



Development Management Planning Committee

Report of Head of Planning and Building Control on 25/06/2020

CONTENTS

Item	Page	App Number	Site Address	Proposal	Recommendation
1	1	20/0051	DAWSONGROUP VANS LTD, CHARLES STREET, WILLENHALL, WV13 1HG Ward: Short Heath	CHANGE OF USE FROM B1/B2/B8 TO STORING, LEASING AND SELLING VANS INCLUDING AN OFFICE PORTACABIN, VALET BAY SHED, VEHICLE WASH BAY, AND ANCILLARY EXTERNAL LIGHTING AND CCTV AND RETENTION OF BOUNDARY FENCE.	PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE INTERIM HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO UNDERTAKE FURTHER CONSULTATION AND 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; ADDRESSING LAND OWNERSHIP ISSUES
2	13	19/1366	LAND AT FORMER DUCTILES STOURBRIDGE COLDMILLS Ward: Short Heath	CHANGE OF USE FROM CLASSES B1/B2/B8 TO HAULAGE YARD (SUI GENERIS)	PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE INTERIM HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO UNDERTAKE FURTHER CONSULTATION AND 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; ADDRESSING LAND OWNERSHIP ISSUES, HIGHWAY AND POLLUTION CONTROL OBJECTIONS

3	27	20/0071	ALDRIDGE SCHOOL, TYNINGS LANE, ALDRIDGE, WALSALL, WS9 0BG Ward: Aldridge Central And South	CONSTRUCTION OF 15 NEW CAR PARKING SPACES.	GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS
4	39	19/0649	ALDRIDGE AIRPORT, BOSTY LANE, ALDRIDGE Ward: Aldridge Central And South	INSTALLATION OF A PRE- CONSTRUCTED STORAGE UNIT.	DELEGATE TO THE INTERIM HEAD OF PLANNING & BUILDING CONTROL TO GRANT PERMISSION SUBJECT TO AMENDMENT AND FINALISING OF CONDITIONS AND NO FURTHER REPRESENTATIONS RAISING NEW MATERIAL PLANNING CONSIDERATIONS FOLLOWING PUBLICITY OF AMENDED PLANS.
5	49	19/1397	77, COLLINGWOOD DRIVE, GREAT BARR, BIRMINGHAM, B43 7JW Ward: Pheasey Park Farm	CHANGE OF USE FROM DENTIST TO HOT FOOD TAKEAWAY	GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS
6	63	19/1520	GARAGES OFF, MARGAM CRESCENT, BLOXWICH Ward: Bloxwich West	ERECTION OF 4 NO. 2 BED 4 PERSON DWELLING HOUSES AND ASSOCIATED CAR PARKING, LANDSCAPING AND HIGHWAY WORKS.	GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS
7	83	19/1516	FORMER GARAGES AND LAND OFF SELBY WAY, FOUNTAINS WAY, BLOXWICH Ward: Bloxwich West	ERECTION OF 6NO. 2 BED 4 PERSON DWELLING HOUSES AND ASSOCIATED CAR PARKING,	GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

				LANDSCAPING AND HIGHWAYS WORKS.	
8	103	19/1566	34, NEW ROAD, BROWNHILLS, WALSALL, WS8 6AT Ward: Brownhills	OUTLINE APPLICATION: CONSTRUCTION OF 2NO DWELLINGS TO REAR OF 34 NEW ROAD WITH ALL MATTERS RESERVED	DELEGATE TO THE INTERIM HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO THE AMENDMENT AND FINALISING OF CONDITIONS
9	117	18/1144	15 , Little Aston Road, Aldridge, WS9 0NP Ward: Aldridge Central And South	DEMOLITION OF SINGLE STOREY REAR EXTENSION AND THE ERECTION OF PART SINGLE, PART TWO STOREY REAR EXTENSION.	REFUSE
10	125	19/0319	195B, Foley Road West, STREETLY, SUTTON COLDFIELD, B74 3NX Ward: Streetly	NEW FRONT BOUNDARY WALL (1.153 METRES HIGH) WITH RAILING (650MM HIGH) ON TOP OF THE WALL, PLUS 1.989 METRE HIGH VEHICULAR GATE.	GRANT PERMISSION SUBJECT TO CONDITIONS TO SAFEGUARD HIGHWAY SAFETY AND VISUAL AMENITY OF THE LOCAL AREA.

Planning Committee

Report of Interim Head of Planning and Building Control on 25-Jun-2020

Plans List Item Number: 1.

