NPPF and policy ENV32 of Walsall's Unitary Development Plan.

11. Prior to the first occupation of the house, a minimum of two parking spaces measuring 2.4m by 4.8m each shall be installed and thereafter retained on the front drive within the curtilage of the application house and fully consolidated, surfaced and drained to prevent surface water run off on to the highway at all times.

Reason: To meet the requirements of UDP policy T13 and in the interest of highway safety.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or succeeding Orders, no additional side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

Notes to Applicant

Please refer to Secure by Design -
<http://www.securedbydesign.com/pdfs/SBDNewHomes2014.pdf>

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 15.

Reason for bringing to committee: Recommendation contrary to consultee objection

Location: FOREST HOUSE, 1, WALSALL ROAD, WALSALL, WS5 4QL

Proposal: PART CHANGE OF USE FROM A1 (RETAIL USE) TO A5 (HOT FOOD TAKEAWAY USE) AND SUB-DIVISION OF 2NO. EXISTING A1 UNITS INTO 4NO. SMALLER A1 RETAIL UNITS.

Application Number: 16/1825

Applicant: Mr & Mrs Kang

Agent: Mr P K Sehdeva

Application Type: Full Application

Case Officer: Mike Brereton

Ward: Palfrey

Expired Date: 24-Jan-2017

Time Extension Expiry: 05-May-2017

Recommendation Summary: Grant Planning Permission Subject to Conditions



Officers Report

Application and Site Details

The application site lies between the old Walsall-West Bromwich main road with the dual carriageway to front. Two industrial premises are located to the south along with houses built in the 1970's on the north-western side.

The application site currently benefits from an open A1 (retail) use confirmed via a 2012 granted certificate of lawful use, based on evidence submitted by the applicant, demonstrating the site had been used as a retail outlet selling furniture in excess of 10 years.

The application site currently contains three units. Units A and B are attached pitched roof warehouse style units fronting the Walsall Road dual carriageway with Unit B currently occupied by Nisa Local and operating as a convenience shop (A1 use) and Unit A is vacant. The third unit, Unit C, is a two storey utilitarian flat roof building attached to Unit B to the north and currently occupied and operating as a Hair and Beauty salon. It should be noted that a hair and beauty salon falls under a 'sui generis use' and does not benefit from the sites lawful A1 use and as such requires planning permission.

The total floor area is 914m² and this current application proposes to sub-divide Units A and B into 5 smaller units retaining Nisa Local with a reduced floor area of 156m² (previously 233m²) in Unit 4 whilst accommodating a new Hot Food Takeaway (use class A5) in what would become Unit 5 with a floor area of 77m². The applicant explains that the remaining three units (Units 1 – 3) would be made available as retail (A1 use) for business entrepreneurs or expanding businesses.

This application is supported by:

- **Sequential Assessment** – Explains that part of the site has been vacant for 9 years and the provision of smaller units would serve the local community and would not affect the main centres.
- **Design and Access Statement** – Explains the proposal includes replacement shop fronts to the units which provide level DDA compliant access to the entrances, service access at rear and external extraction equipment to serve the proposed hot food takeaway. The proposed opening hours are 08:00am to 20:00pm Monday to Saturday and 12:00pm to 17:00pm on Sunday for the A1 retail units and 12:00pm to 23:00pm Monday to Saturday and 12:00pm to 22:00pm on Sunday for the A5 hot food takeaway unit.
- **Design and Specification of Extraction System** – Explains how the extraction equipment would be installed and maintained to minimise odour and noise pollution to nearby residents and occupiers.

Relevant Planning Policy Summary

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

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 1 - Building a strong, competitive economy**
- **NPPF 2 - Ensuring the vitality of town centres**
- **NPPF 7 - Requiring good design**

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- 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

Unitary Development Plan

- GP2: Environmental Protection
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals

- ENV35: Appearance of Commercial Buildings
- JP7: Use of Land and Buildings in Other Employment Areas
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

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

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

Relevant Planning History

12/0248/LE - Certificate of Lawful Existing Use: Use of premises for A1 retail.
Granted 18/04/2012

11/0997/LE – Certificate of lawful existing use. Refused 11th November, 2011

04/2465/FL/W6 – Retrospective: alterations to doorway to form additional entrance.
Refused 3rd February, 2005

Consultations (*Officer comments in italics*)

Environmental Health – No objection subject to conditions regarding the extraction system and associated noise assessment, control of deliveries, storage and refuse areas (*a note to applicant would also be included regarding Food Safety and Hygiene regulations*).

Fire Officer – No objection subject to access to water supplies (*this would be included as a note to applicant*).

