



Development Management - Planning Committee

Report of Head of Planning, Engineering and Transportation, Economy and Environment Directorate on 08th August 2019

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Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 08-Aug-2019

Plans List Item Number: 1.

Reason for bringing to committee: Major Application

Location: ALDRIDGE WYEVALE GARDEN CENTRE, CHESTER ROAD, ALDRIDGE, WALSALL, WS9 0LS

Proposal: CHANGE OF USE AT PREVIOUSLY USED WYEVALE GARDEN CENTRE TO FORM NEW CAR SHOWROOM AND SALES CENTRE (SUI GENRIS)

Application Number: 19/0578

Applicant: Mr Sharaaz Ahmed

Agent: Mr T Ali

Application Type: Full Application: Major Use Class Sui Generis

Case Officer: Devinder Matharu

Ward: Aldridge Central And South

Expired Date: 20-Aug-2019

Time Extension Expiry:



Recommendation Summary

Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and subject to

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

Proposal

Change of use at previously used Wyevale Garden Centre to form new Car Showroom and Sales Centre (Sui Generis Use).

The existing building would be utilised as:

- A workshop of 23 square metres of floor space
- Sales/showroom
- Reception
- Waiting area
- WC facilities

The rear yard and storage yard would be used for car storage.

The submitted plans show cars being stored within the existing building. The site layout plan shows the installation of a 5m wide roller shutter, no elevation plans have been submitted to illustrate this but they have been requested.

The Design and Access Statement states:

- The proposed hours of use are Mondays to Fridays 9am to 8pm
- 15 full time staff and 10 part time staff
- 64 car parking spaces available on site
- 42 car parking spaces available as customer parking
- 4no. disabled bays
- 22 car parking spaces reserved for car sales
- Space for bin storage at the front of the site

The following supporting information has been submitted:

- Amended plans highlight the installation of 2no fire hydrants
- 5% of car parking provision to have electric charging points
- Deliveries are taken within the storage and deliveries area to the north east of the site.
- Customer parking/access into the site and main building

- 150 cars on site: 30 in car parking display, 20 car showroom display, storage 75
- The site is protected by CCTV and an intruder alarm system
- A new shuttered access point into the building is proposed.

Site and Surroundings

The application site is the former Wyevale Garden centre located on the western side of the A452 Chester Road. The site is rectangular in shape and extends to the north behind residential properties 828 and 828A Chester Road and to the south along the boundary of 804 Chester Road. To the west of the red line site is a rectangular parcel of land that has been included within the blue line indicating it is also under the control of the applicant.

The site is accessed from Chester Road with a large hard surfaced car park to the front that slopes from the buildings towards the boundary with Chester Road. A grass verge separates the garden centre boundary to the highway with Chester Road. There is an area of landscaping within the car park opposite the entrance to the garden centre adjacent 828 Chester Road.

The existing buildings on site are single storey with pitched roofs fronting Chester Road and T shaped in layout extending along the southern boundary and in the middle of the site separating the car park and rear of the site.

At the rear of the existing building there is a canopy and external sales area with 3no cabins located towards the western boundary of the site.

The area to the rear of numbers 828 and 828A Chester Road is used as external storage with two shipping containers.

The site lies within the West Midlands Green Belt and also a badger buffer area.

There are existing two storey houses opposite the application site, numbers 765 to 769 Chester Road which are set at a lower level than the public highway. There are further two storey houses to the north of the application site, numbers 828 and 828A Chester Road.

To the south of the site is a large detached dwelling, 804 Chester Road with no side facing windows towards the garden centre.

Outside number 804, the road bends and there are white hatched markings on the highway.

The application site is located 4.39km from the edge of Brownhills district centre and 3.34km from the edge of Aldridge district centre.

Relevant Planning History

18/0645 -Removal of existing garden centre and cabins and containers, demolition of existing buildings and outline planning permission for the erection of 9 detached dwellings with means of access to be considered at this stage. Refused 30-11-18 for the following reasons:

- 1. The proposed indicative layout neither attempts to replicate the footprint of the extant buildings nor to undertake conversion, but instead seeks to redevelop the site entirely for new dwellings, as such the proposed development represents inappropriate development for which there are no very special circumstances to outweigh Green Belt policy.*
- 2. The proposed development incorporates land that is not currently covered by buildings, in particular plots 1, 2 and 3 lie in an area currently open in character and as such the scheme would continue to have an adverse impact on the openness of the green belt. Furthermore, the positioning of plot 9 and the proposed detached garage towards the front of the site fronting Chester Road would be visually detrimental and visually obtrusive in this open part of the site and the Green Belt.*
- 3. The submitted documents refer to the proposed development in terms of its scale and massing to match surrounding development. This would represent an increase in the impact of development on the perceived openness of the area and in particular the green Belt. The full impact upon the openness of the Green Belt cannot be fully assessed due to the lack of elevation drawings.*
- 4. The proposed development has not demonstrated that the proposal would not result in direct overlooking and loss of privacy to the occupiers of 804 Chester Road.*
- 5. The proposed development does not constitute sustainable development given the separation distances to nearby established district centres of Brownhills and Aldridge and with no bus services to serve the proposed development resulting in an over reliance on private vehicle use by future occupiers.*

12/0730/FL - Erection of a single storey sales building. GSC 23-Oct-2012.

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 55) says:

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

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

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.2 to 3.5 The Countryside and Green Belt
- GP2: Environmental Protection
- 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
- ENV25: Archaeology
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- S13: Nurseries, Garden Centres & Builders Merchants
- T7 - Car Parking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- CSP2: Development outside the growth network

Walsall Site Allocation Document 2019

GB1: Green Belt Boundary and Control of Development in the Green Belt
EN1: Natural Environment Protection, Management and Enhancement
T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

- NE3 – Long Term Management of Mitigation and Compensatory Measures
Survey standards

- NE4 – Survey Standards
The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision
Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW3 Character

Air Quality SPD

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

Consultation Replies

Severn Trent Water – No objection

Archaeology – No objection

Lichfield District Council- No objection

Fire Officer – No objection but makes comments on access routes, turning facilities, buildings not fitted with fire mains, water supplies, need for Building Regulation compliance.

Highways England – No objection

Transportation – No objection subject to planning conditions relating to boundary, parking and car servicing etc to remain ancillary.

Sport England – No objection.

Historic England –No objection

Pollution Control – No objection but state the site is located in close proximity to existing dwellings and there are concerns regarding emissions from the small workshop shown on the proposed plans. The types of activities that could be carried on at the workshop have the potential to give rise to noise emissions that could have a significant impact on the occupiers of these dwellings. Noise emissions include those associated with extraction, ventilation and cooling systems, power tools, deliveries and employee / customer behavioural noise. Planning conditions have been recommended to address these concerns.

Police- No objection but states they have seen an increase in attacks on new and used car dealerships where the key safe has been targeted and vehicles removed with keys. The applicant may wish to consider installation of a good NSI Gold monitored alarm and CCTV system, a key safe to at least BE EN 1143- CEN-2 - fitted to manufacturers specifications and the inclusion of Hostile Vehicle Mitigation bollards at his main point of entry / access. A good perimeter fence similar to LPS 1175 SR1 / A1 at a height of 2.0m may also assist.

Natural England – No objection

Public Health – No objection but state the proposal will create employment, no reference to electric charging points in the submission, options for staff to cycle to work, additional traffic demands, whether there opportunity for additional landscaping.

Network Rail – No objection

Environment Agency – No objection

Community Safety – No objection but wants to know how many cars would be stocked on site, where they will be stored and how they will be enclosed. How will vehicles be transported through the showroom for display.

Representations

Six letters were received from five objectors to the original plans on the following grounds (officer comments in italics):

- Application form states new cars whereas website states used cars (*not a material planning consideration*)
- Previous application would have allowed for much needed housing shortage (*housing is not proposed*)
- Storage area behind neighbouring houses excluded

- Inappropriate development in the Green Belt
- Site in Aldridge more appropriate for such a use
- Existing buildings on site are temporary and not suitable for such use
- Impact upon neighbouring amenities including: Neighbours do not want to look out onto cars, noise from cars running, car workshop and equipment noise, neighbours enjoy peaceful and tranquil environment, proposed opening hours not acceptable, noise nuisance with the use of air compressor tools
- Increase possibility of theft attracting undesirable people
- Contamination through the use of paint, oil and petrol
- Access, parking and traffic issues including: Previous application refused for additional traffic, impact on busy Chester Road, extra traffic on local road and with test drives, road collisions due to speeding drivers and bikes, section of road notorious for traffic accidents,
- Residents haven't paid up to 1million to live to live next to a car sales plot (*property value not a material planning consideration*)
- Devalue of properties – (*not a material planning consideration*)

Three letters were received from two objectors to the amended plans on the following grounds:

- Previous application refused (*not material to consideration of this application*)
- Over development of 150 cars on site
- Neighbours have had to call the Police for previous garden centre break in's
- Impact upon neighbours including: proposed opening hours would impact upon amenity, noise of car repairs, compressors, generators until late in to the evenings and weekends
- Access, parking, vehicle visibility issues including: No public transport resulting in employees not being able to get to work, Increased traffic, roads not suitable for walking in winter, speed limit not adhered to, reduced visibility with overgrown hedges, push bikes not suitable for road, Chester Road used by HGV's, access on bend on a fast and busy road, no bus stops nearby, two hour walk to train station, 45 minute walk to Aldridge town centre,
- Increase interest from intruders
- Heating costs astronomical not compliant with Council's policy for reducing emissions energy.
- Buildings not suitable for office
- Fire risk from fuel in cars nearby residential properties
- Back Lane notorious for joy riders and leaving stolen burnt out cars
- Residents work hard to live in quite area
- Pollution from extra traffic
- Increase in crime
- Commercial premises along Chester Road do not last long.

Determining Issues

- Principle of development
- Impact upon the openness of the Green Belt and inappropriate development in the Green Belt
- Design and character of the area

- Impact upon neighbouring residential occupiers
- Access

Assessment of the Proposal

Principle of development

The revised NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The application is previously developed land, as it has buildings on it that formed the former Wyevale garden centre, albeit in the Green Belt, the site is classed as previously developed land and on this basis is not inappropriate development in the Green Belt.

Impact upon the openness of the Green Belt and inappropriate development in the Green Belt

The proposed car sales / showroom would be reusing the extant buildings and infrastructure on the site. The current main building to the front of the site is of a permanent and substantial nature and appear to be sufficiently large enough to contain the new activities within their current footprint. The rear of the site contains canopies and timber sheds.

There would be cars for sale parked along the frontage of the site on the current car park, which would result in a degree of impact on the visual openness of the green belt as the display is likely to be more permanent in nature than the previous car parking at the garden centre. Nevertheless this is not so significant as to warrant refusal on this basis as there has historically been the availability of parking across the front of the site

The site layout already provides significant parking to the front of the buildings and given the immediate past use of the site as a garden centre, the principle of car-borne visitors / customers frequenting the site has been established. Should the new use be likely to attract higher numbers of visitors than previously, the likelihood of additional traffic movements on the local road network should be taken into account.

There will be ancillary activity associated with car sales taking place on the premises, such as pre-delivery preparations and office-related employment. Assuming the car sales / showroom will have no greater impact on the openness of the green belt than the garden centre, the reuse of the existing buildings on site would not be classed as inappropriate.

Neighbouring occupiers have raised concerns that the existing buildings are not suitable for offices. The existing buildings would be utilised for both part offices and part showroom, a planning condition can be attached to ensure the site operates as a single business and not as a separate facility to safeguard the use of the site in the Green Belt and to prevent expansion of any office use in an out of centre location.

The site is extensive and has a large car park to the front of the premises and a large storage area to the rear of 828 and 828A Chester Road. The site has capacity to store a number of vehicles within the rear part of the site, with 30 cars displayed at the front of the site. It is considered only a small proportion of the cars for sale will be stored on the site frontage with the remainder being stored within and behind the existing buildings.

The police have sought a 2m high perimeter fence. It is considered a 2m high fence along the site frontage, which is currently open, would be visually detrimental and detract from the open character of the Green Belt and as such would not be supported. Other measures for security have been proposed by the applicant, for example CCTV.

The applicant has not clarified whether any flood lighting to the front of the site would be required. In any case, any flood lighting towards the front of the site would require planning permission and would be assessed at that time. The key consideration would be the harm on the open character of the Green Belt, light pollution and impact upon neighbouring occupiers and foraging bats in the area.

Design and character of the area

The proposal seeks to utilise the existing buildings on site. The proposed site layout plans show vehicles to be parked within the building and within the rear canopy area of the premises. Furthermore, the plans show a 5m wide roller shutter to be fitted to the front of the premises. No existing or proposed elevations have been submitted, these plans have been sought and a further 14 day consultation will need to be undertaken. Providing no new material planning considerations are received as a result of this consultation, delegation to the Head of Planning, Engineering and Transportation is sought.

The character of the area would not be altered significantly as apart from the installation of a roller shutter, the overall design, style and buildings will remain as existing.

Despite concerns from neighbouring occupiers regarding the potential for the proposed use to attract crime and anti-social behaviour there is no evidence to suggest that the proposed use for a car showroom and sales centre will result in such activity. The Police have no objection to the proposal but have commented on the need for secure by design. The developer has indicated the premises will be covered by CCTV which will also act as a deterrent.

The Fire Officer has no objection to the proposal but makes comments on fire mains within the building and water supplies. These are matters to be addressed through

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Building Regulations. Pollution Control have raised no concerns regarding use of paint, oil and petrol on site. Clarification has been sought from the planning agent regarding the use of the workshop. Once this matter is clarified further consultation with Pollution Control would be sought. Providing no new material planning considerations are received as a result of this consultation, the recommendation is to delegate to the Head of Planning, Engineering and Transportation.

Neighbouring occupiers object to the proposal on the grounds of increase in pollution and the heating costs would not be complaint with the Council's policy for reducing costs. Pollution Control have raised no objection to the proposal. There is no evidence to suggest the proposal will result in increase in pollution and heating costs, which in any case is a matter for the developer to assess.

Community Safety query how many cars would be stocked on site, where they will be stored and displayed and how will they be transported through the building. These details are being obtained from the planning agent and once received further consultation with the Community Safety Team is to be undertaken. However, the submitted plans and supporting documents do provide details as to where and how many vehicles will be stored on site. Providing no new material planning considerations are received as a result of this consultation, delegation to the Head of Planning, Engineering and Transportation is sought.

The application fails to highlight whether any additional lighting would be required on site. To protect the amenities of neighbouring occupiers and any foraging bats in the area, a landscaping condition can be attached to secure lighting details to protect neighbouring amenities and to protect foraging bats.

Public Health have commented on the application that the proposal will create employment, no reference has been made to electric charging points, options for staff to cycle to work, additional traffic demands, and whether there are opportunities for additional landscaping. Electric charging points can be secured by planning condition, should Pollution Control request them under the Air Quality SPD. The proposed site layout clearly identifies an area to the front of the building for cycle storage, whilst details of the cycle storage have not been provided, these can be secured by condition. The issues regarding additional traffic and landscaping have been addressed elsewhere in this report below.

Taking account of the above comments it is considered that the design of the proposals will not significantly harm the character of the area.

Impact upon neighbouring residential occupiers

The nearest residential properties to the application site are numbers 828 and 828A Chester Road to the north of the site and number 804 Chester Road to the south of the site.

Neighbouring occupiers have objected to the proposal on the grounds of noise from cars running, noise from the car workshop including car repair noise and equipment noise including air compressor and generators until late in the evening. Furthermore, they object to the proposed opening hours saying they are not acceptable and residents enjoy a peaceful and tranquil environment.

Pollution Control have also have concerns regarding emissions from the small workshop shown on the proposed plans and the types of activities that could be carried on at the workshop to have the potential to give rise to noise emissions that could have a significant impact on the occupiers of these dwellings. As such, Pollution Control have sought planning conditions to ensure any plant, machinery or equipment used for the purpose of liquid pumping, providing compressed air, heating, ventilation and air conditioning shall be situated within building structure(s) or acoustically designed enclosures or at suitable locations. Details of these structures can be secured by way of planning condition. Pollution Control request a planning condition to ensure when the workshop is in use the doors and windows serving the workshop shall remain closed other than for ingress, egress or emergency purposes. It is considered these planning conditions would help safeguard the amenities of these neighbouring occupiers.

The garden centre was open between the hours of 9am to 5.30pm Mondays to Saturdays and 10.30am to 4.30pm on Sundays. A car showroom is normally open later in the evening. The proposed opening hours specified in the application form and supporting documents is contradictory. Whilst clarification has been sought on these hours, it is considered that the proposed use being open until 8pm Mondays to Fridays would not be unreasonable, as it would still allow neighbouring occupiers to have some quiet time during the evening. With regards to weekend opening hours, it is considered reduced opening hours until 5pm would be considered appropriate to allow residents some quiet time during the weekends.

Neighbouring occupiers have objected to the proposal on the grounds that the storage yard behind numbers 828 and 828A has been excluded from the plans and neighbours do not want to look out onto cars. The amended location plan shows the storage area included within the site boundary, neighbouring occupiers were consulted on the amended plans. With regards to the comments regarding visual impact, a planning condition can be attached to secure a 2m wide landscaped buffer towards the rear of these neighbouring properties to provide screening for these occupiers from the storages cars in the storage yard.

Access

Chester Road is classified road (A452) and a Strategic Highway.

The Transportation officer advises that in terms of vehicle trips to the site, the proposed use is likely to be considerable lower than the extant use of a garden centre, which is a betterment in traffic generation.

The proposal seeks 32 parking spaces for customers including 4 disabled bays.

Neighbouring occupiers have raised concerns over the access being on a bend on a fast and busy road and reduced vehicle visibility with overgrown hedges and the speed limit by drivers using Chester Road is not adhered to. They also state HGV's use Chester Road.

The access is unchanged. Visibility at the access in a southerly direction along Chester Road is historically just below current design standards for 85th percentile traffic speeds of 46mph and so the existing visibility must not be reduced further as a result of the development and a condition is recommended. Any issues regarding speeding is a police matter and there are already speed cameras along Chester Road.

Neighbouring occupiers are concerned that there are no public transport facilities without a long walk from Aldridge or the railway station. They also state the site is not easily accessible by push bikes or on foot as roads would not be suitable for walking in winter. It is likely employees would drive to work where here is ample parking within the site complex. Given there was a previous business on site the accessibility by various modes of transport is no different.

Neighbouring occupiers are concerned about potential anti-social behaviour. This would be a police matter. In terms of their concerns about potential road collisions as the Highway Officer has raised no objection to the proposal on highway safety grounds.

The Highway Authority considers the development will not have unacceptable road safety or severe transportation implications and is acceptable in accordance with NPPF 2018 para 109.

Conclusions and Reasons for Decision

The current main building to the front of the site is of a permanent and substantial nature and appear to be sufficiently large enough to contain the new activities within their current footprint. The reuse of the existing buildings on site would not be classed as inappropriate development in the Green Belt. Only a small proportion of the cars for sale will be stored on the site frontage with the remainder being stored within and behind the existing buildings. The character of the area would not change

significantly apart from the installation of a roller shutter, the overall design, style and buildings will remain as existing and is acceptable.

Neighbouring amenity can be secured through effective screen plating and ensuring any plant, machinery and equipment are situated within building structure(s) or acoustically designed enclosures or at suitable locations and operational hours. The existing access to the site will be retained.

The proposal complies with the NPPF, policies 3.2 to 3.5, GP2, ENV10, ENV14, ENV17, ENV18, ENV32, ENV35, ENV40, T7 and T13 of the UDP, policies TRAN2, ENV2, ENV3 and CSP2 of the BCCS, policies GB1, EN1 AND T4 of the SAD, POLICIES ne1 TO ne 10 OF THE Conserving Walsall natural Environment SPD, policy DW3 of Designing Walsall SPD and the Air Quality SPD.

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

Positive and Proactive Working with the Applicant

Approve

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested other than clarification on various matters. Subject to satisfactory resolution of these matters officers are able to support the proposals.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and subject to

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

Conditions and Reasons

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

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

2. The development shall not be carried out otherwise than in accordance with the following approved plans:

- Location plan entitled issue B submitted 24-07-19

- Location plan entitled issue A submitted 24-07-19
- Proposed layout plan entitled issue A submitted 24-06-19

Reason: To ensure 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 require).

3a. Prior to commencement of the development hereby approved, the applicant shall agree an Air Quality Low Emission Scheme in writing with the Local Planning Authority, to install electric-vehicle charging points and ultra-low NOx boilers.

3b. The agreed scheme shall be fully implemented, in accordance with the approved details in part a of this condition, before the development is first brought into use.

3c. Prior to occupancy, the Applicant shall provide a written Low Emission Scheme Validation Statement to the Local Planning Authority that demonstrates scheme has been installed as agreed.