Reason for bringing to committee: Major Application

Location: DAWSONGROUP VANS LTD, CHARLES STREET, WILLENHALL, WV13 1HG

Proposal: CHANGE OF USE FROM B1/B2/B8 TO STORING, LEASING AND SELLING VANS INCLUDING AN OFFICE PORTACABIN, VALET BAY SHED, VEHICLE WASH BAY, AND ANCILLARY EXTERNAL LIGHTING AND CCTV AND RETENTION OF BOUNDARY FENCE.

Application Number: 20/0051

Applicant: Dawsongroup Vans Ltd

Agent: ASB Property Consultants Limited

Application Type: Full Application: Major Use Class Sui Generis

Case Officer: Devinder Matharu

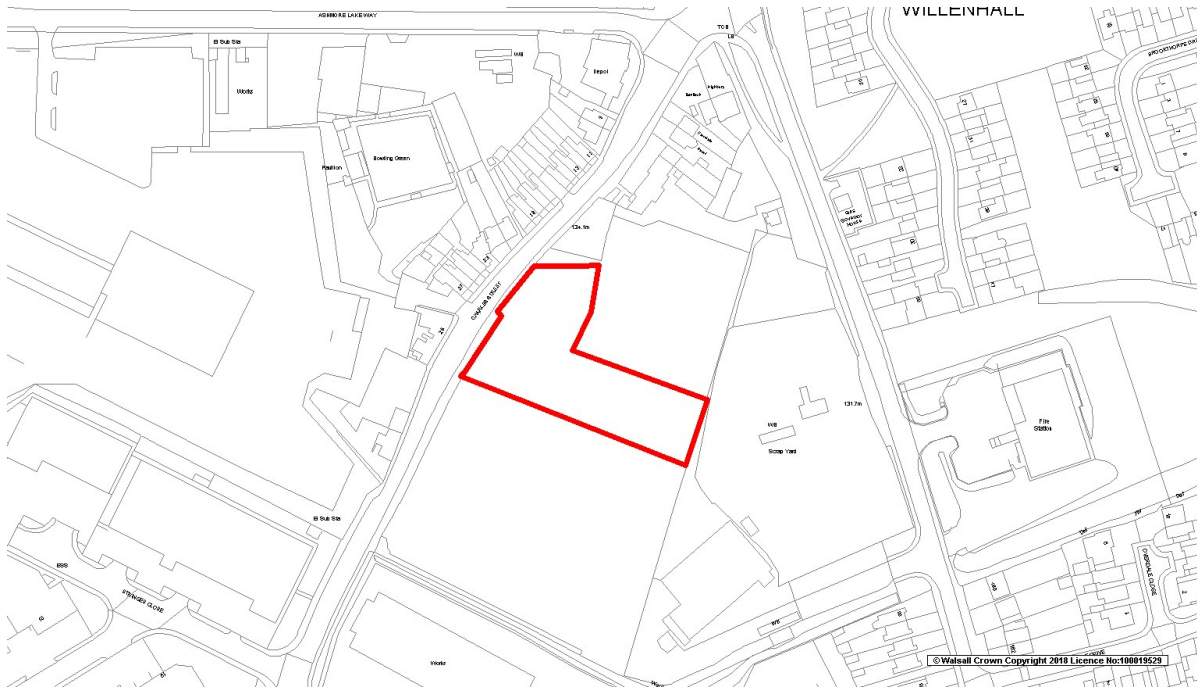
Ward: Short Heath

Expired Date: 15-Apr-2020

Time Extension Expiry: 30-Jun-2020

Recommendation Summary: Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to

- Undertake further consultation and 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;
- Addressing land ownership issues



Proposal

Change of use from B1/B2/B8 to Storing, leasing and selling vans including an office portacabin, valet bay shed, vehicle wash bay, and ancillary external lighting and CCTV and retention of boundary fence.

The submitted plans shows a single storey modular building, valet bay shed wash area, storage container and vehicle wash area to be located along the southern part of the site.

The application form states a total of 5 full time staff and 15 part time staff will be employed. The proposed opening hours are 8am until 6pm Mondays to Fridays and 8.30am until 12noon Saturdays with no Sunday, bank or public holidays.