Highways - No objection subject to inclusion of conditions to improve pedestrian connectivity, cycle and disabled parking and details for servicing and delivery arrangements.

Planning Policy – Objects on the grounds that the proposal to create smaller retail units has the potential to impact on other centres and that the applicant has failed to justify the proposal.

Pollution Control – Noise and odour emissions from business would be regulated by the Environmental Health Team.

Severn Trent – No objection subject to inclusion of a drainage related condition.

Public Participation Responses (*Officer comments in italics*)

1 x neighbour has objected on the following grounds:

- Increased issues of litter in the area.

Determining Issues

- Principle of Development
- Amenity of Nearby Residents
- Design and Appearance of Development
- Highways and Access
- Conclusion

Observations

Principle of Development

The Council's Planning Policy Team has objected to the proposal on the grounds that the application has failed to meet town centre related development plan policies and this is the reason for reporting this application to Planning Committee.

The application site is in an out-of-centre location and the proposed retail use would usually be subject to the tests set out in BCCS Policies CEN6 and CEN7 and UDP Policies S6 and S7 to control out of centre development and safeguard existing centres. The applicant has submitted a sequential assessment which the Planning Policy Team have objected confirming; insufficient information has been provided to demonstrate that the proposal would not result in harm to existing centres. Whilst the Policy Team have objected, it should be noted that the entire application site already benefits from an open A1 retail use following determination of the certificate of lawful use in 2012. The proposed internal works to sub-divide the existing units would not require a further planning permission; only the proposed shop fronts require permission. It is recognised that sub-dividing the unit into multiple units could be creating new planning units, although, it is considered in planning policy terms, this has limited impacts. On balance, it is considered that the proposal is unlikely to result in any significant additional harm to existing centres over and above any arising from the existing lawful A1 use and would not warrant a refusal reason in this instance.

The proposed hot food takeaway element is also considered acceptable in this location to serve the local community, subject to all other considerations and nearby neighbours' amenity as required by UDP Policy S10.

The use of Unit C as a beauty salon within the application site is currently unauthorised and no details have been submitted as part of this current application to justify this 'sui generis' use in this out-of-centre location. A condition would be included on any permission to set out the approved A1 (Retail) and A5 (Hot Food Takeaway) uses to define the permission and the applicant will be advised that the unauthorised use may be subject to enforcement action and asked to submit a separate retrospective application for the beauty salon for consideration.

Amenity of Nearby Residents

The nearest residential properties at Segundo Road lie 25m to the north-west when measured from the rear of the application site and Magnolia Drive at 43m to the east when measured from the front of the application site across the Walsall Road dual carriageway. Whilst it is recognised that the intensification of use at the application site has the potential to result in additional impacts on nearby neighbours amenity from increased comings and goings of patrons and deliveries it is considered that this is unlikely to result in significantly more harm than any arising from the existing open A1 use. Furthermore, the proposed opening hours offer a betterment to the current uncontrolled nature of the site and on balance is considered acceptable in this instance and would be included as a condition on any permission.

A neighbour has objected on the grounds that the proposal would result in additional litter in the area and this can be mitigated by inclusion of a condition to require the installation of litter bins to the front of the unit within the application site.

The applicant has submitted details of an extraction system to serve the proposed hot food takeaway and the Council's Environmental Health Team has advised that further details are required to ensure odour and noise impacts are appropriately managed and this can be required by condition in line with their recommendations.

Further conditions would be included to seek approval of any external lighting or amplification equipment and to remove permitted development rights for any changes of use which have the potential to result in additional impacts and to safeguard neighbours amenity.

Design and Appearance of Development

This application proposes new shopfronts to units 1-5 along with minor alterations to side and rear elevations to brick up existing openings and create new openings and doors to accommodate the internal divisions. Whilst the submitted plans show the proposed shopfronts no details have been submitted on the materials or whether the units would be secured by roller shutters and this would be required by condition. The location of bin stores are shown on the submitted plans and further details of the enclosure and proposed materials would be required by condition.

The proposed external flue serving the proposed hot food takeaway is in a prominent position on the corner of the application site and wholly visible from public vantage

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points and is considered would result in harm to the visual amenity of the area in its current form which has an industrial appearance. A further condition would be included to seek a revised design of the external flue to ensure satisfactory appearance of development.