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.

4a. Prior to commencement of the development hereby approved, details of acoustically designed enclosures or at suitable locations within the site to house plant, machinery or equipment used for the purpose of liquid pumping, providing compressed air, heating, ventilation and air conditioning shall be submitted to and approved in writing by the local planning authority.

4b. The development shall be completed in accordance with the approved details under part A of this condition and retained and maintained thereafter in perpetuity.

Reason: To protect the amenities of existing neighbouring occupiers to comply with saved policies GP2, ENV10 and ENV32 of the Walsall Unitary Development Plan.

5a. Prior to the first occupation of the premises for the use hereby permitted, a detailed landscaping scheme illustrating a 2m wide planting strip within the site to the rear of 828 and 828A Chester Road shall including:

- detailing planting densities
- planting numbers
- Size of plants to be planted
- Ground surface treatment
- Tree support and tree pit details
- Root barriers and mulching

- soil depth and specification (shrub/hedgerow planting areas should be at least 450mm : grass seeded / turfed areas should be at least 150mm.)
- Hard surfaces
- Existing trees and hedges to be retained
- Details of the measures to be taken to protect existing features during the construction of the development

5b. The approved landscaping scheme shall be implemented within 12 months of any part of the development being brought into use.

5c. 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: In the visual amenities of the area, to ensure the site is secured with appropriate landscaping and to enhance and safeguard the visual amenities of the occupiers of 828 and 828A Chester Road in accordance with Saved Policies GP2, ENV17, ENV23 ENV28 and ENV33 and Conserving Walsall's Natural Environment SPD.

6. Prior to the first occupation of the premises for the use hereby permitted , full details of the proposed cycle racks as shown on the proposed site layout plan entitled issue A and the location plan entitled issue B submitted on 24-06-19 shall be submitted to and approved in writing by the local planning authority.

6b. The development shall be completed in accordance with the details approved under part A of this condition. The cycle racks shall be available for use prior to the use coming into operation.

Reason: In the interests of highway safety and UDP Policy GP2 and SAD policy T4.

7.The existing open timber rail fencing along the site frontage shall hereafter be retained and shall not exceed 600m in height within a 2.4 metre x 120 metre visibility splay (the maximum distance achievable) measured at the existing access point.

Reason: To retain the existing inter-visibility splay at the access point in the interests of highway safety and UDP Policy GP2 and SAD policy T4.

8. Prior to the development first coming into use, the proposed customer and visitor parking spaces shall be clearly signed and reserved for this purpose only and shall not at any time be used for any other purpose including car sales lots.

Reason: To ensure adequate customer parking is available in accordance with UDP Policy GP2, T7 and T13 and to minimise parking on queuing on Chester Road in the interests of highway safety.

9. Any car servicing/ MOT/car wash/valeting operations shall be ancillary to the main use of the site and shall not be operated independently.

Reason: To define the permission and to control the vehicular trips to the site, in the interests of highway safety and SAD Policy T4.

10. The showroom and car sales area shall be ancillary to the main use of the site and shall not be operated independently.

Reason: To define the permission and to control the vehicular trips to the site, in the interests of highway safety and SAD Policy T4 and in order to retain effective control of the site in accordance with Policy GB1 of the SAD and to and to prevent expansion of any office use in an out of centre location in accordance with Policy S1 of the UDP.

11. The proposed Car Showroom and Sales Centre (Sui Generis Use) hereby approved shall not be open between the hours of 17:00 hours Sundays to 09:00 hours Mondays, 20:00 hours Mondays to 09:00 hours Tuesdays to Saturdays and 19:00 hours Saturdays to 09:00 hours on Sundays.

Reason: To protect the amenities of existing neighbouring occupiers to comply with saved policies GP2, ENV10 and ENV32 of the Walsall Unitary Development Plan.

12. There shall be no collections, deliveries and despatches outside the hours of 18:00 hours to 07:00 hours weekdays excluding Bank Holidays and Public Holidays; 18:00 hours Fridays to 09:00 hours Saturdays, 1300 hours Saturdays to 07:00 hours Mondays; and at no time on any Sunday, Bank Holiday and Public Holiday.

Reason: To protect the amenities of existing neighbouring occupiers to comply with saved policies GP2, ENV10 and ENV32 of the Walsall Unitary Development Plan.

13. When in use doors and windows serving the workshop shall remain closed other than for ingress, egress or emergency purposes.

Reason: To protect the amenities of existing neighbouring occupiers to comply with saved policies GP2, ENV10 and ENV32 of the Walsall Unitary Development Plan.

Notes for Applicant: Fire Service

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 2, Table 20)

Turning facilities should be provided in any dead-end access route that is more than 20m long (ADB Vol 2, Diagram 50, designed on the basis of Table 20)

Buildings not fitted with fire mains, less than 2000m² and top storey less than 11m from ground level should have access for a pump appliance to within 45m of all points on the projected plan of the building or 15% of the perimeter, whichever is the less onerous (ADB Vol 2, 16.2 & Table 19, p.108)

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 15 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

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

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

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

Notes for Applicant: Police

The applicant may wish to consider installation of a good NSI Gold monitored alarm and CCTV system, a key safe to at least BE EN 1143- CEN-2 - fitted to manufacturers specifications and the inclusion of Hostile Vehicle Mitigation bollards at his main point of entry / access.

with particular attention to non-overlooked areas be maintained at a minimum of 2.4m utilising a non climb anti-tamper fencing material such as 358 security grade weldmesh. this will have the added advantage of a reduced impact on the aesthetics of the area.

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

Report of Head of Planning, Engineering and Transportation on 08-Aug-2019

Plans List Item Number: 2.

Reason for bringing to committee: Major Application

Location: STENCILS FARM, ALDRIDGE ROAD, WALSALL, WS4 2JW

Proposal: RESERVED MATTERS TO OUTLINE PLANNING PERMISSION 17/0155 TO SEEK APPROVAL FOR SCALE, APPEARANCE, LANDSCAPING AND LAYOUT FOR 12 DWELLINGS.

Application Number: 19/0400

Applicant: Mr Andrew Cockayne

Agent:

Application Type: Reserved Matters: Major Application

Case Officer: Andrew White

Ward: St Matthews

Expired Date: 27-Jun-2019

Time Extension Expiry:

Recommendation Summary: Committee Grant Subject to Conditions



Status

The 17th June 2019 planning committee resolved to defer this planning application so; *That planning application be deferred for two cycles for the applicant to negotiate a revised layout with local residents and officers.*

The applicant has spoken to community representatives and planning officers and subsequently submitted amended plans changing plots 3 and 4 to bungalows. The resulting report remains as originally set out except for the relevant planning conditions that are required to be amended to take account of the changes, plus any additional third party comments that have been received before the publishing of the report.

Proposal

This application follows outline consent (17/0155) for the demolition of existing buildings and the erection of 12 dwellings with access to an area of land at the rear of Stencils Farm, Aldridge Road, Walsall approved 22/3/18.

This reserved matters application seeks to determine the outstanding matters; 'layout' for 12 dwellings, 'scale', 'appearance' and 'landscaping'.

This application includes the following information:

'Layout'

The outline application approval included an indicative layout plan which showed 12 x three and four bedroom houses with garages and vehicle parking spaces with the rear garden areas adjoining existing rear gardens serving houses along Aldridge Road and Burton Farm Road.

This reserved matters application also includes 12 dwellings, with the layout amended from the outline approval, proposing two plots (3 and 4), rear facing and adjacent to the shared boundary between the application site and the rear gardens of houses along Burton Farm Road and which were previously side facing. Following the 17/6/19 planning committee, plots 3 and 4 have been swapped from houses to bungalows to take account of the planning committees concerns.

Plots 11 and 12 will adjoin the open land (former Territorial Army Centre site) to the east. Proposal continues to incorporate a swale in the north-east corner which is an area of landscaping being included within the green belt boundary.

Scale and Appearance:

The appearance of the proposed development is a mix of 10 two storey detached houses and 2 single storey detached bungalows. The mix of dwellings is; 5 x four bedrooms and 5 x five bedroom houses, plus a 3 bedroom bungalow and a 2 bedroom bungalow either with a single or double garage, providing between 3 and 7 parking spaces for each dwelling.

The density of the proposed development would be 16 dwellings per hectare.

Materials Options:

Option 1 : Brickwork - Ibstock Calderstone Claret Roof Tiles: Smooth Grey
Marley Edgemere

Option 2: Brickwork - Ibstock Surrey Orange Roof Tiles: Smooth Brown Marley
Edgemere

The proposed materials include:

- Exposed brickwork up to DPC

- Feature bricks to be incorporated to sills, arches, verges and gables
- Stonework: Reconstructed stone – colour: Portland
- Render: Mono-couche render: White Smooth finish
- Roof tiles: Marley roof products
- Joinery: all windows, French frames, fascias and soffits to be white UPVC
- Entrance doors: composite faced door
- Rear access doors: white UPVC four panel half glazed doors
- Rainwater Goods: Black UPVC

External finishes within the application site include:

- Tarmac driveway with footpath along the eastern verge
- Block paved driveways
- Shared tarmac drives
- Granite rumble strips

Landscaping:

The submitted landscaping and ecology details are as follows:

- Tree protection areas - 2mt high heras fence panels
- Removal / retention of trees
- Schwegler 2F Bat Boxes erected on larger trees around boundary of site. At least 4 to 5m above ground level and clear of any overhanging branches or wires and position in a direction facing between south east and south west. (3 No. provided).
- Schwegler 2H Open fronted nest boxes. (2 No. provided).
- Schwegler 1B (26mm) Tit Nest Box. (2 No. provided).
- Schwegler 1B (32mm) Sparrow Nest Box. (2 No. provided). All to be placed between 2-4m high mounted in a north to east direction unless shaded
- New hedgerow planting
- Areas of additional planting
- Turfed areas
- Boundary treatments to boundaries with houses on Aldridge Road and Burton Farm Way to be close boarded fencing,
- post & rail stock proof fence to application site boundary with green belt
- Additional tree planting proposed

The application also includes additional information to satisfy conditions of the outline planning permission:

- Electric vehicle charging point positions and details
- Refuse collection points
- Carry distance to collection stands
- Proposed lighting column positions
- Proposed illuminated bollards
- Auto track layout demonstrating access/egress for refuse vehicle

The application is supported by the following documents:

Energy Statement - This analyses the energy and CO savings that can be achieved by installing renewable or low-carbon technologies at the proposed development. It also looks at energy efficiency measures that could be implemented at the development to make energy and CO savings beyond current building regulations.

Construction method statement – This outlines how the works will be carried out and what measures will be incorporated in order to mitigate against any potential noise and nuisance to neighbouring occupiers.

Flood Risk Assessment and drainage strategy - The site is classified as Flood Zone 1 (Low Probability of Flooding). The proposed development is classified as 'More Vulnerable' types of land use. This land use type is acceptable in Flood Zone 1, therefore it is considered that the Sequential Test is satisfied. Flood risk from a range of sources has been taken into account, including infrastructure failure, groundwater flooding, sewer flooding and overland flow. The development is not considered to be at undue risk of flooding. Surface water runoff from the site has been examined and existing surface water runoff rates have been calculated. Sustainable Drainage Systems (SuDS) will be put in place to control and attenuate surface water runoff. This will ensure that runoff will not increase as a result of the development and is in fact likely to be reduced. There will be no significant increase in flood risk due to the construction of the proposed development and there should be no reason to refuse the planning application on grounds of flood risk

Site and Surroundings

The application site is Stencils Farm, located and accessed off Aldridge Road between Numbers 11 and 13. The application site is an area of 0.74 hectares of land currently comprising a residential dwelling, outbuildings, areas of concrete hardstanding and largely used as open caravan storage. The site is bounded by residential properties to the south (Aldridge Road) and west (Burton Farm Road) along with open greenbelt land to the north and east.

The outline permission granted consent for improvements to the access off the A454 (Aldridge Road) with a right-hand filter lane from the main road to allow westbound vehicles to safely make a right turn into the site.

The indicative layout plan submitted with the outline planning application showed 12 x three and four bedroom houses with garages and vehicle parking spaces with the rear garden areas adjoining existing rear gardens serving houses along Aldridge Road and Burton Farm Road.

With the exception of plots 11 and 12 which would also adjoin the open land (former Territorial Army Centre site) to the east. The indicative layout plan also shows a swale in the north-east corner and landscaped areas within the site.

The area surrounding the site is predominantly rural however there are a small number of residential dwellings set either side of site access fronting the Aldridge Road and to the rear along Burton Farm Way.

Local facilities include:

- The Dilke Public House (A454)
- Calderfields Golf & Country Club (A454)
- Star Groceries & Convenience Store (Butts Road)
- The White House Public House (Bosty Lane)
- Walsall Business Park (Walsall Road)
- Aldridge School (Bosty Lane)

A comprehensive range of wider facilities including retail and leisure are available in and around Walsall Town Centre and are accessible via foot and existing bus routes which run along the A454 at regular intervals.

Vehicular and pedestrian access to the site will be taken from the A454 (Aldridge Road) utilising an improved access position and junction. The A454 joins with the A461 (Lichfield Road) on the Western outskirts of Walsall provides a direct route into the town centre.

Relevant Planning History

17/0155 - Outline Application: Demolition of existing buildings and erection of up to 12 dwellings. Access only, all other matters reserved. Grant subject to conditions 22/3/18

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF says:

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

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

Reducing Inequalities

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

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

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

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision

- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM5: Resource Management and New Development

Saved Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- ENV2: Control of Development in the Green Belt
- ENV3: Detailed Evaluation of Proposals within the Green Belt
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV24: Wildlife Corridors
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T7 - Car Parking
- T8 – Walking
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T13: Parking Provision for Cars, Cycles and Taxis

Walsall Site Allocation Document (SAD) and Walsall Town Centre Area Action Plan (AAP) was adopted by Walsall council on 7th January, 2019. The key policies are as follows:

- HC1: Land Allocated for New Housing Development
 - HO208: Stencils Farm (Caravan Storage Area, Mellish Road, Walsall)
- HC2: Development of Other Land for Housing
- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN1: Natural Environment Protection, Management and Enhancement
- EN3: Flood Risk
- OS1: Open Space, Sport and Recreation

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW6 Legibility
- DW9 High Quality Public Realm

Air Quality SPD

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

Consultation Replies

Pollution Control – no objections

Transportation – no objections subject to conditions regarding engineering details of adoptable highway works, consolidation of parking areas and construction in accordance with the Construction Method Statement.

Police Architectural Liaison Officer – support subject to secure by design advice

Strategic Planning Policy – no objections. The site is allocated for residential development in the SAD.

Environment Agency – no objections

Fire – no objections

Severn Trent - no objections subject to foul sewage to discharge to the public foul sewer, and surface water is to discharge to the public combined sewer at an agreed discharge rate of 2litres/second

Housing standards – no comments

Representations

A total of 10 objections have been received from residents on the following grounds:

- plans have changed since initial plans (*The original outline approval only approved access. The current reserved matters application is to fill in appearance, scale, layout, landscaping, consequently, there is likely to be an evolution of the proposal*)
- much larger properties and less landscaping
- potentially more cars/noise and pollution
- Virtually all trees are being felled
- paving creating more surface water.
- flooding issue / less trees to soak it up
- Will a fence put up against the bottom of all our boundaries?
- take away a lot of light and greenery
- de-value our properties(*this is not a material planning matter*);
- current views from back garden will be effected by new buildings (*this is not a material planning matter*)
- More cars using drive pulling on to dual carriageway
- speeding cars along Mellish Road
- cars parked in front of our property or neighbouring properties lack of visibility on Mellish Road
- more noise.
- entrance is so close to the dual carriage way. (*access to the site was agreed at the outline planning stage*)
- inappropriate development on land which should remain green belt. (*Built part of the development is not within the green belt. Outline planning approval plus the Council has allocated the site for residential use in the Sites Allocation Document*)
- No updating wildlife surveys on the land since this application was granted over a year ago.
- houses are too large in scale and will overshadow neighbouring properties. Landscaping and boundary provisions are wholly inadequate and will not ameliorate the impact on neighbours of this development.
- The access to be constructed from Aldridge Road will cause serious traffic delays and safety issues. (*access was agreed at the outline planning stage*)
- The impact on the environment, quiet enjoyment of neighbour's properties, and the appearance of the area will be completely negative.
- The council should not be approving sites of this nature which do nothing to address the actual housing problems in the borough but just fill greedy developer's pockets.
- Plot 12 is at the rear of my garden (*Plot 12 would have a 30 mts separation to the objectors house*)

- Can you ensure trees at the bottom of my garden within my boundary will not be touched (*any trees which over hang a neighbour can be pruned, there is no legislation which prevents this*)
- Too close to current houses on Burton Farm Road
- Very big houses with minimum garden space.
- Burton Farm Road not tall houses.
- new development will have big visual impact.
- new development shouldn't have tall houses and may even include bungalows(in-keeping with area).
- existing trees be removed.
- effect wildlife birds, bats, foxes to mention but a few.
- removing trees will effect water table
- lot of concrete and tarmac in new development. Where will all water run to.
- 4 parking spaces?
- rear gardens of new development should back onto rear gardens of current homes so less visual impact.
- access to the new development is very dangerous spot (*access was agreed at the outline planning stage*)
- Turning right onto new development coming from Aldridge, cars will block traffic fast. Turning right from the development heading towards Walsall, cars will not be seen by traffic on dual carriageway. (*access was agreed at the outline planning stage*)
- Incorrect plans.....doesn't show approved rear extension (*Each application benefits from a site visit and an assessment of the relationship to neighbouring houses. Applicants don't have to illustrate all of the neighbours extensions and changes they may have made to their properties*)
- Loss of light to habitable rooms
- Close proximity of the buildings
- Height of the buildings
- Width of the buildings
- Closeness of the buildings to each other
- right to light (*The Council uses its Design SPD and the 45 degree code to assess impact on light. There is third party right to light legislation that residents can pursue, this is outside the scope of the planning system*)
- 20ft high x 60ft – 80ft wide brick wall with 4 tiny bathroom windows breaking it up) at the end of our garden
- impact to our garden sunlight
- Overshadowing/overbearing on our property and garden:
- impacts on our garden privacy
- proposed properties are not in keeping with the area / neighbourhood: 60s style houses: Burton Farm Road and 50s-60s style semi-detached and small detached on Aldridge Road.
- The road is too meandering (*access was agreed at the outline planning stage*)
- proposed buildings too close to those opposite .
- No manoeuvring, loading and unloading... bin collections
- No Passing Points on the road
- No Footpaths
- No open nature and visual amenity for both the house and security.
- Aldridge Road will need extra traffic calming (*access was agreed at the outline planning stage*)

- Garages only accommodate small sized vehicles (*Applicants only need to provide parking spaces that are 4.8metres by 2.4metres*)
- Parking provision extremely limited to that provided in the plans... no room on the roadway for visitors, or other additional vehicles.
- reduction in mature trees is no way sympathetic to the environment
- token offer of bat box installations
- multitude of birds using these trees from woodpeckers, nut hatches and starlings to Owls and Birds of Prey
- boggy nature of the ground we get in our garden
- amount of run-off from large scale development.
- Increase in pollution
- Noise pollution
- Light pollution

Following re-consultation of the amended scheme, an additional comment was received;

- welcome plots 3 and 4 changed to bungalows lessens the impact
- can the height be restricted to prevent developers or future owners amending to two storey houses (*Condition 2 of the application confirms the building types and heights. if the developer or future occupier wants to change the bungalow to a two storey house, this would require planning approval*)
- plots 3 and 4 remain close our boundary and other properties (*These plots have been swopped out for bungalows removing the concerns of residents and committee regarding the large elevation wall*)
- impact on tree canopy, wildlife to removal of trees
- unsuitable garden space for plot 3 reduced following revised plans (*The proposed rear garden would provide 143sqm's of amenity space which exceeds the Council's Designing Walsall SPD for 68sqm's*)

Determining Issues

- Principle of Development
- Vehicle Access
- Residential Amenity
- Ecology
- Natural Environment and Land Conditions
- Conditions
- Local Finance Considerations
- Planning Obligations

Assessment of the Proposal

Principle

The principle of redevelopment of this site for residential and the access to the site was previously considered at the outline planning stage and approved.

The application site contains previously developed land and is allocated for new housing in the adopted Site Allocation Document reference HO208 under policy HC1. The capacity of the site has been accounted for in helping towards the delivery of sufficient housing numbers to meet the Boroughs future housing need. The Government requires all Council's to provide a rolling programme of sufficient

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housing numbers as part of the Council's development plan. The Site Allocation Document has recently been through Public Examination and carries significant weight in the decision making process.