The applicant has submitted a Design and Access Statement, noise statement, lighting details, Transport Statement and a covering letter stating:

- Damaged vehicles will need to be parked on site whilst estimate for repairs are completed and costs agreed with the customer. Once costs agreed the vehicle will be removed to the repair garage.
- The applicant will have a service agent attending site to complete Vehicle services tyre changes and small part replacements.
- Servicing of vehicles may be undertaken by a mobile fitter.
- The vehicle wash area is not enclosed – as per the submitted example of the wash area at their Milton Keynes branch. It is a concrete wash down bay with inceptor.

- Storage container will accommodate Valet Equipment and additional items for vehicles like tyres and parts
- There are no proposed boundary treatments as the fencing is existing.
- Twenty staff to be employed in total
- No tannoy system to be installed

The planning agent has confirmed that the site is not in operation.

The proposed access is to be shared with the proposal submitted under planning application 19/1366.

A fence has been erected around the site perimeter, which requires planning permission and the planning agent has been advised to include the retention of the fence in the current application.

Site and Surroundings

The application site is located on the eastern side of Charles Street, opposite numbers 19 to 28 consecutive Charles Street.

The site was the former Ductile Stourbridge cold mills, which has been split into two. The application forms the southern part of the site.

The area is mixed in nature with commercial uses to the west and south and on the opposite side of Charles Street and residential properties to the north and opposite side of the site. To the west of the application site is Autobits, a scrap yard facility.

Relevant Planning History

Land at former Ductile Stourbridge cold mills

19/1366 - Change of use from Classes B1/B2/B8 to haulage yard (sui generis). Being considered.

Autobits

18/0260 - Change of use of land from metal works to scrap yard, to be utilised as part of existing autobits for the depollution of car vehicles and metal storage, removal of internal fence, retention of part of the unauthorised 3.5m high fence within the site and erection of 3m high boundary treatments. Being considered.

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 6 – Building a strong, competitive economy**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **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
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV26: Industrial Archaeology
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- JP8: Bad Neighbour Industrial Uses
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- EMP3: Local Quality Employment Areas
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- IND3: Retained Local Quality Industry
- 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

Archaeology – No objection

Severn Trent Water – No objection subject to drainage condition

Fire Officer – No objection subject to compliance with Building Regulations on access, means of escape and water supplies.

Police- No objection but makes comments on LED lighting and all structures to be places 1.5m away from the site perimeter.

Pollution Control – No objection

Coal Authority – No objection

Strategic Policy – No objection

Public Lighting Manager -No objection to the submitted lighting details.

Transportation – No objection subject to planning conditions relating to access, drainage, weight limitations and parking.

Representations

Two letters have been received objecting to the proposal on the following grounds (officer comments in italics):

- No site notice displayed *A site notice was not originally displayed, as this application was not picked up as a major until later in the process, due to lockdown measures a site notice has not been displayed*
- Drawing are incorrect and include third party land
- What impact this would have upon neighbouring struggling businesses- *Competition is not a material planning consideration*
- Will trade increase
- New business could benefit existing businesses in the area

Determining Issues

- Principle of development
- Design, Layout and character of the area
- Impact upon neighbouring commercial and residential occupiers
- Access and parking

Assessment of the Proposal

Principle of development

The application site lies within the area identified as site IN69.4 in the Site Allocation Document and under policy IND3 allocated for local quality industry. Policy EMP3 of the BCCS allocates the site as a local quality employment area.

As the proposal is an employment use, it can be supported under the terms of the development plan policy.

Neighbouring commercial occupiers have sought questions whether the proposal will benefit existing businesses in the area. There is no evidence to suggest that the proposed change of use will benefit existing commercial occupiers adjacent the application site. It may be the case that the scrap yard to the rear of the site may be of use to the proposed occupiers for parts.

Design, Layout and character of the area

The proposed single storey buildings on site are considered appropriate in design terms and would not unduly harm the character or appearance of the commercial nature of this part of Charles Street. The proposed structures will be similar to other commercial structures on neighbouring sites. The location of the buildings in the southern part of the site allows for greater vehicle manoeuvrability on site for vehicles.

Severn Trent Water have sought drainage details, which can be secured by way of a planning condition.

There are issues still to be clarified around the site ownership; as such, delegation is sought to the Interim Head of Planning and Building Control to ensure an accurate plan has been submitted and the necessary consultation undertaken.

A 2m high boundary fence has been erected along the Charles Street frontage. The fencing consists of a mixtures of concrete panel and palisade fencing. Whilst in principle the fencing is acceptable, it may have to be relocated to coincide with Highway comments; as such, amended plans have been sought.