Highways and Access

When taking into account the existing open A1 retail use of the application site and current vehicle parking within the site, it is considered on balance that the proposal would not result in significant parking issues or severe impacts on the highway network. The proposal is however likely to result in an intensification of pedestrian movements into the site and across the building frontage and it is considered reasonable and necessary to include a Grampian condition to require improvements within and outside the application site to ensure safe and inclusive pedestrian movement. Further conditions would also be included to provide a disabled parking space, cycle stand for patrons, a covered and secure cycle store for employees and to seek further details of the proposed servicing and delivery arrangements in line with the recommendations of the Highway Authority. The proposal includes DDA compliant level access and this is considered acceptable and provides an acceptable access for disabled patrons.

Conclusion

It is recognised that smaller retail units in out-of-centre locations such as this should usually be resisted due to the potential harm to other centres within the borough. However, on balance, the proposed sub-division could be undertaken without the need for further permission and when combined with the existing open A1 use it is considered this would not warrant a refusal in this instance. A neighbour's objection regarding litter has been considered and can be mitigated through provision of litter bins.

Positive and Proactive working with the applicant

Following submission of further information as requested by officers when combined with the submitted supporting information and planning history of the site, it is considered the application can be supported.

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 approved documents and plans: -

- Application Form. Deposited 30/11/2016

- Existing and Proposed Plan (TW/207/501). Deposited 29/11/2016
- Design and Access Statement. Deposited 29/11/2016

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 commencement of development a minimum 3.5m wide segregated footway with protection bollards fronting the shops and linking to the highway to facilitate adequate pedestrian circulation space in accordance with DfT Inclusive Mobility guidance shall be installed. The 3 x parking spaces at the northern side of the development shall be removed to provide a pedestrian link to Walsall Road.

3b. Prior to commencement of development a one-way arrangement for vehicles along the remaining width of the access road fronting the shops shall be implemented.

3c. Prior to commencement of development the existing steps onto Walsall Road to the north-west of the application site shall be removed and reinstatement back to highway verge.

3d. Prior to commencement of development a tactile pedestrian dropped kerb crossing across Walsall Road to the north-west of the application site shall be installed on or near the apex of the bend together with a section of link footpath to the site entrance.

3e. All works required by parts a) to d) shall thereafter be retained.

3f. In the event that any works required by parts a) to d) have not been fully complied with prior to commencement of development the hereby approved development shall not come into use.

Reason: In the interest of pedestrian safety and to accord with the NPPF and UDP Policy T8.

4a. Prior to commencement of development a plan shall be submitted to and approved in writing by the Local Planning Authority showing the servicing and delivery arrangements for the site.

4b. The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason: To ensure the satisfactory functioning of the development.

5a. Prior to commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the location and specification of a cycle stand to serve patrons of the shops along with a covered and secure facility for employees.

5b. The approved cycle stands shall be installed prior to the development first coming into use and thereafter retained.

Reason: To promote sustainable modes of transport and to accord with the NPPF and UDP Policy T9.

6a. Notwithstanding the submitted information, prior to the commencement of development a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from kitchen cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. The details should include:

- Discharge stack – the discharge of the extracted air should not be less than 1M above the roof ridge of the building within 20M of the building housing the commercial kitchen.
- Odour arrestment plant – Very high level odour control should include:-
 - Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.4 – 0.8 second residence time) and counteractant/neutralising system such as the ON100.
 - The grease should be disposed of into a waste bin, rather than tipped into a sink where it may cause a blockage in the drainage system.
 - Management of odours, gases and smoke treatment.

6b. The development shall be carried out in accordance with the approved details and the equipment shall thereafter be retained and maintained in accordance with the approved details.

Reason: To safeguard neighbours amenity and to comply with the NPPF and UDP Policies GP2, ENV10 and S10.

7a. Prior to the commencement of development a noise assessment shall be submitted to and approved in writing by the Local Planning Authority of externally located plant equipment along with a report detailing the findings and any recommendations for mitigation measures.

7b. Any agreed mitigation measures shall be installed prior to the development first coming into use and thereafter retained and maintained in accordance with the approved details.

Reason: To safeguard neighbours amenity and to comply with the NPPF and UDP Policies GP2, ENV10 and S10.

8a. Prior to commencement of development drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority.

8b. The scheme shall be implemented in accordance with the approved details prior to the development first coming into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution.

9a. Prior to commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of the following:

- i. Revised design and materials of an enclosure for the external extraction flue to disguise the equipment and insofar as possible, blend it in with the existing buildings;
- ii. Materials, including colour and texture, to be used in the shop fronts including full details of any roller shutters;
- iii. Materials, including colour and texture, of any other external works; and
- iv. Materials, including colour and texture, to be used in creating the bin stores at rear.

9b. The existing openings to be bricked up shall use materials that match the size, colour and texture of bricks in the existing building.

9c. The development shall be carried out in accordance with the approved details and thereafter retained as such.