The current proposal is supported in principle on planning policy grounds. The principle of the housing development is in accordance with the NPPF, saved UDP policies GP2, ENV27, ENV35, ENV29, ENV32, H3, T7, T8, T9, T10, T11, T12 and T13, plus the recently adopted Sites Allocation Document (HO208), in so far as the proposal would support and promote an emerging character within this area and is to be encouraged.

The proposed layout of the application site respects the greenbelt boundary by excluding any built development from the green belt. The strip of greenbelt land in the north-corner of the application site will accommodate a natural swale to store surface water run-off from the development.

In view of the above and on balance, it is considered that the proposed principle of residential use is acceptable.

Vehicle Access

The outline planning application was supported by a Transport Statement, which concluded that the proposed modified access point along with the removal of an existing hedge in the central reservation would provide a 2.4m x 120m visibility splay in an easterly direction. The Transport Statement also concluded that the proposal would not result in any material risk to highway safety and that vehicle trips associated with up to 12 dwellings is unlikely to result in any significant additional highway impacts.

Whilst neighbours' have concerns regarding highway safety, the Local Highway Authority maintains its support for the application and concurs with the evidence presented in the previously submitted Transport Statement. It is maintained that in the absence of any evidence to the contrary, it is considered the development would not result in severe transportation implications and is in accordance with NPPF Paragraph 32.

Conditions would be included to ensure the vehicle access and associated highway works are fully implemented prior to first occupation of any dwellings in the interest of highways safety.

Neighbours have concerns regarding number of parking spaces. The layout plan and supporting information shows between a minimum of 4 spaces (including garages) up to a maximum of 7 spaces. This parking provision for four or five bedroom houses exceeds the 3 parking spaces per plot required by UDP Policy T13. The application also provides one electric vehicle charging point infrastructure within each garage in accordance with condition 6a of the outline planning permission (17/0155).

The main access road is to adoptable standards. The private shared drive beyond the adoptable access road includes elements of segregated footways to improve accessibility for all users.

Weighing the material planning matters including concerns of residents, the Local Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2019 paragraph 32 and consequently, the development can be recommended for approval regarding the highway elements.

Residential Amenity

The siting of the dwellings has been designed in order to meet the Designing Walsall Supplementary Planning Document standard regarding space around dwelling and to reflect the indicative outline layout.

Houses to the west of the application site, Burton Farm Road, have rear gardens between 15.6 metres long, where rear extensions have been added and 21.5 mts. The proposed layout of the houses along the boundary with Burton Farm Road takes into account the relationship with those houses. Revised plots 3 and 4 are bungalows have non-habitable room windows. The distance of 23.2mts between the rear elevation of plots 3 and 4 (bungalows) and the rear elevations of no's 2 to 6 Burton Farm Road is in excess of the 13 metre separation between habitable windows and blank walls exceeding 3m in height required by the Designing Walsall Supplementary Planning Document with a boundary fence in between. It is considered there is no impact on the existing resident's amenity or privacy from the proposed bungalows.

Plots 9 and 10 of the proposed layout have rear habitable room windows facing the rear of houses no. 10 to 16 Burton Farm Road. The window to window separation distance would be 26 metres (plot 10) and 32.5metres (plot 9), both of which exceed the 24 metres window to window separation in Designing Walsall SPD annex D. There is in excess of 30 metres window to window separation between any rear elevation of houses along Aldridge Road and the elevation of any proposed dwelling (plots 1, 2, or 3).

The proposed layout would exceed the recommended minimum distances of 24m between habitable to habitable room windows and 13 metres separation between habitable windows and blank walls exceeding 3m in height in accordance with Appendix D, Designing Walsall SPD. It is considered this level of separation, would not impact on neighbours light, privacy or amenity sufficient to justify a reason for refusal.

A neighbour has concerns that the plans have been drawn incorrectly and do not take into account rear extensions that have been carried out on houses in Burton Farm Road. This issue appears to be because the Ordnance Survey base map has not yet been updated. In any case, none of the extensions bring the first floor rear facing habitable windows any closer towards the development site than existing bedroom windows serving houses along Burton Farm Road. It is considered the proposal would not result in any significant additional impacts on existing neighbours amenity.

Surrounding neighbours have repeated their comments regarding loss of outlook and loss of rear views. It is considered the proposed layout whilst bringing plots 3 and 4 (bungalows) closer to the boundary with houses on Burton Farm Road would not

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result in any significant additional loss of outlook and again would not be significantly worse than views of existing buildings and caravans being stored at the site. Limited weight can be afforded to loss of countryside views in planning terms, particularly due to the extant use of the site for caravan storage, the fact the proposed physical development lies outside of the current greenbelt boundary, and the site has an emerging allocation for housing development.

Objections in respect of increased opportunities for crime was previously raised and it was considered that the potential for activity from additional housing in this location, would offer positive passive surveillance to the immediate vicinity which is considered would help mitigate concerns of crime.

The Police Architectural Liaison Officer has advised of measures to be incorporated within the development to ensure security of the proposed houses and security of rear boundaries to Burton Farm Road.

Neighbour's concerns around light pollution have been considered, it is recognised some additional vehicle movement is likely to occur from the residential use of the site. It is considered, vehicle movements for 12 houses would not result in any significant additional impacts over and above the extant use of the site and associated comings and goings from occupiers of the existing dwelling house and from the arrival and departure of caravans. In addition, the Council has approved an outline approval for up to 12 houses and the 2019 adopted Sites Allocation Document has accepted residential redevelopment of the site, consequently, residential redevelopment has been accepted for this site.

Ecology

The outline application included submitted ecological surveys which concluded that the site currently offers bat foraging opportunities in the barn. The survey also set out a number of recommendations to protect and enhance local bat populations and other wildlife including clearance activity outside of bird nesting season (March to August) and provision of bat boxes in trees and these could be included as conditions. The application includes a number of measures to safeguard and ensure the protection and enhancement of bat populations, nesting birds and small mammals. These will be reinforced by imposing conditions on any planning permission.

Natural Environment and Land Conditions

Neighbours raised concerns regarding additional flooding issues as a result of the development. The proposal includes on-site sustainable drainage in the form of permeable paving, rainwater harvesting tanks, underground attenuation tank and a swale to deal with surface water arising from the development. These measures are considered acceptable and conditions would be included to ensure the development is carried out in accordance with the submitted Flood Risk Assessment as recommended by the Lead Local Flood Team.

Obligations would also be included within a Section 106 Agreement to require a management company to maintain the operation of the proposed swale and flood related equipment, along with maintenance of all landscaped areas which fall outside of individual house plots and the pruning of tree (T1) in line with the recommendations of the Lead Local Flood Team and Fire Authority.

None of the trees within the application site are protected. The owner, subject to taking account of the known ecological constraints, can remove the trees without the need for permission from the council. The proposed development includes the removal of 5 x C class (lower quality) trees and 1 x U class (poor condition) tree along with compensatory re-planting within the application site is considered acceptable and meets the aims of the Natural Environment SPD. Furthermore, if the replacement trees were located in the north-east section of the site as recommended in the submitted arboricultural survey, this may aid the effectiveness of the proposed swale as the trees would help to soak up excess surface water. A re-planting scheme and protection measures for the trees ear marked to be retained would be required by condition.

Neighbours objected to the harm to the appearance of the tree lined boulevard along Mellish / Aldridge Road. The submitted 'Access Junction' plan within the Transport Statement shows that none of the trees along Mellish / Aldridge Road would be removed, only removal of a section of low level hedge to the central island to provide the necessary visibility splay. This is considered acceptable and would not result in any significant harm to the visual amenity of the area.

Further conditions would be included regarding potential contaminated land, air quality mitigation and construction management in line with the recommendations of Pollution Control.

Neighbour's concerns around energy consumption from new street lights within the site are noted. BCCS Policy ENV7 sets out the requirement for a development of the proposed size to provide on-site renewable energy and a condition could be included to seek these details at a later reserved matters stage.

Conditions

Details have been submitted in respect of the following conditions from the outline approval 17/0155:

- Materials (5)
- Electric vehicle charging facilities (6)
- Parking and manoeuvring (7)
- External lighting (9)
- Energy consumption savings (10)
- Trees to be retained, removed, replacement planting and protection (11)
- Ecology (12)
- Construction management plan (13)
- Drainage (14)
- Visibility splays etc. (15)

The details submitted are considered acceptable in order to discharge those conditions. Safeguarding conditions will be imposed on the reserved matters consent requiring 'implementation' of the approved details only.

The only outstanding conditions relate to ground contamination and highway engineering details which are required prior to commencement of any works on the site. The applicant is aware and accepts these.

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 up to 12 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.

Planning Obligations

As the proposal was for 12 dwellings, triggered a requirement for an off-site contribution towards improvement and maintenance of existing open space within the locality. This has previously been secured by a S106 Agreement at the time of the outline planning permission. The section 106 agreement required a financial contribution to be paid prior to first occupation of the development.

The obligation also includes the requirement for a management company to maintain the operation of the proposed swale and flood related equipment, along with maintenance of all landscaped areas which fall outside of individual house plots and the pruning of tree (T1) in line with the recommendations of the Lead Local Flood Team and Fire Authority. No additional works are required against the S106.

Conclusions and Reasons for Decision

The key material planning considerations, neighbour comments and consultee responses have been weighed in assessing the reserved matters application and it is considered that the proposed development accords with the aims and objectives of the National Planning Policy Framework, Black Country Core Strategy policies CSP1, CSP2, CSP4, CSP5, DEL1, HOU1, HOU2, HOU3, HOU5, TRAN4, ENV1, ENV3, ENV5, ENV6 and ENV8, Walsall Site Allocation Document (SAD) policies HC1(HO180), HC2, EN1, EN3 and OS1, Saved Unitary Development Plan policies GP2, GP3, ENV10, ENV11, ENV17, ENV18, ENV23, ENV32, ENV33, H3, T7, T13, LC1, LC5 and LC6, Supplementary Planning Documents: Conserving Walsall's Natural Environment, Designing Walsall, Open space, sport and recreation, Affordable Housing and Air Quality and on balance is considered to be acceptable.

The use of safeguarding conditions requiring the submission of details in respect of ground contamination and highway engineering details will ensure the development is constructed without any detriment to the environment, neighbouring residents, and highway safety, details approved by this reserved matters approval will be conditioned to be implemented and will ensure that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are met.

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Taking into account the above factors, there are no objections from significant consultees or the community, which could be considered to be contrary to the recommendation, it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and additional information has been submitted which enables full support to be given to the scheme.

Recommendation

Planning Committee resolve to Grant Planning Permission Subject to Conditions

Conditions and Reasons

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

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

2. This development shall not be carried out other than in conformity with the following plans and documents, unless otherwise stated in other conditions or approved as part of a Reserved Matters application:

- Site plan 367-01-01 Rev B received 9/7/19
- Site layout plan 367-02-100 P1 received 29/3/19
- Landscaping & boundary Treatment Layout (367-02-610 P4) received 9/7/19
- External Finishes & Kerbing Layout (367-02-106 P6) received 9/7/19
- Transport Plan (367-02-400 P3) received 9/7/19
- Autotrack layout (367-00-401 P2) received 9/7/19
- Street scenes A-A & B-B 367-01-02 Rev A received 9/7/19
- Trees removed/retained and tree protection plan 367-02-600 P2 received 9/7/19
- Retained access plan 367-02-700 P1 received 29/3/19
- Plot 1: Elevations 367-04-02 received 20/3/19
- Plot 1: Floor Plans 367-04-01 received 20/3/19
- Plot 2: Elevations 367-05-02 received 20/3/19
- Plot 2: Floor Plans 367-05-01 received 20/3/19
- Plot 3: Elevations 367-13-02 received 9/7/19
- Plot 3: Floor Plan 367-13-01 received 9/7/19
- Plot 4: Elevations 367-14-02 received 9/7/19
- Plot 4: Floor Plans 367-14-01 received 9/7/19
- Plot 5 & 11: Elevations 367-07-02 received 20/3/19
- Plot 5 & 11: Floor Plans 367-07-01 received 20/3/19
- Plot 6: Elevations 367-08-02 received 20/3/19
- Plot 6: Floor Plans 367-08-01 received 20/3/19
- Plot 7 & 8: Elevations 367-09-02 received 20/3/19
- Plot 7 & 8: Floor Plans 367-09-01 received 20/3/19
- Plot 9 & 10: Elevations 367-10-02 received 20/3/19
- Plot 9 & 10: Floor Plans 367-10-01 received 20/3/19

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- Plot 12: Elevations 367-11-02 received 20/3/19
- Plot 12: Floor Plans 367-11-01 received 20/3/19
- Plot 1 & 2 garages: plans and Elevations 367-12-01 received 20/3/19
- Construction method statement planning stage received 9/7/19
- Energy statement received 20/3/19
- Finishes schedule received 20/3/19
- Site Specific Flood risk assessment and drainage strategy 367-FRA-01A received 10/7/19
- Wallpod EV data sheet received 20/3/19

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

3a. Prior to the commencement of any construction works or demolition of existing buildings and structures on the site, findings of a ground contamination survey together with an assessment of identified and/or potential hazards arising from any land contamination shall be submitted to and agreed in writing with the Local planning Authority (see Note for Applicant CL1 & CL2).

3b. 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).

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

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

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

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

4a. Prior to the commencement of any part of the development hereby approved, until engineering details of all adoptable highway works and works within the existing highway, including the access works in Condition 4 below, shall have been submitted to and agreed in writing with the Local Planning Authority. The details shall include; layouts, alignments, widths, levels, drainage and street lighting.

4b. Prior to first occupation of any part of the development hereby approved shall not have been constructed other than in accordance with, the agreed highway infrastructure works shall have been implemented and thereafter retained for the life of the development.

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

5a. Prior to the commencement of any part of the development hereby approved including demolition of the development, shall not have been implemented other than in accordance with the agreed tree protection measures submitted with the Reserved

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Matters application (19/0400). The tree protection measures shall be maintained at all times during demolition or construction.

5b. Prior to first occupation of any part of the development hereby approved shall not have been constructed other than in accordance with the agreed replacement planting.

5c. 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: To safeguard trees with high visual amenity value, to ensure a satisfactory level of visual amenity is retained and to safeguard and enhance ecology and to accord with NPPF 11, BCCS Policy ENV1, UDP Policies ENV18 & ENV23 and NE2, NE3, NE8 & NE9 of the Natural Environment SPD.

6a. Prior to demolition of the existing structures, 3 x Schwegler 2F bat boxes shall be erected on retained trees as shown on plan drawing number 367-02-610 (P1) dated 20th March, 2019. They shall be positioned to be at least 4 - 5 metres above ground level and clear of any overhanging branches or wires facing anywhere between a south east and south west direction installed and thereafter retained for the life of the development.

6b. The demolition of all existing structures on site shall be progressed under a Precautionary Working Method Statement (PWMS) which shall cover the following:

- i. hand removal of all roof tiles from all existing structures (beginning at the ridge and working downwards);
- ii. soft demolition of all other roof parts;
- iii. to be undertaken between April and October (inclusive) under the supervision of a bat licenced ecologist;
- iv. A Tool Box Talk, outlining what bats look like, where they could be found, their legal protection and what to do in the event of finding a bat; and
- v. methods to be adopted for sensitive removal of vegetation to avoid impacts upon nesting birds and small mammals, including options for timings and the various need for pre-works checks, finger-tip searches, staged approaches to cutting and supervision, according to when the work is undertaken.

6c. Should any nesting birds be discovered, clearance works shall cease and not re-commence until the young have fledged.

6d. Any small mammals disturbed or uncovered shall either be caught by hand and relocated to a place of safety, or shall be left to vacate the work site in their own time.

6e. Escape routes for wildlife shall be provided to any on-site trenches during clearance and construction works. This includes branches or boards placed on the bottom of the trench, with their upper ends above ground level and touching the sides, or sloping ends left in trenches.

Reason: To safeguard and enhance wildlife and protected species and to accord with NPPF 11, BCCS Policy ENV1 and UDP Policy ENV23.

7a. Prior to the commencement of any part of the development hereby approved, until a tree replanting scheme has been submitted to and agreed in writing with the Local Planning Authority, which confirms tree planting position, tree species and the tree size.

7b. Prior to the first occupation of the 9 house, the trees shall have been planted in accordance with agreed details and thereafter remain for 5 years. Should they be

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damaged, removed or become diseased, they will be replaced with same size and species tree.

Reason: To safeguard trees with high visual amenity value, to ensure a satisfactory level of visual amenity is retained and to safeguard and enhance ecology and to accord with NPPF 11, BCCS Policy ENV1, UDP Policies ENV18 & ENV23 and NE2, NE3, NE8 & NE9 of the Natural Environment SPD.

8. Prior to the commencement of the development shall not have been implemented other than in accordance with the agreed Construction Management Plan details, submitted with the Reserved Matters application (19/0400), and shall be maintained until the site construction works are completed.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety, to protect local amenity and to accord with UDP Policy GP2.

9. Prior to first occupation of any part of the development hereby approved shall not have been constructed other than in accordance with the agreed details to provide infrastructure for electric vehicle charging facilities (WALPOD:EV received 20/3/19) for each of the proposed dwellings and retained for the life of development.

Reason: In the interest of Air Quality and in accordance with UDP Policy ENV10 and Air Quality SPD

10. Prior to first occupation of any part of the development hereby approved shall not have been constructed other than in accordance with, all highway works associated with the modified access approved by Outline permission 17/0155 (Condition 15a), and thereafter retained for the life of the development.

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

11. Prior to first occupation of any part of the development hereby approved shall not have been constructed other than in accordance with the agreed external lighting details as submitted with the Reserved Matters application (19/0400) and retained in working order thereafter.

Reason: In the interests of residential amenity and community safety, to safeguard local bat populations and to accord with NPPF 11, BCCS Policy ENV1 and UDP Policies ENV23 & GP2.

12. Prior to first occupation of any part of the development hereby approved shall not have been constructed other than in accordance with the agreed details demonstrating energy consumption savings of 10% of the overall on-site energy demand for the development, as submitted with the Reserved Matters application (19/0400), and retained as such for the life of the development.

Reason: To encourage sustainable development and reduce impacts on the environment and to accord with NPPF 10 and BCCS Policy ENV7.

13. Prior to first occupation of any part of the development hereby approved shall not have been constructed other than in accordance with the agree details for disposal of foul sewage to discharge to the public foul sewer and surface water is to discharge to the public combined sewer at an agreed discharge rate of 2 litres/second.

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

14a. Prior to the first occupation of any dwelling on the development, the parking areas and vehicle manoeuvring space serving the dwellings shall have been

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.

14b. 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.

15. The development hereby approved shall not be constructed other than in accordance with the agreed finishes schedule of facing materials (received 20/3/19) to be used in external walls, roofs, windows, rainwater goods, roads & private drives plus the paths & patios and thereafter retained for the life of the development.

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

16. The development hereby approved shall not have been carried out other than in accordance with the hereby approved Site Specific Flood Risk Assessment & Drainage Strategy including the following mitigation measures:

- i. Limiting the surface water run-off generated by the site so that it shall not exceed 5l/s and shall not increase the risk of flooding off-site.
- ii. Provision of an appropriate volume of attenuation flood storage on the site to a 100 year + climate change standard.
- iii. The use of rain garden planters, water butts and a shared swale within the detailed surface water system design.
- iv. Finished floor levels shall be set no lower than 150mm above local ground level.

The Flood Mitigation works shall thereafter be retained for the life of the development

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to accord with NPPF 10 and BCCS Policy ENV5.

17. The development hereby approved shall not have been constructed other than in accordance to meet the following minimum security measures and retained as such:

- All doors and accessible windows should meet PAS 24 – 2016.
- It is recommended that all door locks to external, patio, French doors and bi folding doors are 3 star rated anti-snap locks which meet TS007.
- Letter plates should have a maximum aperture of 260mm x 40mm to prevent anyone attempting to remove keys from inside with either their hand or other objects. The Door and Hardware Federation (DHF) technical specification TS 008:2012 have shown to meet these requirements.
- All main doors for entering a dwelling should have a door viewer unless clear glass is installed within the door itself or a window is next to the doorset. All main doors should also have door chains or limiters fitted.
- Lighting in public places should conform to BS 5489 – 2013.
- All exterior security lighting on all dwellings should be white LED dusk to dawn lighting, as
Per SBD standards as set out in Lighting against Crime 2011.
- If intruder alarm systems are to be installed they should meet the requirements of BS EN 50131 (wired and wire free systems).

- The West Midlands suffers from lead theft, I recommend the use of lead substitute where possible.
- All new planting of shrubs when mature should not exceed 1 metre in height and trees when mature should be pruned so that there are no branches or foliage hanging below 2 metres. This will ensure that natural surveillance is maintained and the field of vision is not obstructed. All planting should have a structured maintenance plan to ensure good surveillance is maintained to clearly signal that the area is well cared for.
- All side gates/fencing are brought forward to become flush with the fronts of the dwellings, this negates dead areas.
- Removal of the integral doors leading into the main dwellings from the garages, this area suffers badly with vehicle crime and residential burglaries.