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

10a. Prior to commencement of development a plan and supporting details shall be submitted to and approved in writing by the Local Planning Authority showing the location and specification of litter bins to the front of each unit.

10b. Prior to the development first coming into use, the litter bins shall be installed in accordance with the approved details and thereafter retained.

Reason: To ensure the satisfactory functioning of the development.

11. Prior to the development first coming into use, at least one parking space shall be allocated and demarcated for disabled users and thereafter retained as such.

Reason: To ensure sufficient disabled parking and in accordance with the NPPF and UDP Policies T7 and T13.

12a. Prior to the installation of any external lighting, details of the lighting and its location shall be submitted to and approved in writing by the Local Planning Authority.

12b. The external lighting shall be fully installed in accordance with the approved details and thereafter retained as such.

Reason: To safeguard neighbours amenity and to comply with the NPPF and UDP Policies GP2.

13a. Prior to the installation of any external amplification equipment, details of the equipment and its location shall be submitted to and approved in writing by the Local Planning Authority.

13b. The external amplification equipment shall be fully installed in accordance with the approved details and thereafter retained as such.

Reason: To safeguard neighbours amenity and to comply with the NPPF and UDP Policies GP2.

14a. The hereby approved retail units (Units 1-4) shall only be open between 08:00am to 20:00pm Monday to Saturday and 12:00pm to 17:00pm on Sunday.

14b. The hereby approved hot food takeaway unit (Unit 5) shall only be open between 12:00pm to 23:00pm Monday to Saturday and 12:00pm to 22:00pm on Sunday.

14c. No deliveries shall be taken at or despatched from the application site outside the approved hours set out in parts a) and b).

Reason: To safeguard neighbours amenity and to comply with the NPPF and UDP Policies GP2.

15a. The hereby approved use for Units 1-4 as shown on the submitted plan referenced 'TW/207/501' is for retail (A1) use.

15b. The hereby approved use for Unit 5 as shown on the submitted plan referenced 'TW/207/501' is for a hot food takeaway (A5) use.

15c. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or succeeding Orders, the provisions of Schedule 2, Part 3, Class B, Class C, Class G, Class J and Class M shall not apply.

Reason: To define the permission and in the interest of neighbours amenity and to comply with the NPPF and Policy GP2 of Walsall's Unitary Development Plan.

Notes to Applicant

1. The main activity at these premises is such that Walsall Council Environmental Health would enforce the requirements of Food Safety and Hygiene (England) Regulations 2013 and relevant European Community Regulations and Health and Safety at Work etc. Act 1974. The premises is required to comply with the requirements of this legislation and the application should consult with Environmental Health regarding legal requirements.

2. 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.

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

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

5. Please note the current use of Unit C shown on the submitted plans as a beauty salon falls under a 'sui generis' use and does not have planning permission and is unauthorised. A separate planning application is required to regularise the situation which will need to justify the 'sui generis' use in this out-of-centre location. Failure to submit an application and continuation of the unauthorised use will result in future enforcement action.

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 16.