Reason: To ensure the safety and security of the development and its occupiers, in the interests of visual and residential amenity and to accord with UDP Policy GP2.

18. The development shall be constructed in accordance with the submitted Construction Method Statement of the 20th March 2019.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety.

Notes for the 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.

3. All adoptable street lighting shall be with the agreement with Walsall Council's street lighting partner Amey.

Fire Authority

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

Vehicle access route to meet the requirements of ADB Volume 2, Table 20, noting that WMFS appliances require a carrying capacity of 15 tonnes.

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

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 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. Records and results of any post remediation ground gas testing should be included in Validation Reports, where relevant. This note is not prescriptive and any Validation Report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Hours of operation - No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07:00 to 18.00 Monday to Friday, 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)*

Trees - The approved tree protection measures shall be carried out by a tree surgeon or a person who is appropriately insured and competent in such operations.

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

Report of Head of Planning, Engineering and Transportation on 08-Aug-2019

Plans List Item Number: 3.

Reason for bringing to committee: Significant Community Interest

Location: FIRST FLOOR, 43 ROOKERY PARADE, ALDRIDGE, WS9 8QR

Proposal: USE OF FIRST FLOOR AS A GYM (USE CLASS D2) INCLUDING EXTERNAL ALTERATIONS, ALTERATIONS AND ADDITIONAL WINDOWS AND EXTERNAL CLADDING.

Application Number: 19/0433

Applicant: L.C.P Securities Limited

Agent: Miss Stacey Hartrey

Application Type: Full Application: Change of Use

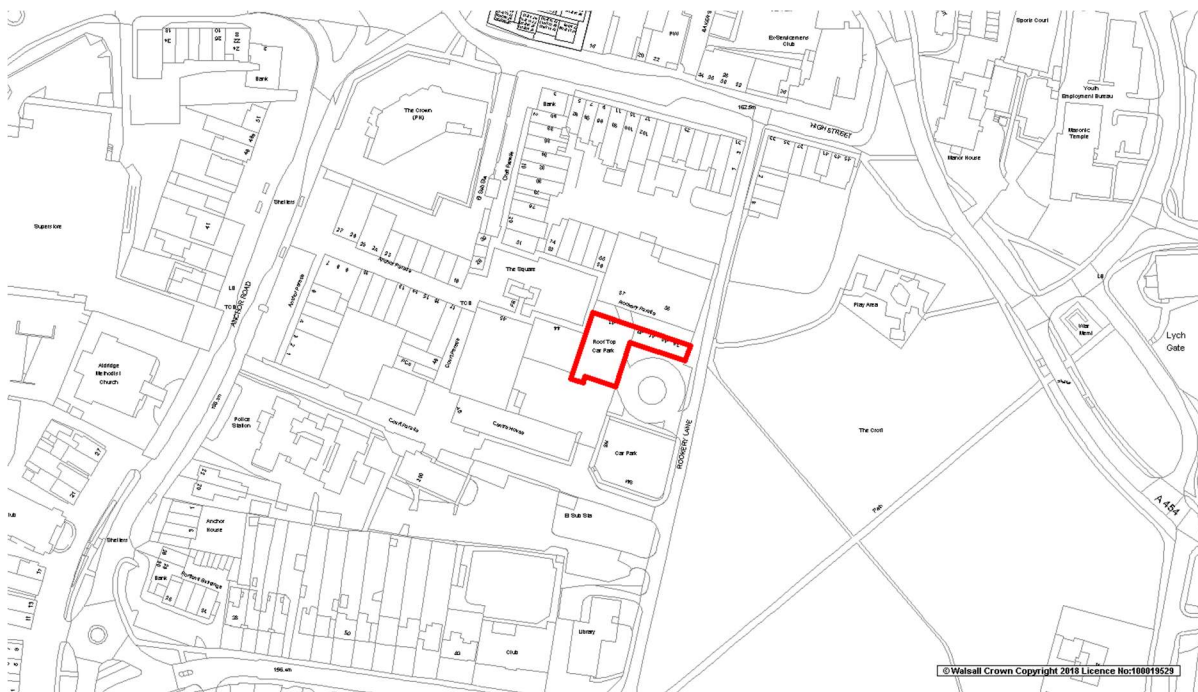
Case Officer: Barbara Toy

Ward: Aldridge Central And South

Expired Date: 04-Jul-2019

Time Extension Expiry: 16-Aug-2019

Recommendation Summary: Grant Permission Subject to Conditions



Current Status

At your meeting on 11th July 2019 Members deferred determination of this application for one cycle to seek confirmation of the extent of consultation with the residential properties within The Square shopping centre.

There are 5 flats above the shops in The Square. The shops are numbered 32 – 36 (consecutive) The Square, the flats above are numbered 66, 68, 70, 72 and 74 Rookery Lane as they are accessed from the service yard to the rear off Rookery Lane.

It is confirmed that these shops and the flats above were formally notified of this planning application on 30th May 2019 and a site notice was posted within The Square (outside the former Market Hall) on 5th June 2019.

Other units within Rookery Parade (37-41 odd) and units 28, 30, 32, 33, 36, 44 and 45 The Square were also formally notified of the application.

Further Representations

A further objection has been received from one of the original objectors.

Objections:

- The same owners own the office block that overlooks the proposed gym which is being turned into apartments, cars and parking will be a problem for the new tenants.

Officer Response:

There is no evidence of the conversion of the offices to residential, no prior notification or planning application has been submitted. The site is situated in a district centre where public parking is available.

Recommendation

The report below remains unchanged and the recommendation remains as grant subject to conditions.

Proposal

This application proposes the change of use of the first floor of the premises to a 24 hour gym (Use Class D2), together with external alterations to the building to include additional windows and external cladding.

The gym access is situated on the corner of Rookery Lane and Rookery Parade, outside of the large roller shutter that closes The Square shopping centre off at night. The gym would be open 24 hours but would be staffed 0800 – 2000hrs daily. The proposals look to employ 4 full time and 2 part time staff. It is proposed to add a lift to the premises to allow access for all to the first floor gym from both the ground floor and the rooftop car park. An internal layout has been provided that indicates the various uses of the different areas of the gym and includes a small studio suitable for classes as well as cardio areas, strengthening areas, free weights etc as well as changing facilities.

The application also proposes external alterations to the building to include the provision of new windows at first floor level along the Rookery Parade elevation, replacement windows to The Square elevation as well as replacement windows and bricking up of 2 windows on the service yard elevation. The proposals also include new cladding in a mid-grey colour (RAL 7037) to the first floor level along Rookery Parade, The Square, Rookery Lane and to the ramped access to the rooftop car park. The works would provide general refurbishments to the exterior of the building.

The following have been submitted in support of the proposals:

- Anytime Fitness Operations
This provides information about the company and its operation relating to noise abatement measures, Health and Safety, Personal Health and Safety, Entry procedure, Controlled Studio Use (Group Classes), Gym Usage, Emergency Equipment and Members
- Proposed Floor Plan
- Example of Fitness Class Timetable

Site and Surroundings

The application premises was previously occupied by a snooker hall for a number of years (without the benefit of planning consent), but has been vacant for some time.

The site is within The Square shopping centre within the Aldridge district centre and comprises first floor accommodation above existing shops and the management offices for the centre situated in the southern side of Rookery Parade. The former Market Hall (currently vacant) is situated at ground floor fronting The Square shopping centre, with further retail premises around the pedestrianised shopping precinct. Two storey residential flats sit above retail units 32-36 (consecutive) within

The Square with access into the service yard to the north. The northern side of Rookery Parade comprises Home Bargains on the ground floor with access to The Gym @ Aldridge on the corner of Rookery Lane, the gym situated at first floor.

Access to a roof top car park for customers to the shopping precinct is situated off Rookery Lane immediately to the south of the application site, with a lift down into the centre of The Square precinct. The Croft open space is situated to the east. Further public car parks are situated off Rookery Lane to the north and south of the application premises.

Relevant Planning History

BC59081P, change of use to night club, refused 04-08-99.

19/0434, installation of 3 internally illuminated fascia signs and 1 internally illuminated projecting sign, current application awaiting outcome of this change of use application.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF (para 55) says:

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

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

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously Developed Sites
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres

- S4: The Town and District Centres: General Principles
- S6: Meeting Local Needs
- S8: Housing in Town Centres
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- LC7: Indoor Sport including Health and Fitness Centres
- AL4: The Precinct

Black Country Core Strategy

- CEN6: Meeting Local Needs for Shopping and Services
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW9 High Quality Public Realm

Consultation Replies

Pollution Control – No objections

Transportation – No objections subject to note to applicant re keeping highway clear during any works being undertaken.

West Midlands Police – No comments. Happy to support the applicant with any physical security advice required.

Environmental Health – No objection subject to condition to ensure a noise assessment is carried out and any mitigation measures required are implemented prior to first occupation.

Representations

Six objections received including Councillor Wilson (Case officer comments in italics)

Objections:

- Already an excellent independent gym in close proximity
- Will put existing independent gym out of business (*Competition is not a material planning consideration*)
- 4 gyms already in the Aldridge district centre, demonstrating a lack of need for another one

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- Neon signs will make shopping centre tacky (*The signage will be considered under a separate advertisement application*)
- 24 hour operation will disturb local residents, gyms have music, machines and noisy equipment
- Venue previously refused an extended licence application due to potential disturbance, objected to by the Police at the time
- 24 hour venues known for anti-social behaviour
- Any new jobs at the new gym could be negated by losses at existing gyms.

Determining Issues

- **Principle of the Use**
- **Impact on the amenities of the surrounding occupiers**
- **Impact on the visual amenity of the shopping centre.**
- **Access and Parking**

Assessment of the Proposal

Principle of the Use

The proposed use as a gym falls within Use Class D2 (Assembly and Leisure) which is defined in Policy S1 of the UDP as a town centre use, sports health and fitness centres are specifically detailed under part (V) of the policy. The site is situated within the Aldridge district centre and comprises a vacant first floor premises that sits above the shopping precinct. The proposed use therefore complies with Policy S1 of the UDP and would bring a vacant premises back into use also in compliance with Policy ENV14 of the UDP.

The objectors have indicated that a further gym is not required within the centre and that a 24 hour gym is likely to put the existing gym out of business. It should be noted that competition is not a planning reason for refusal and there is no planning policy to restrict introduction of further uses if they accord with policy S1.

The existing gym is situated at first floor above 38 Rookery Parade immediately to the north of the application premises. The Gym @ Aldridge (formally Colossus) advertises its opening hours as 0800 – 2100 hours Mon – Fri and 0800-1400 Sat and Sun and previously advertised that it was a leading gym for bodybuilders, powerlifter, sportsmen and women etc.

The applicant has been operating since 2002 and has 160 no. 24 hour gyms within the UK, including 14 in the West Midlands and therefore have significant experience in running such premises. As well as cardio, weight and strengthening areas within the gym a small studio would be provided for classes. The gym would provide facilities on a 24 hour basis allowing members to use the facilities around shift working etc. The existing gym at 38 Rookery Parade has restricted hours. Whilst an

all ladies gym previously operated (with restricted hours) from 1 Rookery Lane, this use no longer operates.

Impact on the amenities of the surrounding occupiers

Concerns have been raised by objectors about noise and disturbance from 24 hour use to residents in the immediate vicinity (above the shops in The Square).

The applicants have provided information to show that between midnight and 0600 hours on average only 5% of members utilise their gyms and mostly this is individuals. Classes in the studio only take place during staffed hours 0800 -2000 hours. The extended opening hours of the gym spreads the usage of the premises throughout the day and often reduces numbers at peak times.

The applicants have provided details of noise abatement measures including no loud bass beats, low volume background music and all cardio machines have individual TV screens and members use their own headphones to listen to the sound. High impact resilient flooring would be used under the free weights area to absorb the impact of dropping weights and mitigate potential noise. Noise from comings and goings of members is considered to be limited due to automatic closing doors and outside staffed hours access to the premises is restricted to members only. All window in the premises would be non opening and fixed shut with air conditioning provided. Environmental Health have recommended a condition to ensure that an assessment of noise emanating from the premises shall be undertaken and any resulting mitigation measures required be implemented prior to first use of the premises.

Policy S8 of the UDP advises that "...the acceptable level of residential amenity may not be the same as that expected in suburban locations" The district centre already has a large number of late night uses that include liquor licences. The proposed gym would not provide any refreshment facilities and no liquor licence and members are unlikely to leave in large numbers after 2000 hours when any classes would finish. It is considered that the proposed use would have no adverse impact on the amenities of the surrounding residential occupiers over that of the previous use of the premises as a snooker hall (previously open until midnight) or the existing late night uses within the centre.

The premises would have monitored CCTV incorporated and a restricted entry control system for members to ensure both the safety of the members and allow for monitoring of activity at the premises. West Midlands Police have raised no objections to the proposals.

Objectors have also raised concerns about possible anti-social behaviour due to the 24 hour opening. West Midlands Police have confirmed that there is already 3 gyms run by the applicant in the West Midlands region, (2 in Birmingham and 1 in

Halesowen) that they have very few issues associated with them and none relating to anti-social behaviour.

Impact on the visual amenity of the shopping centre.

The proposals include a general refurbishment of the external elevations of the premises including new windows, additional windows and new grey cladding. New signage is proposed under a separate advertisement application that will be considered following the outcome of this application. It is considered that the proposals would improve the visual appearance of the premises and the shopping precinct as a whole in compliance with Policy ENV35 of the UDP.

A separate advertisement application relates to the proposed new signage at the premises and will be considered following the determination of this application for the use and refurbishment of the premises.

Access/Parking

The site is situated in the district centre where there is good access to public transport. There is a rooftop car park above the premises together with a number of other public car parks within very close proximity.

The proposals look to introduce a new lift within the premises to allow access for all into the gym from both the ground floor and the rooftop car park.

Conclusions and Reasons for Decision

The site is situated within the Aldridge district centre and the proposed use falls within use class D2 which is identified in Policy S1 of the UDP as an appropriate use within a district centre.

The proposed use would bring a vacant premises within the district centre back into use in compliance with Policy ENV14 of the UDP.

The proposed new windows and external cladding would improve the overall external appearance of the building within the shopping precinct in compliance with Policy ENV35 of the UDP.

The proposed new lift will ensure DDA compliance allowing access for all to the first floor premises and allow use of the rooftop car park, in compliance with Policies GP5 and GP6 of the UDP.

Whilst there is an existing gym in close proximity to the application site, this gym operates restricted hours and competition is not a material planning consideration.

Environmental Health have raised no objections subject to the submission of a noise assessment and any mitigation measures identified being implemented prior to the first occupation of the premises. West Midlands Police have also advised that they have no records of any anti-social behaviour attributed to existing 24 hour gyms run by the applicants within their region. It is considered that the proposed use would have no adverse impact on the amenities of the surrounding residential occupiers over that of the previous use of the premises as a snooker hall (previously open until midnight) or the existing late night uses within the centre.

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

Positive and Proactive Working with the Applicant

During the course of the application the applicant has provided additional information about the applicant and the operation of the proposed gym to enable support from officers.

Recommendation

Grant permission subject to conditions

Conditions and Reasons

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

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

2. The development hereby approved shall not be built otherwise than in accordance with the following plans:

Site Location Plan submitted 27th March 2019

Shopping Centre and Unit Demise Drawing 725 submitted 9th May 2019

Existing Plans and Elevations Drawing 18040/3A submitted 9th May 2019

Proposed Plans and Elevations Drawing 18040/4H submitted 9th May 2019

Planning Statement submitted 3rd April 2019

Anytime Fitness Operations Statement submitted 13th June 2019

Typical Class Timetable – Anytime Fitness submitted 13th June 2019

Reason: To define the permission.

3a. Prior to the first occupation of the premises for the use hereby approved an assessment of noise emanating from the building arising from amplified music/voices produced from within the building including proposals to prevent the breakout of this noise from the building and the audibility of this noise at neighbouring residential properties shall be undertaken as agreed in writing with the Local Planning Authority. A report detailing the findings and any recommendations for mitigation measures shall be forwarded to the Local Planning Authority.

3b. Any mitigation measures shall be agreed in writing with the Local Planning Authority and shall be fully implemented prior to the first occupation of the premises.

Reason: In order to protect the amenities of the surrounding occupiers, in compliance with Policies GP2, ENV10 and ENV32.

4. All windows within the premises shall be fixed and non-opening.

Reason: In order to protect the amenities of the surrounding occupiers, in compliance with Policies GP2, ENV10 and ENV32.

Notes for Applicant

Transportation

1. The Applicant must ensure that no soil or other debris is washed or placed within the highway. Failure to prevent this incident could result in an offence and a notice being served on the Applicant under Section 151 of the Highways Act 1980.

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

Report of Head of Planning, Engineering and Transportation on 08-Aug-2019

Plans List Item Number: 4.

Reason for bringing to committee: Significant Community Interest

Location: GARAGES ADJACENT 65, ALTON AVENUE, WILLENHALL

Proposal: DEMOLITION OF THE EXISTING DISUSED GARAGES AND PROPOSED CONSTRUCTION OF 2NO. SEMI-DETACHED TWO STOREY HOUSES.

Application Number: 19/0439

Applicant: WHG

Agent: Ms Izzy Kendrick-Jones

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

Case Officer: Barbara Toy

Ward: Short Heath

Expired Date: 26-Jun-2019

Time Extension Expiry: 16-Aug-2019

Recommendation Summary: Grant Permission Subject to Conditions



Proposal

This application proposes the erection of a pair of two storey three bedroomed semi-detached houses on the site of 16 former lock up garages.

The houses would be set back from the back of pavement by 7.5m, with front gardens and driveways and rear private gardens exceeding 90sqm in area.

The houses would be constructed from red multi facing bricks with a grey tiled gable roof with solar panels on the rear elevation and grey uPVC windows and doors.

Each house would provide the following accommodation; dining room, kitchen, living room, utility, store and WC at ground floor and 3 bedrooms and bathroom at first floor, with no side facing windows.

The existing vehicle access to the former garages in the centre of the site would be re-instated and two new vehicle crossings provided either side of the site to provide individual access to each house.

The proposals would result in the loss of two street trees within the grass verge on the frontage of the site. The two replacement trees are proposed, one within each of the front garden areas of the houses. The grass verge on the frontage of the site is currently in Council ownership but would become part of the site. The applicant has served notice on the Council and is aware that they will need to purchase the land if they wish to implement any consent.

Site and Surroundings

The site is situated on the southern side of Alton Avenue and comprises a former garage court of 16 lock up garages. The garages have already been demolished and the site secured with new 1.8m high boundary fencing and access gates.

The frontage of the site comprises a 6.8m wide Council owned grass verge which includes 2 street trees.

Immediately to the north of the site on the opposite side of Alton Avenue are semi-detached houses, to the east are two storey terraced houses in Trentham Avenue, to the south rear gardens of houses in Alton Avenue and Trentham Avenue and to the east a pair of semi-detached houses set on an angle across the corner of the bend in the road where Alton Avenue changes to Milford Avenue. 65 Alton Avenue is the

closest house to the site, and it sits at an angle to the site boundary with a small triangular rear garden.

The site is in a long-established residential area comprising a mix property styles in both WHG and private ownership.

Relevant Planning History

None

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 55) says:

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

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

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscaping
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings
- Appendix D

Air Quality SPD

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

Consultation Replies

Transportation – No objections subject to conditions relating to surfacing and drainage of parking areas and re-instatement of existing bellmouth access and new footway crossings provided.

Pollution Control – No objections subject to conditions to ensure site investigations for contaminated land, compliance with the Air Quality SPD and a construction management plan to protect the amenities of the surrounding occupiers during construction.

Clean and Green (Tree Officer) – No objections to the loss of the two street trees providing two replacement trees are provided.

Tree Officer – Reservations about the loss of the two street trees, the replacement trees need to be of an appropriate species and located to ensure maximum lifespan.

Severn Trent Water – No objections and no drainage condition required. Note to applicant re public sewers recommended.

Fire Officer – No adverse comments

West Midlands Police – No objections, security advice provided.

Representations

Four objections received. (Officer comments in italics).