Reason for bringing to committee: Contrary to Policy

Location: 9, BEACON HILL, ALDRIDGE, WALSALL, WS9 0RH

Proposal: PROPOSED DEMOLITION AND RECONSTRUCTION OF DWELLING HOUSE

Application Number: 16/1900

Applicant: Illirjan Sula

Agent: Reade Buray Associates

Application Type: Full Application

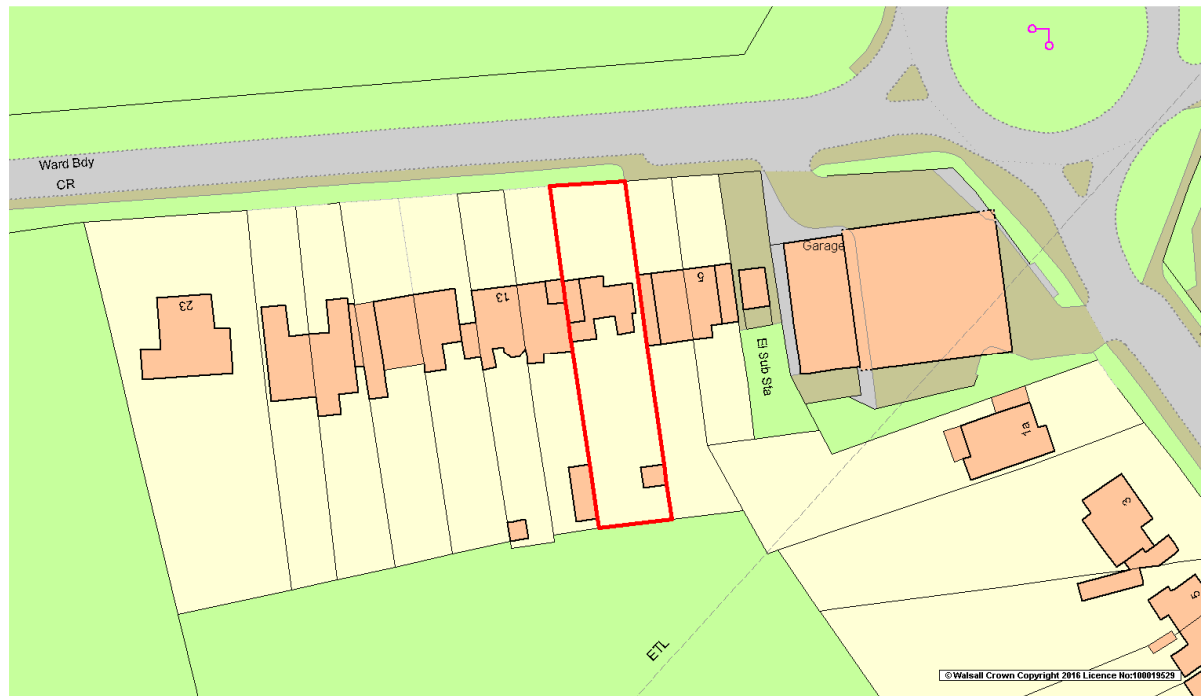
Case Officer: Devinder Matharu

Ward: Streetly

Expired Date: 16-Feb-2017

Time Extension Expiry: 31-Mar-2017

Recommendation Summary: Grant Planning Permission Subject to Conditions



Officers Report

Application and Site Details

Number 9 Beacon Hill is a large two storey detached property located on the southern side of Beacon Hill. The property is set back from the highway providing a large front garden and driveway. The house is set at a higher level than the public highway with the land rising towards the front of the house from the back of pavement. The house has a half hip roof adjacent number 11 and a gable adjacent number 7. It also has a projecting gable feature with bay windows. At the rear of the house there are two single storey extensions adjacent numbers 11 and 7. The house has a large rear garden and is set at a lower level than number 11 due to the gradient of the land. The house is set off the boundary with number 7.

The house is within the Great Barr conservation area.

The houses along this side of Beacon Hill vary in design and style with hipped, gable and cat slide roofs with projecting gable features, bay windows and double fronted bays with flat roofs. The properties are finished in a cream render.

Number 11 is one half of a pair of semi-detached houses and is set at a higher level than number 9 by approximately 0.5m. A single storey garage at the front of the site and a kitchen extension at the rear of the site form the side boundary wall with number 9. At first floor the property has bedroom windows with a secondary side window facing number 9 and a bathroom window. The rear single storey element extends 3m beyond the main elevation of the property.

Number 7 is one half of a pair of semi-detached houses with a single storey garage that extends the length of the house and beyond the rear elevation. There are two windows on the side elevation facing number 7.

The application proposes the demolition and reconstruction of a dwelling house. The replacement house would be a large detached property that would occupy almost the full width of the plot. The house would measure 13.8m in length adjacent number 11, 11.8m in length adjacent number 7, 11.3m in width, 5.6m to the eaves and 9.1m to the ridge. The projecting gable feature adjacent number 11 would be 7.2m high with double bay windows. A porch measuring 1.6m in length by 2.5m in width and approximately 3.8m high.

The house would have five bedrooms with one of the bedrooms on the ground floor and a study on the first floor. The roof space would be utilised as a play room. The study would have a side facing window facing number 7.

The proposed house would extend 1.75m beyond the rear single storey extension of number 11 and would sit in line with the rear elevation of number 7.

The agent has specified the following materials:

- Weinerberger Topaz facing brick
- Forticrete plain concrete tiles in slate grey
- Powder coated aluminium or upvc windows in grey ral 7015

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Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- NPPF 1 - Building a strong, competitive economy
- NPPF 6 - Delivering a wide choice of high quality homes
- NPPF 7 - Requiring good design

On planning conditions the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV29: Conservation Areas
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources

- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

Designing Walsall

- DW3 Character

Other Policy:

- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)
- Historic environment Good practice Advice Notes 2, and 3

Relevant Planning History

16/1901- Demolition of 9 Beacon Hill. GSC 10 February 2017.

Consultations

Transportation- No objection subject to conditions relating to parking

Pollution Control - No objection subject to conditions relating to construction management, demolition and hours of works.

Conservation Officer – No objection but insists on aluminium windows.