Objections:

- Loss of privacy
- Concerns about security
- Disruption during construction (Construction Management Plan condition recommended)
- Size of houses and proximity to adjoining garden
- Single storey house more appropriate for the site

- Not happy at the loss of the garages in the first place
- No notification to residents from the applicant, first knew of the proposals was the letter from Planning
- Will the houses be private or Local Authority? (not a material planning consideration)
- Property devaluation (not a material planning consideration)

Determining Issues

- **Principle of the proposed use**
- **Design and Layout**
- **Impact on amenity of surrounding occupiers and the street scene**
- **Access and Parking**
- **Impact on Trees**
- **Local Finance Considerations**

Assessment of the Proposal

Principle of the proposed use

The site comprises previously developed land situated in a well-established residential area, within walking distance of the local shops at Lucknow Road and just over 1km from the Lane Head local centre. Regular bus service to Willenhall and Walsall are situated within walking distance of the site. The site is considered to be in a sustainable location.

The principle of the provision of two further residential properties at the site is considered appropriate and in line with both national and local policies.

Design and Layout

The surrounding properties comprise a mix of semi-detached and terraced two storey houses in facing brickwork with a mix of both gable and hipped roofs. The proposed houses in facing brickwork and gable roofs would pick up on the characteristics of the properties in the immediate vicinity. The proposed window design would however provide a more modern appearance to the properties which is considered appropriate. The width of the properties and plot sizes are considered appropriate and compatible with the character of the area.

The houses would be characteristic of others in the area, both addressing the street, with front gardens/driveways and private rear gardens exceeding the 68sqm required by Appendix D of Designing Walsall SPD, and the layout is considered appropriate for its location.

The design and layout of the development is considered appropriate and in compliance with policy.

Impact on amenity of surrounding occupiers and the street scene

The proposed layout means that the proposed houses and gardens would back on to the ends of rear gardens of 33 Trentham Avenue and 30 Milford Avenue, this relationship is considered appropriate and characteristic of other properties within the area.

It is considered that the houses would integrate well into the existing street scene.

The separation distance between 35 and 37 Trentham Avenue (to the east) and the blank side elevation of unit 2 would meet the 13m required by Appendix D of Designing Walsall SPD (16.3m and 13.3m respectively).

To the west, 65 Alton Avenue and 32 Milford Avenue are a pair of semi-detached houses angled across the corner of the bend in the road. No 65 adjacent to the site has a triangular rear garden that bounds with the site. The angle of the house however is such that the direct view from all the rear windows would be to the rear garden of unit 1, which would be an improved view over that of the former garages which were higher than the 1.8m high new fencing proposed along the boundary. Direct overlooking of the rear garden area of unit 1 would be limited due to the angled nature of No 65.

It is considered that the proposals would have no adverse impact on the amenities of the surrounding occupiers.

Access and Parking

The proposals would provide 2 off street parking spaces for each house in compliance with UDP Policy T13. Each property would have its own driveway with new vehicle access, the existing access to the former garages would be re-instated. Transportation have raised no objections.

Whilst the loss of the former garages has reduced the level of parking available for the existing residents, the site has already been cleared and secured, not available for use for some months. A number of the existing properties within the vicinity have their own off-street parking facilities and for the remainder there are no parking restrictions within the local streets.

Impact on Trees

The proposals would result in the loss of two street trees that sit within the currently Council owned grass verge on the frontage of the site. Clean and Green have raised no objections to the loss of the trees subject to replacement trees within the development. The applicant is fully aware that they would be required to purchase the Council land on the frontage of the site if they wish to implement any consent.

Whilst the application has provided details of two replacement trees within the frontage of the properties Clean and Green have not responded to the further consultation. The Council's tree officer has advised that the location and species of trees proposed may not be the most suitable to ensure longevity of the trees. In these circumstances it is considered appropriate to recommend a condition to ensure that details of revised location and species are submitted for approval prior to the planting of the trees.

The replacement trees would be provided within the front gardens of the two new properties to ensure they offer amenity value within the street scene.

Whilst the development would result in the loss of a grass verge at the back of pavement and two street trees, the development would include front gardens including trees with only a low 600mm high wall to the back of pavement. It is considered that the extent of the landscaping would compensate for the loss of the verge.

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

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

Conclusions and Reasons for Decision

This is a previously developed site situated in a residential area in a sustainable location. The principle of residential development of the site is therefore considered appropriate and complies with Policies HOU2 and CSP4 of the BCCS, Policy HC2 of the SAD and ENV14 of the UDP.

The layout is considered acceptable and in compliance with policies GP2, ENV32 and T13 of the UDP and Appendix D of Designing Walsall.

The design of the new properties is considered appropriate and picks on key characteristics of the surrounding properties and would comfortably fit within the street scene, in compliance with policy ENV32 of the UDP.

Access and parking arrangements would comply with policies GP2 and T13 of the UDP.

It is considered that the development would have no adverse impact on the amenities of the surrounding occupiers in compliance with policies GP2 and ENV32 of the UDP and Appendix D of Designing Walsall SPD.

Whilst the proposals would result in the loss of two street trees the applicant has agreed to provide replacements within the front garden areas of the properties and a condition is recommended to ensure that details of the location and species are submitted for approval prior to planting to ensure the longevity of the trees to maintain their amenity value, in compliance with policy ENV18 of the UDP

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the loss of two street trees, have confirmed the applicant's agreement to provide replacement trees which enables full support to be given to the scheme.

Recommendation

Grant permission subject to conditions

Conditions and Reasons

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

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

2. The development shall not be carried out otherwise than in accordance with the following approved plan:

Site Location Plan Drawing L(00)000 Rev P2 submitted 29th April 2019

Existing Site Plan Drawing L(00)001 Rev P2 submitted 29th April 2019

Proposed Site Plan Drawing L(00)101 Rev P2 submitted 29th April 2019

Proposed Ground Floor Plan Drawing L(01)001 Rev P2 submitted 01 May 2019

Proposed First Floor Plan Drawing L(01)002 Rev P2 submitted 1st May 2019

Proposed Roof Plan Drawing L(01)003 Rev P2 submitted 1st May 2019

Elevation A Drawing L(02)001 Rev P2 submitted 1st May 2019

Elevation B Drawing L(02)002 Rev P2 submitted 1st May 2019

Elevation C Drawing L(02)003 Rev P2 submitted 1st May 2019

Elevation A – Colour Render Drawing L(02)004 Rev P1 submitted 7th May 2019

Design and Access Statement submitted 1st May 2019

Groundsure Screening and Coal Authority Coal Mining Report submitted 1st May 2019

Reason: To ensure 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 require).

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

a. 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)

b. 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)

c. 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)

d. 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.

e. 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.

f. 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 in accordance with saved UDP policies GP2, ENV10 and ENV14.

4a. Prior to the commencement of development, including demolition shall take place until a Construction Working Plan has been submitted for written approval of the Local Planning Authority. The plan shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

4b. The approved Construction Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

Reason: To protect the amenities of the surrounding occupiers and minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway due to the access constraints to the site, in the interests of amenity and highway safety in accordance with Policy GP2, ENV32, T7 and T13 of the UDP.

5a. 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 into any highway drain.

5b. 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.

6. Prior to the first occupation of either dwelling on the development, the existing bellmouth access across the site frontage shall be removed and replaced with a new section of continuous footway with dropped kerbs installed to align with the two new driveway access points, full details of which shall be submitted to and approved in writing by the Local Planning Authority. All works shall meet all statutory requirements.

Reason: To ensure the satisfactory completion and operation of the development, to improve pedestrian accessibility across the site frontage, in accordance with UDP Policy GP2 and highway safety.

7a. Prior to the first occupation of the dwelling written details shall be submitted to and approved by the Local Planning Authority on how the requirements of the Black Country Air Quality SPD will be implemented.

7b. The agreed measures shall be implemented prior to occupancy and a written validation statement shall be submitted to the Local Planning Authority.

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

8a. Prior to the commencement of development above damp proof level a detailed landscaping scheme illustrating planting within the proposed gardens and two replacement trees to be provided within the front gardens of the properties of the site including:

- detailing planting densities
- planting numbers
- size of plants to be planted
- species and size of replacement trees

- soil depth and specification

shall be submitted to and approved in writing by the Local Planning Authority.

8b. The approved scheme shall be implemented within 12 months of any part of the development being brought into use.

8c. 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 in accordance with Policies ENV17 and ENV33.

Notes for Applicant

Transport

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.

Severn Trent Water

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.

Note to Applicant Air Quality SPD

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

The electric vehicle charging point provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw.

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

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

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

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

Ultra-low NO_x boilers discharge NO_x at or below 40mg/kWh. The latest models are future-proofed to the European

Union's Energy-related Products Directive 2018 NO_x levels. At the same time, they meet the EU standard EN15502 Pt 1 2015 Class 6 for NO_x, and may be eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.

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 2018; British Standard BS10175: 2011+A2:2017 '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

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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.

West Midlands Police

Whilst WMP does not raise objection with the application we would advise the use of certified doors and easily accessible windows - this is in line with Approved Document Q building regulations in regards to premises security. They should be certified to PAS24; 2016 or STS202 BR1 standard or evidence should be gained for testing of each different sized door or window - which is also specified in Approved Document Q.

We would also strongly recommend that a dual aspect is provided to overlook the vehicle parking. Whilst it is within the curtilage of the dwellings there is no natural surveillance over them at present. The dual aspect - potentially from the dining room - would offer some, albeit limited natural surveillance.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 08-Aug-2019

Plans List Item Number: 5.

Reason for bringing to committee: Significant Community Interest

Location: LAND AT SHIRE OAK INN, 261, LICHFIELD ROAD, WALSALL WOOD, WALSALL, WS9 9PB

Proposal: ERECTION OF 2NO. FOUR-BEDROOM DETACHED DWELLINGS (USE CLASS C3) WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING, AND RECONFIGURATION OF PUBLIC HOUSE CAR PARK.

Application Number: 19/0235

Applicant: Punch Partnerships (PML) Limited

Agent: CPC Ltd

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

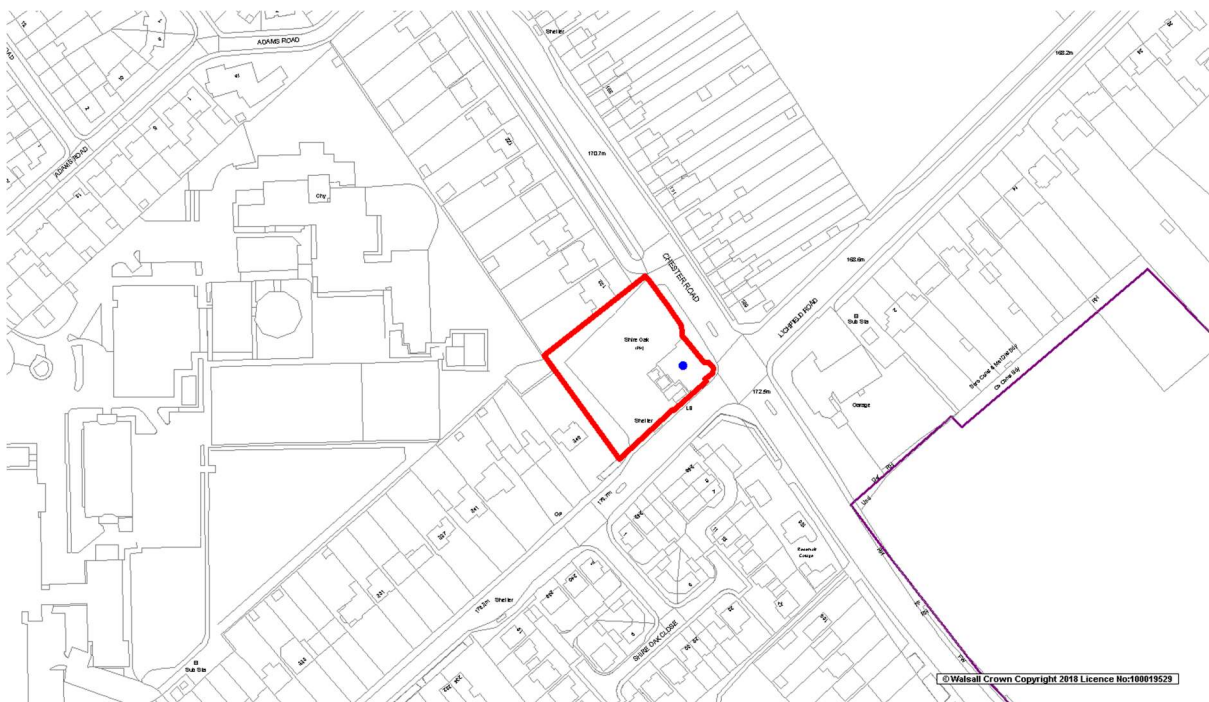
Case Officer: Devinder Matharu

Ward: Aldridge North And Walsall Wood

Expired Date: 12-Apr-2019

Time Extension Expiry: 16-Aug-2019

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

The application proposes the erection of 2no. four-bedroom detached dwellings (Use Class C3) with associated access, parking and landscaping on part of the current car park for the Shire Oak Public House and includes reconfiguration of the remainder of the public house car park.

The proposed houses would be set back 12.4m into the site with house 1 being positioned in part of the existing landscaped screen adjacent 249 Lichfield Road.

The existing access from Lichfield Road would be utilised. Three off road parking spaces in front of the proposed dwellings would be provided. The houses would be set back 1.4m behind the parking spaces to provide a pedestrian path in front of the dwellings.

The detached dwellings would be:

- 7.4m wide
- 9.5m wide with a 0.6m two storey projection on the front elevation with a gable roof feature
- 5m to the eaves
- 8.6m to the pitch
- Set off the boundary with 249 Lichfield Road by 5.4m
- Set off the boundary with the Shire Oak public house by 1.8m at the closest point and 4.6m at the furthest point.

House One adjacent 249 Lichfield Road would have a rear garden length of 9m and a total amenity area of 122 square metres. House two adjacent the public house would have a rear garden that steps out towards the rear with a garden length of 9m and a total amenity area of 117 square metres.

Bin and cycle stores within each rear garden will be provided measuring 1.8m high 3.4m length by 0.7m wide.

The proposed boundary treatment will retain the existing 2m high close board fence adjacent 249 Lichfield Road, a 1.8m high larch lap fence at the side of house 1 fronting Lichfield Road and a 2.2m high wall with larch lap infill panels. A planting strip alongside the side boundary of house 2 measuring 1.8m wide and the rear of the boundaries of both plots adjacent the external garden of the public house and car parking for the public house measuring 1.2m is proposed.

The proposal will retain 37 car parking spaces for the public house. A rear beer garden of approximately 12m depth from the rear elevation of the public house will remain; the existing external open canopy will remain. A 1m high railing boundary will be erected between the garden of the public house and the front parking spaces for house two.

The following documents have been submitted:

Arboricultural implications assessment, which concludes a small number of trees will have development within the root protection area, the removed trees will be replaced with significant tree planting.

Planning, Design and Access Statement, which concludes the application proposes to make better use of an underutilised area of Shire Oak's car park.

Transport statement, which concludes the car park for the Shire Oak will be reconfigured, and provide 42 spaces for the public house, which is sufficient for the operation needs of the business.

Site and Surroundings

The Shire Oak public house is a two storey rendered building located at the junction of Lichfield Road and Chester Road in Walsall Wood. Vehicular access to the public house is available from both Lichfield Road and Chester Road. There is a physical barrier that separates the smaller car park off Lichfield Road and the larger car park off Chester Road.

There are concrete bollards within the car park off the Lichfield Road and a tiled roof open canopy with the external seating area to the rear of the public house fronting Lichfield Road.

There is a showcase bus stop and a lamppost on the pavement on Lichfield Road in front of the car park.

There is a mature screen comprising of a number of trees along the boundary with number 249 Lichfield Road.

The car park access to the public house off Chester Road adjacent number 132, a bungalow. There is a soft landscape buffer between the car park for the public house and this neighbouring property. The car park slopes upwards from Chester Road towards the boundary with 249 Lichfield Road.

Adjacent the public house on both Lichfield Road and Chester Road are residential properties.

The site lies 1234m from the edge of Brownhill district centre and 770m from the edge of Salters Road local centre.

Relevant Planning History

None

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 55) says:

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

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

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- 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
- T7 - Car Parking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing
T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

Environmental Health – No objection but considered there could be potential for noise disturbance to the proposed occupiers from noise emanating from Shire Oak public house.

Transportation – No objection subject to note for applicant regarding highway issues.

Pollution Control – No objection subject to the applicant agreeing measures to be implemented to comply with the Black Country Air Quality SPD, carry out both noise and air quality assessments due to the location of the development adjacent to a

busy road. A desk study and site reconnaissance shall be submitted to advise whether an intrusive site investigation to assess contamination is required for the site.

Fire Officer – No objection but makes comments on water supplies for firefighting and vehicle access for a pump appliance within 45m of all points of each dwelling.

Police – No objection but makes general comments on security in accordance with Secure by Design.

Arboricultural Officer – No objection subject to the tree protection measures set out in the arboricultural report being implemented and a full landscape plan being submitted.

Strategic Policy – No objection but comments provided that the proposal would not adversely impact on the continued operation of the public house, the development can therefore be supported on planning policy grounds.

Community Safety Team- No objection but makes comments regarding secure by design in reference to boundary fencing, locks, lighting and security.

Representations

Three letters were received from neighbouring residents objecting to the original plans on the following grounds:

- Other safer areas to build houses on apart from public house car parks
- Clarification required on neighbouring boundaries
- Clarification required as to what vegetation/trees will be cut down
- Existing vegetation damaging neighbouring fence
- Loss of privacy
- Access and parking issues including: already a busy road, increase in the number of cars increasing the danger at the junction, increase number of cars in secondary car park on the weekend, result in on street parking

One letter was received from a neighbouring resident supporting the original proposal.

Two letters were received from neighbouring residents objecting to the revised proposal on the following grounds:

- Parking in short supply
- Loss of car parking spaces for public house
- Result in on street parking in service road in Chester Road restricting neighbours parking near their homes.

Determining Issues

- Principle of development
- Design and character of the area
- Impact upon neighbouring occupiers
- Trees and Landscaping
- Access and parking
- Local finance considerations

Assessment of the Proposal

Principle of development

NPPF paragraph 118 d) states that planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks...).

SAD Policy HC2 also states that the provision of housing on other previously developed sites not listed in Table HC1 will be encouraged provided a satisfactory residential environment can be achieved and provided the proposed use would not constrain the use or development of any adjacent land. The remainder of the report will consider these issues below. The proposed residential site would be separated from the public house with patrons of the public house accessing the car park off Chester Road, retaining the access from Lichfield Road for the occupiers of the proposed houses.

The site lies 1234m from the edge of Brownhill district centre and 770m from the edge of Salters Road local centre, as such the site is in a sustainable location and should be supported. Furthermore, there are bus services along Lichfield Road to and from Walsall Wood to Walsall.

Design and character of the area

The houses along Lichfield Road vary in design and style. The proposed detached houses would stand in between 249 Lichfield Road and the Shire Oak Public House. The proposed houses reflect some of the design features of the public house, for example a gable projection. The design of the proposed houses would be reflective of the character of the area and as such supported.

The proposed houses would be positioned in line with number 249 Lichfield Road and slightly lower than 249 Lichfield Road but slightly higher than the public house. The proposed dwellings would not be visually detrimental in the street scene to warrant refusal of the application.

The proposed houses would be set back from the Lichfield Road frontage with some planting, to provide some noise relief from the main road and a visual screen from the highway. There are no side facing windows towards the public house garden

area, which would assist in protecting the future occupiers from potential noise disturbance.

The proposed rear boundary to both plots and part side boundary to house two would be a 2.2m high wall with infill fence panels which would be compliant with the advice from Community Safety Team. On the other side of the fence is a planting strip. The Police and Community Safety Team have made comments about locks, security and gates offering rear access can be attached as notes for applicant to ensure additional security measures are implemented. Rear gates can be secured by planning condition.

The Fire Officer has no objection to the proposal but makes comments on adequate water supplies and fire appliance access. These issues are matters to be dealt with under Building Regulations.

Neighbouring occupiers have objected to the proposal on the grounds of requiring clarification on the boundary treatments. The submitted proposed site layout plan annotates the proposed boundary treatments. The existing close board fence between the application site and 249 Lichfield Road is to remain. The proposed boundary treatment has been specified on the submitted plan, a planning condition can be imposed to ensure they are implemented in accordance with the submitted details. It is considered that the proposed boundary treatment would be acceptable to provide adequate privacy for proposed occupiers from the car park and public house.

Impact upon neighbouring occupiers

The proposed dwellings, in particular house 1 would be positioned 9.4m away and would be set 1.2m beyond the rear elevation of 249 Lichfield Road. This positioning would comply with the Council's 45 degree code in respect of potential loss of light to this neighbouring property and as such would not unduly harm the residential amenities of occupiers. .