Representations

One letter has been received not objecting to the proposal but objecting to the outbuilding constructed in the garden on the following grounds:

- large single story brick built double skinned property bottom of the garden
- concerns over use of building
- faces rear of neighbouring property
- overlooks house
- Has foundations
- connected to main water and soil pipe

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

Determining Issues

- Impact upon character of the area
- Design and layout
- Impact upon the conservation area
- Impact upon neighbouring occupiers
- Parking and access

Observations

Impact upon character of the area

The proposed house would sit within the existing pattern of development along Beacon Hill. The house would almost fill the width of the plot of land but is set off the boundaries with neighbouring properties. The site can accommodate a large detached house such as that proposed. As it is a replacement dwelling it does not significantly affect the character of the area.

Design and layout

The layout of the house provides accommodation over two floors plus the roof space which would include 5 bedrooms plus a play room in the roof space. The house would be longer adjacent number 11 due to the projecting two storey gable feature on the front elevation. The proposed site can accommodate a large house that extends almost the full width of the site. The design of the proposed house is considered acceptable as it includes a projecting gable and double fronted bays which is characteristic of the area. The design of the proposed roof is also characteristic of the area.

The proposed design of the house at the rear adjacent number 11 has been reduced in size at first floor to comply with the 45 degree code. Nevertheless the ground floor of the dwelling still contravenes the 45 degree code.

The proposed materials are considered acceptable, although the houses along Beacon Hill are rendered in white, this house would be completed in a red tone multi brick with grey slate tiles.

Impact upon the Conservation Area

The Conservation Officer has advised that aluminium windows should be included in the scheme. The plans state the windows may be aluminium or upvc. The agent has also verbally confirmed that other houses along Beacon Hill have upvc windows. In the circumstances despite the conservation officer request it is considered that either aluminium or upvc windows are acceptable. Also given the significant set back from the highway and elevated position.

Impact upon neighbouring occupiers

Number 11 has habitable room windows on the first floor rear elevation with a secondary habitable room window on the side elevation plus a bathroom window. The proposed extension at first floor has been reduced to comply with the Council's 45 degree code in respect of the first floor window; this reduction includes 0.6m of

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the extension being trimmed off. Whilst it is considered that this amendment is a contrived design, this part of the proposal wouldn't be visible from the public realm as it is at the rear of the house. It is considered that the non-compliance of the 45 degree code at ground level in relation to the first floor window would not unduly impact upon the amenities of the neighbouring occupiers sufficient to warrant refusal of the scheme. From the rear single storey at number 11, the proposed house would comply with the 45 degree code.

The proposal would also include a front two storey projecting element which would comply with the 45 degree code from the nearest first floor habitable room of number 11.

Number 7 extends further out at the rear from number 11. The proposed plans show that the proposed house would sit in line with the rear of number 7 and so would comply with the 45 degree code.

The proposed detached house would not unduly impact upon the amenities of neighbouring occupiers sufficient to warrant refusal of the scheme.

The neighbouring occupiers have objected to the out building that has been constructed in the rear garden but this building is not a material consideration in determining the current application. The agent has verbally confirmed it has been constructed under permitted development rights. This matter will be investigated separately.

Pollution Control has recommended conditions relating to construction management to protect neighbouring occupiers.

Parking and access

The proposal utilises the existing access onto Beacon Hill and shows parking for at least 3 cars is retained which accords with T13 parking policy.

The Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32 subject to a planning condition to secure parking.

Positive and Proactive working with the applicant

Officers have confirmed to the applicant's agent that the submitted amended details are acceptable and no further changes have been requested. The agent has reduced a small section at the rear of the site to partly comply with the 45 degree code.

Recommendation: That planning permission is granted subject to the following conditions

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

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

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

- Location plan drawing number 766202 submitted on 15 December 2016.
- Block plan, drawing number 766202 submitted on 15 December 2016.
- Drawing number 104/A entitled proposed ground floor plan submitted on 3 February 2017.
- Drawing number 107/A entitled proposed elevations submitted on 3 February 2017.
- Drawing number 105/A entitled proposed first floor plan submitted on 3 February 2017.
- Drawing number 106/A entitled proposed second floor plan submitted on 3 February 2017.
- Drawing number 103/A entitled part existing site plan submitted on 3 February 2017.

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).

3i) Prior to demolition and removal of any buildings and/or structures a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement shall be submitted to the local planning authority detailing actions and time scale to be taken to prevent localised contamination.

3ii) Following demolition and removal of any buildings and/or structures a validation report shall be submitted to the Local Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials therein.

Reason: To protect human health

4i) Prior to any engineering, site clearance/preparation, and/or construction works commencing a Construction Management Plan setting out how the works will be undertaken and giving details of arrangements for the control of noise, vibration, dust and debris (including site drag-out), and the management of any materials arising from the works, shall be submitted to and approved in writing to the Local Planning Authority.

4ii) The Construction Management Plan shall be implemented upon commencement of any works and shall be maintained until the site is completed.

Reason: To protect human health and to protect neighbouring occupiers.

5. Prior to the new dwelling first coming into use, the driveway and parking area shall be fully consolidated, hard surfaced and drained so that surface water from this area shall not drain onto the public highway or into any highway drain. This area shall thereafter be retained and used for no other purpose.

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

6. The proposed detached house hereby approved shall be finished in the following materials:

- Weinerberger Topaz facing brick
- Forticrete plain concrete tiles in slate grey
- Powder coated aluminium or upvc windows in grey ral 7015

Reason: In the visual amenities of the area

7. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

Reason: To protect neighbouring occupiers.

8. Disposal of materials by burning on bonfires, ground fires or in containers at the site is not permitted.

Reason: To protect neighbouring occupiers.

Note for the Applicant:

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. You are advised to submit a certificate of proposed lawful development for the outbuilding that has been constructed.
3. There are overhead wires and pylons and you may need to consult National Grid.

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 27-Apr-2017

Plans List Item Number: 17.

Reason for bringing to committee: Significant Community Interest

Location: 7, ALDIS ROAD, WALSALL, WS2 9AY

Proposal: RETROSPECTIVE: ERECTION OF GARDEN OUTBUILDING.

Application Number: 17/0016

Applicant: Mr Amin Uddin

Agent: Mistry Design Services

Application Type: Full Application

Case Officer: Paul Hinton

Ward: Pleck

Expired Date: 01-Mar-2017

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

Application and Site Details

This is a retrospective planning application to retain an outbuilding at the bottom of the rear garden of this end terrace house. The application has been lodged following an enforcement investigation, with the applicant advising the building work commenced in May 2016.

The outbuilding has an eaves height of 2.3m, and a dual pitched roof height of 3.1m. The building is located immediate to both the rear and side boundaries. The building has a small veranda supported by two ornate piers. The structure has a total footprint of 23.4sqm, 4.5m (width) by 5.2m (depth) and retains a garden of 125sqm. The building has one door and two windows that face the rear of the house. The tiled roof building has been built out of block work and has been skimmed over in preparation for an application of render and paintwork, with upvc doors windows and rainwater goods.

This is a previously extended house within a residential area. At the rear is open space which includes a number of trees and is overlooked by other houses.

Relevant Planning History

07/0298/FL/H5 - Canopy to front and pitched roof over existing single-storey section to side. Refused 17/4/7.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Find ways to enhance and improve places in which people live their lives
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- 3.6: Environmental Improvement
- ENV10: Pollution
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

- Development with the potential to affect species, habitats or earth heritage features
 - NE1 – Impact Assessment
- Development with the potential to affect trees, woodlands and hedgerows
 - NE7 - Impact Assessment

Designing Walsall

- Vision: Homes – maintain common building lines
- DW3 Character
- DW4 Continuity
- Appendix D

Appendix D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above (this standard will be applied more robustly at the rear than across roads at the front), 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing.

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

Consultations

Pollution Control – no objection.

Public Participation Responses

Surrounding occupiers notified by letter

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

- Would not have applied unless this was forced on them
- Drove building vehicles over the Council grass verge in Gower Street to gain access (*not a material planning consideration*)
- Nothing has been reinstated, still a muddy mess (*Community Protection are investigating*)
- Grass verge has signage stipulating no parking on the grass verge (*not a material planning consideration of this application*).
- Planning application 07/0298/FL/H5 was refused but was still built
- Kerb at front damaged from vehicles driving over the pavement (*not a material planning consideration*)
- No permission for the second storey section at the front or single storey section at the back
- Too big to be classed as a garden outbuilding
- People are living in the building
- Due to passage of time Council going against its own policies
- Unpleasant finish to the rear of the building
- Applicant causes damage to the pavement (*not a material planning consideration*)
- Object to the loose pile of bricks left to the rear of the building (*not a material planning consideration*).

Determining Issues

- Need for planning permission/fall back position
- Impact on the character and appearance of the surrounding area
- Amenity of Nearby Residents
- Parking
- Conclusion

Observations

Need for planning permission/fall back position

The building requires planning permission because its 3.1m high pitched roof is above the 2.5m permitted development allowance. It also needs permission because of the veranda to the front.