The proposed houses would be positioned 28.4m away from the boundary with number 132 Chester Road. The proposal would not unduly harm the amenities of these neighbouring occupiers by way of overlooking, as the proposed rear gardens, proposed rear boundaries and planting and the car park of the public house would provide interrupted views across towards 132 Chester Road. Furthermore, there is screening planting along this boundary, which will provide further screening between this existing neighbouring property and the proposed dwellings.

There are no side facing windows in the elevations facing towards 249 Lichfield Road or the public house, which may result in overlooking or loss of privacy.

Environmental Health and Pollution Control have raised concerns that noise emanating from the public house and the location of the development adjacent a busy road may result in noise disturbance. As such, a noise survey has been requested with appropriate mitigation measures, which can be secured by way of planning condition.

Trees and Landscaping

An arboricultural report has been submitted which concludes there are no high quality trees on site only low quality trees. Low quality trees are considered less important and are not normally a constraint to development. There are four groups of trees on site, only one of these will be partially removed to accommodate the development. There is some incursion into the root protection areas of another group of trees by the car parking, which is minor and unlikely to have any long lasting impact on the health of the trees in this group. The tree protection measures as detailed in the tree report will need to have implemented and adhered to and these can be secured by way of planning condition.

Neighbouring occupiers have raised objection on the grounds of requiring clarification as to what vegetation/trees will be cut down and that existing vegetation is causing damage to neighbouring boundaries. The submitted proposed site layout plan clearly highlights existing trees that will be removed and proposed new planting. The issue regarding damage to property is a civil matter between the neighbour and the land owner.

Replacement tree planting in mitigation for the loss of the low quality trees on site is recommended and whilst a plan showing proposed planting on site has been submitted, no specific planting details have been submitted. Planting details can be secured through a planning condition.

Access and parking

Under the terms of UDP policy T13, 3 off road car parking spaces are required and the proposal seeks to provide three off road parking spaces in compliance with this policy.

Neighbouring occupiers have objected to the proposal on the grounds of loss of car parking spaces for the public house, Lichfield Road is already a busy road, increase in the number of cars increasing the danger at the junction, increase number of cars in secondary car park on the weekend.

A total of 37 car parking spaces for the public house will be retained. The public house is within walking distance of surrounding neighbouring properties and as such, it is envisaged patrons to the public house will walk to the premises. The supporting statement from the planning agent has stated that the retained amount of parking for the public house is adequate. Whilst Lichfield Road is a busy road, the proposal

seeks to utilise an existing access point to serve the proposed dwellings. The Highway Officer has no objection to the utilisation of this existing access despite it being in close proximity to the junction with Lichfield Road and Chester Road, which would be no different to the use of the access for the public house.

Neighbouring occupiers have also objected on the grounds of a shortfall of parking and resulting in on street parking in the service road in Chester Road restricting neighbours parking near their homes. There is no evidence to suggest this would be the case, the proposal seeks to provide adequate off road parking for the proposed dwellings and adequate parking for the public house.

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

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

Conclusions and Reasons for Decision

The proposal is compliant with the NPPF and the Development Plan. The site lies 1234m from the edge of Brownhill district centre and 770m from the edge of Salters Road local centre, as such the site is in a sustainable location and should be supported. The design of the proposed dwelling is considered acceptable. The proposal would not unduly harm the amenities of neighbouring occupier, 249 Lichfield Road and 132 Chester Road. The proposal provides 3 off road parking spaces whilst retaining 37 car parking spaces for the public house and will not cause significant harm to highway safety.

The proposal complies with the NPPF, policies GP2, ENV10, ENV11, ENV14, ENV17, ENV18, ENV32, ENV33, ENV40, T7, T10 and T13 of the UDP, Policies DEL1, HOU1, HOU2, ENV2, ENV3, ENV5 and ENV8 of the BCCS, policies HC2 and T4 of the SAD, policies NE1 to NE10 of Conserving Walsall's Natural Environment SPD, Policies DW1 to DW10 of Designing Walsall SPD and the Air Quality SPD.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Grant subject to conditions

Conditions and Reasons

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

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

2. The development shall not be carried out otherwise than in accordance with the following approved plans:

- Location plan drawing number 17-3003-103/P2 submitted 03-05-19
- Proposed site layout drawing number 17-3003-100/P7 submitted 03-05-19
- Existing and proposed contextual plans drawing number 17-3003-102/P2 submitted 03-05-19
- Proposed house plans and elevations drawing number 17-3003-101/P2 submitted 15-02-19

Reason: To ensure 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 require).

3a. Prior to the commencement of the development, including any engineering, site clearance/preparation, and or construction works, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing controlling dust, noise, vibration, debris, and drag-out from the site during the period of construction and the management of any materials arising from the works.

3b. The Construction Management Plan shall be implemented upon commencement of any works and shall be maintained until the site is completed.

3c. Levels of structure-borne vibration transmitted to occupied buildings from any stabilisation/piling works shall not exceed specified criteria for '*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.

Reason: To ensure safe development of the site and to protect human health and the environment in accordance with saved UDP policies GP2 and ENV10.

4a. Prior to the commencement of the development, an acoustic assessment with consideration of Professional Practice Guidance on Planning and Noise for New Residential Development shall be undertaken which shall include noise from customers entering/leaving the premises, vehicle noise from the car park and noise from the premises details of which shall be submitted to and approved by the Local Planning Authority.

4b. As part of the assessment the developer shall agree an Acoustic Mitigation scheme details of which shall be first submitted to and approved in writing by the Local Planning Authority

4c. The approved acoustic mitigation measures approved under part B of this condition shall be implemented prior to the first occupation of the proposed houses.

4d. Prior to occupation of either or any of the houses hereby approved, the developer shall provide written validation to the Local Planning Authority that confirms implementation of the agreed mitigation measures.

Reason: To protect the health and amenity of future occupiers/users in accordance with saved UDP policies GP2 and ENV10.

5. Prior to the commencement of the development,

i) A desk study and site reconnaissance shall be conducted to identify the potential for contaminants and/or ground gases to present a likely risk to proposed structures or future occupants of the development. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing prior to any built development commencing by the Local Planning Authority. (see Note for Applicant CL4).

ii) In the event that the desk study and site reconnaissance indicates a 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).

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

iv) Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with 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).

v) 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.

vi) 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.

vii) 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 in accordance with saved UDP policies GP2 and ENV10.

6a. Prior to the commencement of the development,

i) A detailed air quality assessment together with a report detailing the findings and any recommendations for mitigation measures shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

ii) Prior to the commencement of construction any mitigation measures shall be agreed in writing with the Local Planning Authority.

iii) Prior to occupation of either or any of the houses hereby approved, the Applicant shall provide written validation to the Local Planning Authority that confirms implementation of the agreed mitigation measures.

Reason: to reduce potential negative health impact upon future occupants in accordance with saved UDP policies GP2 and ENV10.

7a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved, full details of the buildings facing materials, including bricks, render, roof tiles, windows, door, rainwater products and soffits, illustrating the colour, size, texture and specification to be used within the development hereby approved shall be submitted to and approved by the local planning authority.

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

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

8a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved, the applicant shall agree an Air Quality Low Emission Scheme in writing with the Local Planning Authority, to install electric-vehicle charging points and ultra-low NOx boilers.

8b. The agreed scheme shall be fully implemented, in accordance with the approved details in part a of this condition, before the development is first brought into use.

8c. Prior to occupancy, the Applicant shall provide a written Low Emission Scheme Validation Statement to the Local Planning Authority that demonstrates scheme has been installed as agreed.

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 any external lighting to be installed around or within the development shall be submitted to and approved in writing by the Local Planning Authority.

9b. The development shall be not be carried out otherwise than in accordance 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 in accordance with Policy ENV11 of the UDP.

10a. Prior to the commencement of development above damp proof course, a landscape plan showing details of replacement tree and shrub planting (including quantity, species, size and location) shall be submitted to and approved in writing by the Local Planning Authority.

10b. The approved scheme shall be implemented within 12 months of any part of the development being brought into use.

10c. 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: In the visual amenities of the area, to ensure the site is secured with appropriate landscaping and to provide adequate mitigation and screening for proposed occupiers in accordance with Saved UDP Policies GP2, ENV17 and ENV33 and Conserving Walsall's Natural Environment SPD.

11a. Prior to the commencement of any development above damp-proof course, details of the gates in between the proposed plots shall be submitted to and approved in writing by the local planning authority.

11b. The development shall be completed in accordance with the approved details under part A of this condition and the gates shall be retained and maintained in perpetuity.

Reason: To secure the site and protect the amenities of proposed occupiers in accordance with Saved UDP Policies GP2 and ENV32.

12a. Prior to the first occupation of either or any of the dwellings hereby approved, the parking areas in front of the proposed houses, as shown on drawing number 17-3003-100/P7 entitled proposed site layout submitted on 03-05-19 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.

12b. 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.

13. The tree protection measures as detailed in the Arboricultural Implication Assessment & Method Statement by Eco Urban dated 11/02/2019 shall be fully implemented and adhered to throughout the construction phase until completion of the construction of the development.

Reason: To safeguard the retained trees on site in accordance with Policy ENV18 of the UDP.

14. Disposal of materials by burning on bonfires, ground fires or in containers at the site is not permitted.

Reason: To protect the amenities of existing neighbouring occupiers to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

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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. Measures must be implemented by the Applicant to ensure that, so far as is reasonably practicable, surface water from the private land flowing on to, or over, the footway of the highway is prevented.
3. The Applicant will be expected to either enter into an agreement under Section 278 of the Highways Act 1980 with the Local Highway Authority or obtain a Road Opening Permit from the Local Highway Authority for all works within the existing public highway. For further advice please contact the Highway Development Control Team on 01922 655 927.
4. The Applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654675.

Notes for Applicant: Police

WMP applaud the use of separate secure storage for pedal cycles and refuse bins. The maintenance of a strong perimeter incorporating gated access to the rear gardens near to the front elevation is also noted - but should be lockable with a key. WMP would only advise the use of PAS 24; 2016 doors and easily accessible windows. The landscaping to the front, adjacent the public footpath, should be planted to ensure the a maximum height of 1.0m.

Should the developer be happy to incorporate the above advice - which would ensure adherence to Approved Document Q, I would happily support an application for a Secured By Design Silver or Gold award for the two dwellings.

Note to Applicant Air Quality SPD

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points: The electric vehicle charging point provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw. Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded. The charging unit is to be supplied by its own independent

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

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

Ultra-low NOx boilers discharge NOx at or below 40mg/kWh. The latest models are future-proofed to the European Union's Energy-related Products Directive 2018 NOx levels. At the same time, they meet the EU standard EN15502 Pt 1 2015 Class 6 for NOx, and may be eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.

Note to Applicant Noise

Professional Practice Guidance on Planning and Noise for New Residential Development, ProPG, is available from the websites of the Institute of Acoustics (IOA), Chartered Institute of Environmental Health (CIEH), and/or the Association of Noise Consultants (ANC). Paragraph 123 National Planning Policy Framework:

Planning policies and decisions should aim to:

-avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

-mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

-recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and

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

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

noise climate between normal weekdays, and weekends, effects of holiday periods, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys may be required to corroborate a single noise survey. Submitted noise measurement data should include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of performance verification checks, recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum. Sound level measuring instrumentation shall conform to either: Type 1 of either British Standard BS 5969: 1981 Specification for sound level meters, and/or BS EN 60651: 1994

Specification for sound level meter, and/or BS 6698: 1986 Specification for integrating-averaging sound level meter, and/or BS EN 60804: 1994/2001 Specification for integrating-averaging sound level meters and/or Class 1 of BS EN 61672: 2003 Electroacoustics- Sound Level Meters - Part 1: Specificatio' (or any superseding standards as applicable). Instrumentation shall have been verified either in accordance with British Standard BS 7580 Specification for the verification of sound level meters Part 1: 1996 Comprehensive procedure or BS EN 61672: 2003 Electroacoustics - Sound Level Meters - Part 3: Periodic Tests within a preceding 2 year period of measurements being conducted, or else verified with a multifunction acoustics calibrator that has been UKAS certified within a preceding 2 year period.

In regard to specifying suitable noise mitigation measures to protect internal and/or external residential areas, reference can be made to guidance and criteria contained in British Standard BS 8233:2014 Guidance on sound insulation and noise reduction for buildings and World Health Organisation Guidelines for Community Noise 2000. Assessment of certain industrial and commercial noise impacts can be undertaken having reference to British Standard BS 4142 Method for Rating industrial noise affecting mixed residential and industrial areas.

Noise Policy Statement England (NPSE)

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

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

Development Control – Planning for Air Quality (2010 update) by Environmental Protection UK, which provides information on mitigation measures for air quality.

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 2018; British Standard BS10175: 2011+A2:2017 '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.

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.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 08-Aug-2019

Plans List Item Number: 6.

Reason for bringing to committee: Called in by Councillor Kaur

Location: 11, LEIGHSWOOD AVENUE, ALDRIDGE, WALSALL, WS9 8AT

Proposal: ERECTION OF DETACHED BUNGALOW.

Application Number: 19/0519

Applicant: Mr Steve Taylor

Agent: GMB CONSTRUCTION DESIGN

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

Case Officer: Barbara Toy

Ward: Aldridge Central And South

Expired Date: 27-Jun-2019

Time Extension Expiry: 16-Aug-2019

Recommendation Summary: Refuse



Proposal

This application proposes the demolition of the existing garage/outbuilding at the bottom of the garden of 11 Leighswood Avenue, which fronts onto Leighswood Grove and the erection of a detached two bedroomed bungalow.

The existing garage/outbuilding has a footprint of approx. 60sqm, the garage section has a pitched roof with a maximum height 3.5m and flat roof to the outbuilding section of 2.4m high. The building has a depth of approx. 5.5m.

The proposals would provide a new detached bungalow measuring 10m x 7.7m (77sqm) with an eaves height of 2.5m and a hipped roof maximum height of 4.7m. The bungalow would be constructed from facing brickwork and tiled roof. The building would be facing Leighswood Grove situated at the far end of the garden of no 11 Leighswood Avenue. The proposed dwelling has a short 3.5m wide garden set to the rear adjacent to the boundary with the rear garden of No 9 Leighswood Avenue and a further square of garden area set to the south east of the building providing a total of 80sqm garden area. Two off street parking spaces would be provided to the south east of the building.

A rear garden of 190sqm would be retained for the existing house at No 11 and 2 off street parking spaces would be retained on the front driveway.

This is a resubmission following two previous refusals for the provision of a bungalow on the site.

Site and Surroundings

The site is the end section of the rear garden of No 11 Leighswood Avenue, a semi-detached house which sits on the corner of Leighswood Grove. The house has a hipped roof and an existing single storey flat roofed extension to the side and angled front drive way off Leighswood Avenue.

Leighswood Grove is a short narrow cul de sac with no turning head, with only 1 existing property within it. The grove has no footpaths but grass verges either side of the carriageway. No 1 Leighswood Grove is a two bedroomed detached bungalow that sits on the opposite side of the road to the site. The bungalow is set back from the street with a driveway in front and a garden to the rear. The building is located within the former rear garden of No 13 and No 15 Leighswood Avenue.

No 13 Leighswood Avenue is a semi-detached house set on the opposite corner of Leighswood Grove and has a large two storey and single storey side and single storey rear extension under construction.

Immediately to the rear of the site is an electricity substation and modern houses within Lingmoor Grove. 47 Lingmoor Grove a detached two storey house sits immediately to the rear of the substation, with its hipped roof garage detached to the side.

The site is situated in a predominantly residential area. Leighswood Avenue is characterised by semi-detached and terraced properties.

Relevant Planning History

18/1118, demolition of existing garage and erection of a single storey detached dwelling (resubmission of 18/0035), refused 16-10-18, for the following reason:

- 1. The proposed development fails to reflect the existing pattern of development and fails to integrate with the clearly defined street pattern of neighbouring buildings and would not relate to the character of the area and thus fails to reinforce local distinctiveness and reinforce the existing urban structure. The proposed bungalow would provide a poor residential environment in terms of loss of outlook and loss of amenity whilst providing a poor outlook for proposed occupiers. The proposal is contrary to the National Planning Policy Framework, Policies HOU2, CSP4, ENV2 and ENV3 of the Black Country Core Strategy, Saved Policies GP2, 3.6, 3.7, 3.113, 3.114, 3.115, 3.116, ENV32, and H3 of the Walsall Unitary Development Plan, Policies DW3, DW6, DW9 and DW10 of Designing Walsall SPD.*

18/0035- demolition of an existing residential garage and the erection of a single storey detached dwelling. Refused 07-03-18, for the following reasons:

- 1. The proposed development fails to reflect the existing pattern of development and fails to integrate with the clearly defined street pattern of neighbouring buildings and would not relate to the character of the area and thus fails to reinforce local distinctiveness and reinforce the existing urban structure.*
- 2. The proposed bungalow fails to meet the Council's Residential Standards and would provide a poor level of amenity for proposed occupiers as well as reducing the rear garden for number 11 Leighswood Avenue which is out of character with the existing pattern of development along Leighswood Avenue.*
- 3. The proposed bungalow would provide a poor residential environment in terms of loss of outlook and loss of amenity whilst providing a poor outlook for proposed occupiers. Furthermore, the proposal fails to provide off road parking or demonstrate where replacement parking for 11 Leighswood Avenue would be relocated.*

14/0912/FL Proposed single storey side extension. GSC 03-11-14

11/0718/FL Proposed two storey side extension. GSC 02-09-11

BC59047P Proposed garage. GSC 07-07-99

13 Leighswood Avenue

14/0699/FL- Proposed two storey side extension the create an additional house, bay window on front elevation, demolition of existing single storey extension on existing house and replacement single storey rear extension, rear single storey extension to additional house and creation of access off Leighswood Grove. GSC 27-11-14

11/0032/FL - Extension to existing dwelling and conversion into 2 dwellings plus dropped kerb creating new access from Leighswood Grove to 2 new parking spaces. Refused 15-07-11.

10/0604/FL - Extension to dwelling to allow the creation of an additional dwelling. Refused 04-11-10

06/1911/FL/E9 - Garage & land rear of 13 Leighswood Avenue. Conversion of garage to a 2 bedroom bungalow. GSC 09-01-07.

BC24171P – 13 Leighswood Avenue. Erection of garage, porch, store and construction of pitched roof over existing extension. GSC 26-04-89.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF (para 55) says:

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

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

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

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

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

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their

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circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings
- Appendix D

Air Quality SPD

- ***Section 5 – Mitigation and Compensation:***

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

Consultation Replies

Severn Trent Water – No objections, no drainage condition required but note to applicant re public sewers recommended.

Transport – No objections, notes to applicant recommended re road opening permit, ensure road is kept clear of debris and no discharge of water onto the highway.

Pollution Control – No objections subject to conditions to ensure compliance with Air Quality SPD and construction management plan.

West Midlands Police – No objections. Recommendations regarding safety and security made.

Representations

One objection received.

Objections:

- The current building is flat roofed and doesn't impact on the light to the adjacent garden
- The pitched roof proposed will drastically affect the light to the garden and overshadow patio and decking
- Existing structures likely built before the new estate to the rear
- The site of the building was garden and never intended as another building.
- Objected to previous application as well.

Determining Issues

Whether the proposals overcome the previous reason for refusal in respect of:

- Reflecting the existing pattern of development, integrating into the street scene, relating to the character of the area and reinforcing local distinctiveness.
- Poor residential amenity in terms of loss of outlook and loss of amenity and poor outlook for future occupiers.

Reflecting the existing pattern of development, integrating into the street scene, relating to the character of the area and reinforcing local distinctiveness.

The footprint of the proposed bungalow is 24sqm larger than that refused under 18/1118 and the plot size on the current proposals has been reduced by 12.5sqm over the previous refusal. The ratio of built form to plot size has therefore significantly increased from 22% to 34% between the previous refusal and the current proposals, increasing the impact of the development upon the character of the area and the street scene.

The layout of the refused scheme showed the building set back with parking on the frontage, the current proposals show the building almost on the frontage of the site with parking to the side. This amended layout again fails to reflect the character of the area which is dominated by properties with front gardens/driveways and private rear gardens.

No 1 Leighswood Grove on the opposite side of the cul de sac is a two bedroomed property with a 21.5% footprint to plot ratio, a front driveway and a private rear garden as the plot includes the former rear garden of Nos 13 and 15 Leighswood Avenue. The dwelling was built as a detached garage to No 13 in 1989 and was converted to a dwelling in 2007. This development better reflects the character of the area of properties with frontages and private rear gardens. As it includes the rear garden land of the adjacent property the rear garden is also more reflective of plots in the area.

The proposals fail to reflect the character, pattern and appearance of the surrounding properties in both Leighswood Grove and Leighswood Avenue and fails to overcome the character element of the previous reason for refusal.

Poor residential amenity in terms of loss of outlook and loss of amenity and poor outlook for future occupiers.

The proposed bungalow includes two habitable room windows (kitchen and lounge) to the side elevation facing the rear of the existing house at No 11. The separation distance of 19.5m fails to meet the required 24m between habitable room facing elevations as recommended in Designing Walsall SPD. This would result in loss of outlook and loss of amenity for the occupiers of the existing dwelling.

The proposals also include a window to bedroom 2 on the rear elevation which would sit only 3.5m from the boundary fence with the rear garden of No 9. Due to the proximity of the window to the fence this would provide a poor outlook and unacceptable residential environment to the future occupiers of the bungalow.

The side elevation (north western) of the proposed building would have no windows and would meet the 13m separation distance required by Appendix D of Designing Walsall SPD in relation to the rear elevation of No 47 Lingmoor Grove.

It is considered that the proposals fail to overcome the amenity element of the previous reason for refusal and the proposals would result in a poor residential amenity for both the occupiers of the existing house and the future occupiers of the proposed bungalow.

Conclusions and Reasons for Decision

The proposals would increase the size of the built form on the site over the previous refusal and slightly reduce the plot size, increasing the dominance of the development within the street scene with the property sitting on the frontage of the site. The proposals fail to overcome the previous reason for refusal relating to the pattern of development, the character of the area and street scene. In conflict with policies HOU2, CSP4, ENV2 and ENV3 of the BCCS, policies GP2, 3.6, 3.113, 3.114, 3.115 and ENV32 of the UDP and DW3 and DW9 of Designing Walsall.

The proposals would fail to meet the required separation distance to the existing dwelling at No 11 and would result in loss of outlook and loss of amenity to the existing occupiers. The proximity of the building to the boundary with No 9 Leighswood Avenue would provide a poor outlook and unacceptable residential environment to the future occupiers of the bungalow as such the proposals fail to overcome the amenity element of the previous reason for refusal. In conflict with policies GP2 and ENV32 of the UDP, Policy HC2 of the SAD and Appendix D of Designing Walsall SPD.

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

Positive and Proactive Working with the Applicant

Refuse

Officers have spoken with the applicant's agent and have advised that in this instance are unable to support the proposal.

Recommendation

Refuse

Reasons for Refusal

1. The proposed development fails to reflect the existing pattern of development and fails to integrate with the clearly defined street pattern of neighbouring buildings and would not relate to the character of the area and thus fails to reinforce local distinctiveness and reinforce the existing urban structure. The

proposals are contrary to the National Planning Policy Framework, Policies HOU2, CSP4, ENV2 and ENV3 of the Black Country Core Strategy, Saved Policies GP2, 3.6, 3.113, 3.114, 3.115 and ENV32 of the Walsall Unitary Development Plan, Policies DW3 and DW9 of Designing Walsall SPD.

2. The proposed bungalow would provide a poor residential environment in terms of loss of outlook and loss of amenity to the occupiers of the existing dwelling as well a poor outlook and poor residential amenity to the future occupiers of the bungalow. The proposals are contrary to the National Planning Policy Framework, Saved Policies GP2 and ENV32 of the Walsall Unitary Development Plan, Policy HC2 of the Site Allocations Document and Appendix D of Designing Walsall SPD.

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

Report of Head of Planning, Engineering and Transportation on 08-Aug-2019

Plans List Item Number: 7.

Reason for bringing to committee: Significant Community Interest

Location: 4 , RAVENSCROFT ROAD, WILLENHALL, WV12 4LY

Proposal: ERECTION OF DETACHED BUNGALOW AND NEW BOUNDARY WALL AND RAILINGS TO MAGNOLIA GROVE ELEVATION.

Application Number: 19/0210

Applicant: Mr Ashley Haddington

Agent: Mr Lee Mitchell

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

Case Officer: Barbara Toy

Ward: Short Heath

Expired Date: 22-Apr-2019

Time Extension Expiry: 16-Aug-2019

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

The application proposes the erection of a detached one bedroomed bungalow within the end section of the rear garden of No 4 Ravenscroft Road. The bungalow would front onto Magnolia Grove, a residential cul-de-sac that wraps around the boundary of No 4.

The bungalow would be set back just under 1m from the back of the footpath towards the northern end of the site with a single off street parking space to the south of the building. A new vehicle access would be provided and the existing access reinstated.

The bungalow would have a footprint of 70sqm, be constructed of facing brickwork and render with a tiled gable roof with front gable feature, with a maximum height of 5.75m.

The accommodation would comprise living room with windows to front and rear, bedroom, bathroom and kitchen on the ground floor with storage within the roof space. The layout includes no windows to the roof space or the side (northern) elevation of the bungalow.

A private rear garden of 234sqm would be provided and would include the retention of the existing trees. A rear garden of approx. 190sqm would be retained for the existing house at No 4.

The proposals also include a new boundary wall and railings to the Magnolia Grove boundary to the front of the bungalow. The wall would be 850mm high with 800mm high railings on top set between piers, a total of 1650mm in height. A reduction in the height of the existing boundary fence to 600mm around the corner of the site is also proposed to ensure appropriate visibility from the driveway.

Site and Surroundings

The site comprises the end section of the rear garden of No 4 Ravenscroft Road, which has a frontage to Magnolia Grove, a modern residential cul-de-sac of 10 detached two storey houses. Magnolia Grove sits immediately to the south and west of No 4. The site currently comprises a large area of hardstanding with existing vehicle access and double gates onto Magnolia Grove.

No 14 and 16 Magnolia Grove sit opposite (facing) the site and No 4 Magnolia Grove sits to the north facing south towards the site with landscaping and Silver Birch trees

on the frontage. 16, 18, 20, 4 and 6 Magnolia Grove at the northern end of the grove are all accessed off a shared drive off the hammerhead of the grove.

No 6 Ravenscroft Road is small detached dormer bungalow with a long rear garden that adjoins the site.

The site sits in a predominantly residential area, with a mix of modern and more traditional houses and bungalows.

The existing bollards at the back of pavement on the bend in the grove would remain unaffected by the proposals.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 55) says:

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

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

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscaping
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality
- DEL1: Infrastructure Provision

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings
- Appendix D

Air Quality SPD

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

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Consultation Replies

Transportation – No objections subject to conditions relating to the surfacing and drainage of the parking area, provision of the footway crossing and boundary treatment not exceeding 0.6m on the bend and for 4m to the north of the access.

Pollution Control – No objections subject to conditions relating to compliance with Air Quality SPD and a construction management plan to protect the amenities of the surrounding occupiers during construction.

Severn Trent Water – No objections and no requirement for drainage condition. Note to applicant regarding public sewers recommended.

Coal Authority – Previous objections withdrawn following the submission of a Coal Mining Risk Assessment. Condition required to secure intrusive site investigations to identify any required remediation works required due to past shallow coal mining activity.

West Midlands Police – No objections, note to applicant regarding security measures

Fire Officer – Water supply needs to comply with Building Regulations Part B.

Tree officer – No objections

Community Safety – No objections, recommend Secured By Design.

Representations

Six objections (some including photos) received from 5 properties in Magnolia Grove. Officer comments in italics.

Objections:

- Parking in the area (Ashmore Lake Road, Ravenscroft Road & Magnolia Grove) is already bad, made worse by businesses, taxis and residents from Ashmore Lake Rd and Ravenscroft Rd. (including number 4) who use Magnolia Grove for parking.
- There appears to be no provision for visitor parking at the proposed property.
- The proposed development is on a blind bend (with safety bollards on the pavement) which already creates problems pulling off our drive. Access to the proposed development can only make this worse and cause an accident.
- When Magnolia Grove was built it was to be seven four bed and one three bed detached properties, this was then increased by another two four bed detached properties but with the same access.

- The access road onto the development originally had an adjoining strip of cultivated land and a builder's ransom strip between the pavement and the boundary of 4 Ravenscroft Rd. both of these are now being used for this planned property which will give the appearance of over development.
- Street already overcrowded, nowhere for children to play, proposals will make this worse and unsafe for children
- Overlooking and loss of privacy
- Property devaluation (*not a material planning consideration*)
- Wildlife will be disturbed
- Adverse impact on existing residents in Magnolia Grove
- Not originally notified of the proposals
- Loss of outlook at the front of property (photos provided)
- Would enclose property and cause loss of light
- Additional noise, pollution and affect natural light
- Additional cars parked in the cul-de-sac will impact on access to driveways and access for the bin lorry
- Magnolia Grove too narrow to support additional traffic

Determining Issues

- **Principle of the Development**
- **Design and Layout**
- **Access and Parking**
- **Impact on the amenity of the surrounding occupier's and the street scene**
- **Local Finance Considerations**

Assessment of the Proposal

Principle of the Development

The NPPF (para 68) identifies that small and medium sized sites on windfall sites within existing residential areas make an important contribution to meeting housing requirements and local authorities should promote a good mix of sites and work with developers to encourage the sub-division of large sites.

The site is situated within an established residential area where there is already a mix of modern and older properties with regular bus routes within walking distance. No 4 Ravenscroft Road has a long wide rear garden, over 45m in length, the site comprises the end section (28.5m) of the garden, splitting the site in half, a sub division of a larger plot to provide two, in line with guidance in the NPPF.

The site includes a street frontage to Magnolia Grove and is therefore not considered a backland development.

The principle of providing a further residential property on the site is therefore considered acceptable and in line with policy.

Design and Layout

The plans have been amended since submission to amend the orientation of the building to better address the street frontage and to remove the side facing window to the north elevation.

The layout provides a large private garden (234sqm) for the proposed dwelling as well as the existing house (190sqm) exceeding the 68sqm requirements of Appendix D of Designing Walsall SPD.

The bungalow would be constructed of facing brickwork, have a tiled roof and a gable feature to the elevation facing Magnolia Grove, picking up on key design feature from the existing modern properties within Magnolia Grove.

The distance between the proposed bungalow and the existing house at No 4 exceeds the 24m required by Appendix D (35m). Nos 14 and 16 Magnolia Grove site on the opposite side of the road to the site, a similar separation distance that exists between existing houses to the north. No 4 Magnolia Grove faces south towards the site, with a separation of 15m to the side blank gable of the proposed bungalow, exceeding the 13m separation required by Appendix D. A front driveway and landscaping, including Silver Birch trees are provided on the frontage of No 4 Magnolia Grove between the house and the proposed bungalow.

The proposed new wall/railings to the frontage of the site is considered appropriate to provide a boundary to the site whilst still allowing light to the frontage windows of the bungalow. The position and length of the wall will allow for appropriate visibility at the vehicle access to the parking space. The wall/railings are considered appropriate and acceptable within the street scene.

It is considered that Magnolia Grove has the capacity for one further residential property, the street frontage for the new dwelling already forms part of the grove.

The design and layout of the site is considered appropriate for the location.

Access and Parking

Parking for the existing house is retained unaffected on the frontage of Ravenscroft Road.

The proposed layout provides one off street parking space which falls below the requirement of policy T13 of the UDP. However, taking into account the modest scale of the development as a one bedroomed property and its location at the end of a residential cul-de-sac, one parking space is considered acceptable in this instance. A condition is recommended to ensure that the roof space accommodation remains as storage, to ensure that the property remains at one bedroom.

The site has an existing vehicle access off Magnolia Grove which would be reinstated and a new access provided closer to the bend in the road, the new position is considered acceptable.

Objectors have made comment on the existing parking issues within the Grove that are likely to be exacerbated by the development. The existing houses all have off street parking provision and there are no parking restrictions within the grove, on street parking within the grove is therefore unrestricted.

The layout shows the required visibility required at the vehicle access, restricting the length of the proposed new wall and railings and reducing the height of the boundary fence around the corner to 600mm to allow views when reversing out of the proposed parking space, in compliance with the requirements of Transportation. The existing safety bollards at back of pavement around the bend in the road would remain unaffected by the proposals.

The parking and access arrangements are therefore considered acceptable and would not have a severe impact on highway safety.

Impact on the amenity of the surrounding occupier's and the street scene

The proposals comply with the separation distances required by Appendix D of Designing Walsall SPD. In addition to the required separation distance the views of the proposed bungalow from the front of no 4 Magnolia Grove would be partially screened by the existing landscaping and silver birch trees.

The existing trees on the site would be retained and it is considered that the proposals would have no adverse impact on existing wildlife.

Each property within the grove have their own private rear gardens for children to play in.

Consultation on the application was undertaken in line with statutory requirements.

It is considered that the proposals would have no adverse impact on the amenities of the surrounding occupiers and that the proposals would sit comfortably within the site and within the street scene and would have no adverse impact on the street scene.

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 one new home.

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

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

Conclusions and Reasons for Decision

The site is situated within a well-established residential area where there is already a mix of traditional and modern infill properties, within walking distance of bus routes. The site has an existing frontage to Magnolia Grove and the principle of providing a further residential property on the site is considered appropriate and in compliance with guidance in the NPPF (para 68), policies HOU2 and CSP4 of the BCCS and Policy HC2 of the SAD.

The layout is considered acceptable and in compliance with policies GP2 and ENV32 of the UDP and Appendix D of Designing Walsall.

The design of the new properties is considered appropriate and picks on key characteristics of the surrounding properties and would comfortably fit within the street scene, in compliance with policy ENV32 of the UDP.

Whilst the proposals would only provide one off street parking space, this level of parking is considered appropriate given the small nature of the property (one bedroom). The access and visibility arrangements are also considered appropriate for the site and in compliance with policy GP2 of the UDP.

It is considered that the development would have no adverse impact on the amenities of the surrounding occupiers in compliance with policies GP2 and ENV32 of the UDP and Appendix D of Designing Walsall.

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

Positive and Proactive Working with the Applicant

Approve

The applicant's agent has provided amended plans to amend the orientation of the building and remove side facing windows which enables full support to be given to the scheme.

Recommendation

Grant permission subject to conditions

Conditions and Reasons

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

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

2. The development shall not be carried out otherwise than in accordance with the following approved plan:

Proposed New Bungalow (Site location plan, site layout, elevations and floor plans)
Drawing 100/940-01 Rev B submitted 26th July 2019

Coal Mining Risk Assessment by Spilman Associates dated May 2019 submitted 1st July 2019

Arboricultural Report by Old Oak Tree Care dated 08-01-19 submitted 13th February 2019.

Reason: To ensure 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 require).

3. Prior to built development commencing:

3a. A scheme of intrusive site investigations adequate to assess the ground conditions and the potential risks to the development by past shallow coal mining activity shall be undertaken.

3b. A report of the findings arising from the intrusive investigations and a scheme of proposed remedial works shall be submitted to and approved in writing by the Local Planning Authority in conjunction with The Coal Authority.

3c. The approved scheme of remedial works shall be fully implemented.

Reason: In order to ensure the stability and safe development of the site in compliance with Policy ENV14 of the UDP.

4a. Prior to the commencement of development, including demolition shall take place until a Construction Working Plan has been submitted for written approval of the Local Planning Authority. The plan shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

4b. The approved Construction Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

Reason: To protect the amenities of the surrounding occupiers and minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway due to the access constraints to the site, in the interests of amenity and highway safety in accordance with Policy GP2, ENV32, T7 and T13 of the UDP.

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

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

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

6a. Prior to the first occupation of the dwelling, the parking area shall be fully consolidated, hard surfaced and drained so that surface water run-off from this area does not discharge onto the highway or into any highway drain.

6b. The parking area shall thereafter be retained and used for no other purpose.

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

7. Prior to the parking area first coming into use, a vehicle footway crossing to align with the new access shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 together with the reinstatement of the existing vehicle footway crossing back to full kerb height, to the satisfaction of the Highway Authority. The new crossing shall not exceed five 900mm flat kerbs and two 900mm taper kerbs. All works within the public highway shall be in accordance with all statutory requirements

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

8. At no time shall any boundary treatment or planting exceed 0.6 metre around the bend in road identified with a dashed green line on Drawing 100/940-01 Rev B hereby approved, and for 4 metres north of the access point.

Reason: To ensure adequate inter-visibility at the access point, in accordance with UDP Policy GP2 and in the interests of highway safety.

9a. Prior to the first occupation of the dwelling written details shall be submitted to and approved by the Local Planning Authority on how the requirements of the Black Country Air Quality SPD will be implemented.

9b. The agreed measures shall be implemented prior to occupancy and a written validation statement shall be submitted to the Local Planning Authority.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house;

-Class B (additions to the roof),

-Class C (other alterations to the roof),

shall be installed in any part of this hereby approved development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

11. The first floor accommodation within the dwelling hereby approved shall be used for storage purposes only and shall not be used as a bedroom.

Reason: In order to define the permission and ensure satisfactory level of parking for the development, in compliance with Policies T7 and GP2 of the UDP.

12. The boundary wall hereby approved shall be constructed from facing brickwork to match that approved and used for the construction of the dwelling.

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

Notes for Applicant

Transportation

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 dropped kerb footway crossing and reinstatement works within the public highway. For further information please contact the Traffic Management Team on 01922 654675.

Air Quality SPD

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

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The electric vehicle charging point provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw. Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded. The charging unit is to be supplied by its own independent radial circuit. Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

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

Ultra-low NO_x boilers discharge NO_x at or below 40mg/kWh. The latest models are future-proofed to the European Union's Energy-related Products Directive 2018 NO_x levels. At the same time, they meet the EU standard EN15502 Pt 1 2015 Class 6 for NO_x, and may be eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.

Construction Management Plan

Severn Trent Water

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.

West Midlands Police

It is recommend that the developer apply the Building Regulations 2010 Approved Document Q (Security – Dwellings) to this development.

- All doors and accessible windows should meet PAS 24 – 2016.
- It is recommended that all door locks to external, patio, French doors and bi folding doors are 3 star rated anti-snap locks which meet TS007.
- Letter plates should have a maximum aperture of 260mm x 40mm to prevent anyone attempting to remove keys from inside with either their hand or other objects. The Door and Hardware Federation (DHF) technical specification TS 008:2012 have shown to meet these requirements.
- All main doors for entering a dwelling should have a door viewer unless clear glass is installed within the door itself or a window is next to the doorset. All main doors should also have door chains or limiters fitted.
- Lighting in public places should conform to BS 5489 – 2013.
- All exterior security lighting on all dwellings should be white LED dusk to dawn lighting, as
Per SBD standards as set out in Lighting against Crime 2011.
- If intruder alarm systems are to be installed they should meet the requirements of BS EN 50131 (wired and wire free systems).
- The West Midlands suffers from lead theft, I recommend the use of lead substitute where possible.
- All new planting of shrubs when mature should not exceed 1 metre in height and trees when mature should be pruned so that there are no branches or foliage hanging below 2 metres. This will ensure that natural surveillance is maintained and the field of vision is not obstructed. All planting should have a structured maintenance plan to ensure good surveillance is maintained to clearly signal that the area is well cared for

I would recommend that the developer consequently apply for Secure by Design accreditation for the development in an effort to make them as secure as possible.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 08-Aug-2019

Plans List Item Number: 8.

Reason for bringing to committee: Called in By Councillor Douglas-Maul stating Significant Community Interest

Location: LIVING AREA ABOVE, 317, CHESTER ROAD, ALDRIDGE, WALSALL, WS9 0PH

Proposal: RETENTION OF NEW DOORWAY, WINDOW AND EXTERNAL STAIRCASE TO FIRST FLOOR FLAT

Application Number: 19/0468

Applicant: Simon Khera

Agent: Mr Doug Somerfield

Application Type: Full Application: Minor Use Class C2 (Residential Institutions)

Case Officer: Barbara Toy

Ward: Streetly

Expired Date: 26-Jun-2019

Time Extension Expiry: 19-Jul-2019

Recommendation Summary: Refuse



Current Status

At your meeting on 11th July 2019 Members deferred determination of this application to allow consultation with West Midlands Fire Service and Building Control and to find a suitable alternative privacy screen for the staircase.

Consultation Responses: (*Officer comments in italics*).

West Midlands Fire Service – Flats not fitted with fire mains should have vehicle access for a fire appliance not more than 45m from all points within each dwelling, measured on a route suitable for laying a hose. The direct distance is reduced to two thirds to allow for internal layout. If this cannot be met a fire main should be provided. The approval of Building Control will be required to Part B (Fire Safety) of the Building Regulations 2010. (*Not a material planning consideration, will be dealt with under Building Regulations*)

Building Control – No Building Regulations application has been submitted for this premises. An application would be required for the internal alterations of the flat which would change the means of escape arrangements. No formal assessment of the staircase or the works undertaken has been made at this stage as to whether the works are in compliance with the regulations, this would take place when an application is made. The applicant has been informed that a Building Regulations application is required.