The applicant has a permitted development fall-back position, which is a material consideration. If the roof was replaced with a flat roof and the veranda removed, the building would not require planning permission and become exempt from enforcement action. The assessment must therefore consider the impact of the height of the roof.

Impact on the character and appearance of the surrounding area

The building is located towards the bottom of the garden 17m from the rear of the house. There are examples of outbuilding within the area. The 4.5m by 5.2m footprint of the proposed building is modest and would not over dominate the garden. The eaves are low at 2.3m with a shallow dual pitched roof rising to 3.1m. The building is waiting to be rendered which the applicant confirms will follow should planning permission be approved. The proposed render would be white. The building would be visible from Gower Street, where a 1.8m brick wall provides the garden boundary to neighbouring properties. The rear of the building would be 35m from the street. Subject to the building being finished with white render within a 3 month period, it is considered the building would not have a significant harm upon the character and appearance of the area.

Amenity of Nearby Residents

The outbuilding has two windows and a patio door facing the rear of the house. There are boundary fences to either side of the garden and a separation distance of 22m from the rear of the neighbouring houses, these distances limit the impact of this proposal on neighbours existing light and amenity. Permitted development rights do not specify separation distances from the rear of the house, therefore a 2.5m high outbuilding could be erected far closer to the rear of the houses than the current building.

At the time of the officer's visit the building was not prepared for human habitation as suggested by neighbours, but was used for storage and games. The applicant explained that the building is to be used for purposes incidental to the enjoyment of the dwellinghouse and that can be secured be condition. The size of the building is similar to other outbuildings in the borough that are used for incidental purposes.

It is considered that the proposed outbuilding does not unduly impact upon the neighbouring residential occupiers in terms of loss of light, privacy, overlooking or visual harm to warrant refusal of the application.

Neighbours comment that the planning application would not have been submitted if the applicants had not been subject to the enforcement investigation. The Council does not condone retrospective applications but are duty bound to consider them in accordance with the development plan. Reference is made to the Councils own enforcement policies and time periods for submission. While it is acknowledged it took a period of time to gain access to the property, the resources and level of enforcement investigation has to be proportionate to the level of environmental harm. It is considered the progress of the case reflects the Governments guidance and

advice to Council's in pursuing an enforcement action. The planning application was submitted within six weeks of the enforcement visit.

The applicant has confirmed that he removed his bricks following the demolition of the wall and the pile of bricks to the rear of the outbuilding do not belong to him.

Neighbours comment that planning application 07/0298/FL/H5 was refused due to the mock classical pillars harming the character of the area and having an overbearing impact upon number 5. It appears the canopy was built between March 2007 and September 2008 and the pillars added between September 2008 and June 2009. Following an enforcement complaint, officers visited the site in September 2008, at that time a canopy had been erected that did not include the mock classical pillars. As the canopy was considered to cause no harm, it was not expedient to pursue. Further works then appeared to take place. As no complaint were received officers were unable to investigate further. Due to the passage of time these works would now be immune from enforcement action.

Neighbours also comment that there is no permission for the second storey section at the front or single storey section at the back. While the front of the house has been rendered (this wouldn't require planning permission) there are no other additions to the front. At the rear side and rear there is a mono pitched roof single storey extension. It appears between 2006 and 2009 the separate flat roof side and rear extensions were joined together and a pitched roof added. These works are likely to have exceeded the permitted development allowance available at the time (legislation changed in 2008). No complaints were received about these works. Due to the passage of time, these works would now be immune from enforcement action.

Parking

The proposal does not create any further bedrooms at the property and therefore would not require any additional off-street parking.

Conclusion

The proposed outbuilding, subject to a condition requiring a white render finish, would not have an adverse impact upon the visual amenities of the area. The use of the building would be incidental to the enjoyment of the dwellinghouse. Accordingly the development is considered acceptable.

Positive and proactive working with the applicant

Officers have worked with the applicant's agent securing amended plans that enable support to be given to the proposal.

Recommendation: Grant Permission Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the application form and following approved plans and documents:

- Location plan received 5/1/17
- Block plan received 5/1/17
- Elevation and floor plans received 5/1/17

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Within three months from the date of this decision the walls of the outbuilding hereby approved shall be finished in render with a white colour.

Reason: In the interests of visual amenity.

3. The garden building shall only be used incidental to the enjoyment of the main dwelling house, as stated in Class E of the Town and Country General Permitted Development Order England Order 2015 and not for any residential or business use. No kitchen or cooking facilities shall be provided and it shall not be used as an independent living unit at any time.

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

4. 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 as shown on the deposited plans, shall be installed in any part of this development.

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

End of Officers Report