Whilst Members asks for consideration of a more suitable privacy screen for the staircase to replace the temporary bamboo screen, it is considered that any alternative would remain unacceptable in terms of visual amenity. The staircase and any screening is fully visible from Chester Road above the garage roof of No 317a Chester Road as well as from the rear windows and rear garden of the property. It is considered that any form of screening structure suitable to ensure privacy to the occupiers of 317a would maintain the existing poor outlook and loss of amenity to the occupiers of 317a and maintain the existing adverse impact on the visual amenity of the area.

During the course of the application the case officer discussed alternative proposals to provide independent access to the flat with the applicant's agent, but no response or amended plans have been received.

The report below remains unchanged and the recommendation remains as refuse.

Proposal

This application proposes the retention of a new entrance door and window on the side elevation of the two storey wing of this building and an external metal staircase to the rear of the premises which provides independent access to the first floor residential accommodation. Independent access has been sought to overcome security issues associated with the ground floor post office use.

The staircase is situated towards the right hand side of the property and the design includes a landing across the width of the property, across an existing single storey flat roofed structure below, leading to a short run of stairs, a further landing and a further longer run of stairs into the back yard area of the premises.

The works were completed in March 2019 and since then a bamboo screen approx. 2m in height has been added to the outer side of the staircase which sits approx. 1m above the height of the staircase handrail. The bamboo is attached to the staircase with wooden posts and cable ties. The handrail of the staircase measures 1m in height. The staircase sits within 1m of the angled boundary with 317a Chester Road and sits approx. 2.7m beyond the existing extensions to the rear of the shop.

The total length of the staircase including the top landing area is 8.7m and the maximum height of the handrail is 4.6m and the overall maximum height with the screening 5.6m.

This application has been submitted following a complaint and subsequent investigations by an enforcement officer.

Site and Surroundings

The site comprises a retail shop at ground floor with a flat above. A single storey flat roofed extension is set to the side of the two storey wing with further single storey flats roofed elements to the rear which includes an access door to the rear elevation. A gated yard area is situated to the rear and is used to park a single vehicle. A large beech tree protected under TPO 25 of 1976 is situated to the rear on the boundary between the site and 315.

It is understood that the first floor flat was previously accessed internally via the shop unit.

The shop is situated within a block of 6 retail units situated on the corner of Chester Road and Hardwick Road, with a parking area on the frontage around the highway junction. A service yard is situated to the rear of the shops. It appears that the shops all have accommodation at first floor.

315 has an external staircase to the rear that is angled across the rear of the property.

317a is a semi-detached house immediately adjacent to the boundary with the site with an angled boundary. The house has a single storey side flat roofed garage and a small triangular rear garden. The occupier has added 0.8m of trellis with plastic foliage to the top of the original 1.8m high boundary fencing, since the installation of the staircase, giving a total height of 2.6m.

Relevant Planning History

None other than tree applications.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 55) says:

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

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

Reducing Inequalities

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

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

Black Country Core Strategy

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

Supplementary Planning Documents

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures

- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW3 Character
- DW9 High Quality Public Realm
- Appendix D

Consultation Replies

Tree Officer – Objection. Further information is required of the foundation and installation method for the staircase in order to accurately assess the long-term health and condition of the protected Beech tree.

Representations

One objection received

- The staircase that has been erected causes a privacy issue and a security risk

Determining Issues

- Impact on the amenities of the surrounding occupiers
- Impact on the visual amenity of the area
- Impact on a protected tree

Assessment of the Proposal

Impact on the amenities of the surrounding occupiers

The staircase sits at a high level adjacent to the angled boundary with 317a, a semi-detached house.

A bamboo screen has been attached to the outer side of the staircase since the installation (projecting 1m above the handrail height) to try and prevent loss of privacy to the occupiers of 317a. The occupiers of 317a have also added 0.8m high trellis with plastic foliage attached to the top of their original 1.8m high fence to provide further screening along the boundary.

317a has a very small triangular rear garden and the staircase sits alongside the angled boundary. The two landing areas within the staircase provide a high level platform for users to overlook the rear garden of 317a. The top landing sits at a height of 3.1m and the middle landing at 2.3m. Whilst the bamboo currently provides some screening, this is not considered a suitable permanent solution to the overlooking and loss of privacy that the staircase creates as it is likely to deteriorate over time, or be damaged by severe weather. The method of fixing the bamboo (cable ties) represents a temporary fix, not a permanent one, but any structure in this location would be obtrusive.

317a has a large first floor bedroom window on the rear elevation, the staircase conflicts the 45 degree code with a separation distance of 7m from the centre of the window to the staircase.

Due to its height and proximity it is considered that the staircase and platform and bamboo screen has an adverse impact on the amenities of the occupiers of 317a, having an overbearing impact on the living conditions of the bedroom through loss of outlook and privacy.

Impact on the visual amenity of the area

The height and location of the bamboo screen means that it is visible from Chester Road over the flat roofed garage of 317a, providing an obtrusive, alien feature with poor visual appearance out of character with the surrounding pattern of development.

It is considered that the bamboo screen is likely to deteriorate over time and could be damaged by severe weather exacerbating the poor appearance.

Impact on a protected tree

The mature protected Beech tree at the site sits on the boundary between 317 and 315 and has a radial root protection distance of between 9.6 and 10.8m. The new staircase therefore sits within the root protection area of the tree. The foundations and method of construction will determine whether the staircase will be detrimental to the long term health and condition of the tree, but no significant dieback is noted to date. Objections raised by the tree officer subject to the submission of the foundations and installation method of the staircase to accurately access the long term health and condition of the tree.

Conclusions and Reasons for Decision

The staircase has been installed without the benefit of planning consent in order to provide independent access to the first floor flat above the shop.

The staircase sits immediately adjacent to the angled boundary with 317a Chester Road and given the two landing areas in particular has resulted in overlooking and loss of privacy to the residential occupiers at No 317a. The bamboo screening has been added to the outside of the staircase since installation to address overlooking issues, but this is considered a temporary solution not a permanent one. The occupiers of 317a have also found it necessary to add additional 0.8m high trellis (with foliage) to the top of their fencing to improve their privacy. This too has been installed without the benefit of planning consent.

The proposals fails to demonstrate that the development has no detrimental impact on the long term health and condition of the protected mature Beech tree.

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal and enforcement action taken to secure the removal of the staircase.

Positive and Proactive Working with the Applicant

The case officer has spoken with the applicant and their agent to advice that the retention of the staircase cannot be supported and discussed alternative proposals for the provision of a staircase to allow for independent access to the first floor flat. No amended plans have been received.

Recommendation

Refuse

Reasons for Refusal

1. The external staircase as installed has an adverse impact on the amenities of the occupiers of 317a Chester Road having an overbearing impact on their living conditions through loss of outlook and privacy. The bamboo screening attached to the staircase is also visible from Chester Road and results in an obtrusive, alien feature with poor visual appearance, out of character with the surrounding pattern of development. As such the proposals are contrary to the aims and objectives of the National Planning Policy Framework, policies ENV2, ENV3 and CSP4 of the Black Country Core Strategy, saved policies GP2 and ENV32 of Walsall Unitary Development Plan.
2. The application fails to accurately demonstrate that the staircase installation will not be detrimental to the long term health and condition of the mature Beech tree protected under Tree Preservation Order 25/1976. As such the proposals are contrary to the aims and objectives of the National Planning Policy Framework, policy ENV3 of the Black Country Core Strategy, saved policies GP2, ENV18, ENV32 of Walsall Unitary Development Plan and policies NE7 and NE8 of Supplementary Planning Document Conserving Walsall's Natural Environment.

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

Report of Head of Planning, Engineering and Transportation on 08-Aug-2019

Plans List Item Number: 9.

Reason for bringing to committee: Called into Committee by Councillor Hussain as character of area – the proposed development could be detrimental to the character and/or visual amenities of the area and he wants it to be assessed by the planning committee

Location: 190, SUTTON ROAD, WALSALL, WS5 3AH

Proposal: TWO STOREY SIDE AND REAR EXTENSION, SINGLE STOREY FRONT EXTENSION, PORCH AND BAY WINDOW PLUS SINGLE STOREY REAR EXTENSIONS.

Application Number: 19/0133

Applicant: Mr Dar

Agent:

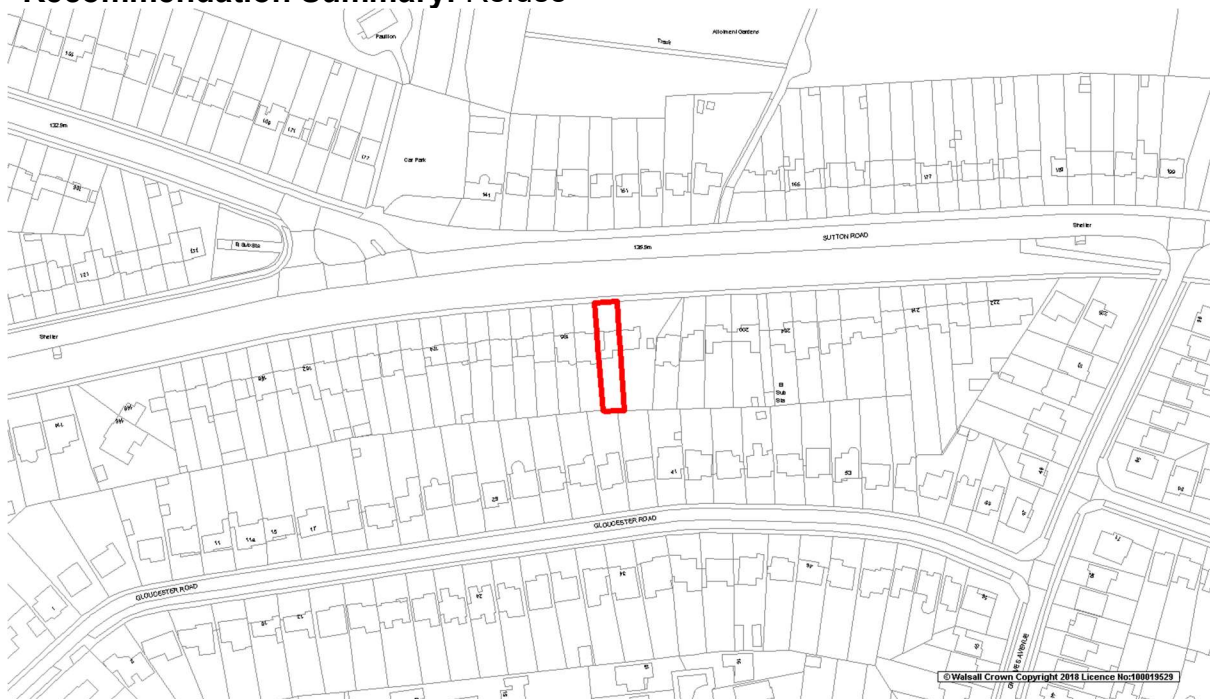
Application Type: Full Application:
Householder

Case Officer: Rebecca Allen

Ward: Paddock

Expired Date: 21-Mar-2019

Time Extension Expiry: 12-Aug-2019

Recommendation Summary: Refuse

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Proposal

This full planning application would include:

- Two-storey side extension to replace the original garage with a study.
- The first floor extension which forms part of the two-storey extension would be 3.5 metres deep (flush with the front elevation), 5.5 metres wide 4 metres high from the single storey extension
- The full depth of the two-storey extension will be 14.5 metres which will run along the full length of the existing property and includes a previous rear extension built pre-2004
- The height of the two-storey side and rear extension would be 8 metres high, meeting the original roof line of the property with a hipped roof
- The first-floor rear extension which will extend further from the pre-2004 extension to the right-hand side of the property would be 2 metres deep (5.5 metres deep in total from the previous single storey extension) and 5.5 metres wide. The height would be 7 metres from ground level with a hipped roof
- The proposed single storey front extension would be 2.5 metres wide, 1 metre deeper than the original garage depth at 6 metres and 3.5 metres high with a sloping roof
- The single storey rear extension located to the left-hand side would be 3.5 metres wide, 3.5 metres deep and 3.7 metres high with a sloping roof
- Replacement of the existing porch would be 2 metres wide, 0.9 metres deep and 3.5 metres high with a sloping roof
- Replacement bay window to the left-hand side of the property would be 2 metres wide, 1 metre deep and 3.7 metres high with a pitched roof
- Habitable windows to be incorporated into the first floor extension at the front and rear
- Habitable windows located to the front and rear ground floor extensions, along with bi-fold doors to the rear ground floor rear extension
- 2 roof lights to be incorporated into the existing roof at the first floor facing towards the rear garden – loft conversion not included
- No side facing windows to be included within the proposed extensions
- Proposed facing materials to match existing colour and texture of the existing property

Site and Surroundings

This property is a semi-detached two-storey house, located next to no. 188 Sutton Road and attached to no.192 Sutton Road. The application property is located within a residential area, consisting mainly of detached and semi-detached properties of a similar age with varying designs.

The application property consists of a distinctive 1930/50's design including a focal two storey front bay window. There is a single storey garage located to right-hand side of the application property with a decorative front parapet wall located above.

There are similar extensions located in close proximity to 190 Sutton Road, however, there are comparable extensions situated along Sutton Road, however, there are no similar extensions located in close proximity to 190 Sutton Road.

Relevant Planning History

No history recorded

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF (para 55) says:

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

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

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T7 - Car Parking NOTE for case officer: *(Also see AAP Policy AAP T5)*
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

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

Supplementary Planning Document

- DW3 Character
- Appendix D

Consultation Replies

None

Representations

There was one neighbour response on the following grounds:

1. Proposed drawings show roof lights but if they are dormer windows they would look directly into the neighbouring property *(the Council has to determine the application before it. The plans illustrate roof lights and not dormers)*
2. Roof appears to be higher than the original roof on the proposed drawings *(Based on the drawings submitted, the two storey side extension appears to follow the existing roof ridge height)*

Determining Issues

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

Assessment of the Proposal

Design of Extension

The overall scale and design of the proposed extension is considered would result in creating the appearance of terracing to no. 188 and 190 Sutton Road, because the extension is flush with the front elevation of the original house and up to the boundary with the neighbouring house, number 188. The proposal does not comply

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with Appendix D of Designing Walsall's SPD by not including a minimum of 0.9 metres gap to the boundary, not setting the first floor extension back by a minimum of 1 metre and not setting down the roof ridge of the extension. All of these elements combine to create the appearance of terracing, introducing an incongruous addition to the street scene resulting in a loss of an existing distinctive features of first floor gaps between the houses to the detriment of the character of the area and the amenity of local residents.

Given the scale and mass of the proposed two storey side extensions, combined with the front extensions, it is considered the proposal would unbalance the pair of semi-detached houses, further adding to the incongruous addition detrimental to the appearance of the pair of semi-detached houses, the overall street scene and the amenity of local residents. It is considered the Councillors call in reason reflects the Local Planning Authorities concerns.

The proposed single storey rear extension located to the left-hand side adjacent to number 192 Sutton Road would be 3.5 metres wide, 3.5 metres deep and 3.7 metres high with a sloping roof. This would be within the scope of the 45 degree code referred to in the Designing Walsall SPD. It is considered would not cause any significant harm to the residential amenities of neighbouring properties in terms of outlook, privacy or daylight, should the rest of the proposal meet the Council's policies and guidance.

The single storey rear extension will replace an existing extension adjacent to number 188, creating a 5.5 metres deep in total extension from the original rear elevation and 5.5 metres wide. The height would be 3.2 metres with a sloping roof. The proposed single storey would be in line with the neighbouring property at no. 188 Sutton Road and be in accordance with the Councils 45 degree code.

Above the rear single storey extension, is a first floor rear extension (part of the two storey side extension) which extends 3.5metres from the original house rear wall. This would be within the scope of the 45 degree code referred to in the Designing Walsall SPD. It is considered would not cause any significant harm to the residential amenities of neighbouring properties in terms of outlook, privacy or daylight, should the rest of the proposal meet the Council's policies and guidance.

The single storey front mono pitched roof extension forming part of the ground floor study and porch, would be 4.7 metres wide and 1.2 metre deep meets the 45 degree code to 192 Sutton Road in regard to outlook of habitable windows. 192 Sutton Road is currently set forward from the application property and the proposed front mono pitched roof extension would extend by less than 1 metre in front, therefore, it would not be detrimentally harmful to the neighbouring property at no. 192 Sutton Road.

The existing front two storey bay, includes a ground floor front bay window extension, extending forward by 0.3metres from the existing bay window, for the width of the existing bay window adding a pitched roof over. The proposed front ground floor pitched roof bay extension is considered to be detrimental to the appearance, character whilst detracting from the key focal feature of the original house further contributing to unbalancing the pair of semi-detached houses, further exacerbating the overall harmful detrimental impact of the proposal on the character and appearance of the street scene and the amenity of local residents.

The Council has requested an internal roof plan for the proposals from the applicant and agent to allow the council to fully assess the proposal. Whilst the applicant has said the proposed roof lights are to add light to the loft, to date, no plans have been received. If the applicant is converting the loft and extending into the roof space of the proposed extension, as part of the overall scene, they may not benefit from permitted development, leading to potential future enforcement action. Roof lights in the rear roof plain on there own don't create an incongruous feature. There may be overlooking issues, although without the floor plan, the planning authority cannot make a full assessment. Should all other aspects of the application be acceptable, a condition preventing the complete roof replacement could be imposed.

The applicant suggests the finished materials would be brick and render reflecting the original dwelling and could be conditioned plus a condition confirming this permission doesn't give approval to the replacement of the whole roof or the removal of the roof tiles as part of this application.

Amenity of nearby residents

The habitable window to window separation distance from neighbouring properties located to the rear in Gloucester Road is 40 metres. The proposed rear extensions of the application dwelling meet or exceed the window to window separation distances to Gloucester Road houses as recommended in Appendix D of Designing Walsall SPD. Weighing the planning balance of the rear proposals, it is considered would not cause any significant harm to the residential amenities of neighbouring properties in terms of outlook, privacy or daylight.

The habitable window to window separation distance from adjoining neighbours at 147 to 151 Sutton Road is between 55 and 58 metres. It is considered the proposed front extension would not cause any significant harm to the residential amenities of neighbouring properties in terms of outlook, privacy or daylight and would meet the aims of the Council's recommended separation distances, as referred to in Appendix D of Designing Walsall SPD in respect of habitable room windows

As stated earlier in the report, the proposed front extension would not maintain a subservient design and therefore would introduce an incongruous addition to the street scene, creating a detrimental amenity impact to nearby residents within the

street scene and does not comply with Appendix D of Designing Walsall's SPD in regards to creating the appearance of terracing to no. 188 and 190 Sutton Road. The extension is flush with the front elevation of the original house and up to the boundary with the neighbouring house, number 188. The proposal does not comply with Appendix D of Designing Walsall's SPD by not including a minimum of 0.9 metres gap to the boundary, not setting the first floor extension back by a minimum of 1 metre and not setting down the roof ridge of the extension.

Parking

As the garage will be converted internally, the proposal must establish whether sufficient parking is available. For the application property, the number of bedrooms will increase to 5 based on the plans currently available to the Council. Therefore, a requirement for 3 off road parking spaces (saved UDP T13) as it is a 5 bedroom house. Saved Unitary Development Plan Policy T13 states; the development will provide adequate on-site car parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment. The standard car parking space should be 4.8m by 2.5m.

Whilst the driveway to the property is 12 metres long and the site visit confirmed that 3 off road parking spaces could be accommodated within the application property frontage. Therefore a condition for the retention of 3 off road parking spaces would be required, which includes surfacing and being drained to prevent surface water runoff to the public highway or a public highway drain.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance, it is considered that the erection of a two-storey side and rear extension, single storey front extension, single storey rear extension and replacement of porch and bay window would not be compatible with the existing dwelling and neighbouring properties or the street scene because of its design.

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

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and agent on numerous occasions to make positive amendments to the proposal asking to reduce the two-storey side

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extension so it would comply with Appendix D of Designing Walsall's SPD in regards to creating the appearance of terracing. However, in this instance the changes have not been made and the Council are unable to support the proposal.

Recommendation

Reasons for Refusal

- The proposed two storey side extension would not be in accordance with the Council's SPD, the proposal would fail to maintain a 0.9m gap to the boundary and 1m set back at first floor in order to maintain a subservient design and avoid the creation of terracing. Therefore, would introduce an incongruous addition to the street scene which is detrimental to the character of the area and the amenity of the local residents. In addition, the scale of the proposed extensions further exacerbate the incongruous appearance in the street scene by unbalancing the pair of semi detached dwellings to the detriment of the amenities of the locality, local residents and the street scene

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

- The proposed ground floor pitched roof bay window extension would detract from the original focal two storey front gable bay feature of the dwelling to the detriment of the original dwelling exacerbating the harmful detrimental impact on the character and appearance of the street scene and the amenities of local residents. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no. 127; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular saved policies GP2, ENV32 and Designing Walsall SPD.