Impact upon neighbouring commercial and residential occupiers

The application site is located 11m away from neighbouring residential occupiers on the opposite side of Charles Street; it is considered that the use of the site for commercial use would not unduly harm the amenities of neighbouring residential occupiers on the opposite side of Charles Street.

Pollution Control have raised no objection to the proposed change of use of the site. Planning conditions can be attached to ensure the proposed hours of use are restricted to ensure any vehicle movements do not harm the amenities of the occupiers on the opposite side of Charles Street. A planning condition will also be attached to ensure no tannoy systems are installed to protect the amenities of neighbouring residential occupiers.

The public lighting officer has advised the proposed lighting is acceptable, it is considered that the proposed lighting would not unduly harm the amenities of neighbouring occupiers on the opposite side of Charles Street to warrant refusal of the application.

The proposed use would not unduly harm the amenities of neighbouring commercial occupiers adjacent the application site. The objections in relation to potential competition is not a material planning consideration.

Access and parking

Transportation have no objection to the proposed change of use from a former B1/B2/B8 use to a use for selling/leasing and storing vans.

Access to the site is via an existing dropped kerb on Charles Street that previously served as access to a height restricted staff car park to the former premises now demolished. The Highway Authority accepts that this access can be used by vehicles up to 3500kg (subject to a visibility splay to be secured by condition) but is not considered suitable for HGV's

Whilst ideally the dropped kerb should possibly be widened to take account of the widened access, the site can operate utilising the existing dropped kerb unaltered as such; the access widening has not been conditioned.

The 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 2018 paragraph 109.

Conclusions and Reasons for Decision

The principle of commercial use on the site is acceptable, as is the design and layout of the site. The proposal would not unduly harm the amenities of neighbouring commercial and residential occupiers. The access and parking arrangement are acceptable.

The proposal complies with the policies as set out in the policy section of this report.

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, subject to addressing the land ownership issues .

Recommendation

Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to

- Description of development being amended to include the unauthorised fence
- Undertake further consultation and 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;
- Addressing land ownership issues

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 hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Location plan submitted 23-03-2020
- ASB757-03 Proposed block plan submitted 23-03-2020
- ASB757-04 Proposed modular building plan submitted 15-01-2020
- ASB757-05 Proposed valet bay shed submitted 18-02-2020
- ASB757-06 Proposed storage container plans submitted 15-01
- ASB757-07 Proposed valet elevations submitted 18-02-2020
- ASB757-08 Proposed modular building elevations submitted 15/01/2020

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

3a. Prior to the commencement of development hereby permitted, drainage plans for:

- i. the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers
- ii. full details of drainage measures to prevent waste water from this area from discharging onto the highway or into any highway drain

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

3b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

3c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site and to ensure the satisfactory drainage of the site and in the interests of highway safety in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

4a. Prior to the commencement of development hereby permitted, the external finish of the lighting columns as detailed on drawing number P155-050320/A submitted on 26 March 2020 shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

Reason: In the visual amenities of the area in accordance with Policies GP2 and ENV32 of the UDP and Policy ENV3 of the BCCS.

5a. Prior to the commencement of development hereby permitted the 2.4 metre x 43 metre visibility splay in a southerly direction at the access point on Charles Street, shown on submitted Milestone Drawing no.20063/001 attached to the highway statement submitted on 23-03-2020, shall be fully implemented being free of any structure exceeding 600mm in height above carriageway level at all times.

5b. The visibility splay shall thereafter be retained for this purpose only.

Reason: To ensure adequate inter-visibility at the access point in the interests of highway safety, UDP Policy GP2 and DfT Manual for Streets guidance.

(Note: This is likely to involve relocating some existing boundary fencing and modifications to the access gates).

6. Prior to the commencement of development hereby permitted, all parking areas for sales, leasing, sold and damaged vans, sales/leasing bays and staff parking shall be clearly defined and signed and the parking bays clearly demarcated on the ground. The specific parking areas shall thereafter be retained and used for no other purposes.

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

7. The site shall not, at any time, be used by commercial vehicle with a maximum gross weight of over 3500kgs.

Reason: To define and control type and size of the vehicles operating from the site due to the suitability of the existing access point, in the interests of the safe and satisfactory operation of the site and highway safety in accordance with Policy GP2 of the UDP and Policy T4 of the SAD.

7. The permitted development hereby approved shall not be carried out otherwise than in accordance with the approved lighting details as shown on drawing number P155-050320/A submitted 26-03-2020 and thereafter be retained as installed for the lifetime of the development.

Reason: In the visual amenities of the area in accordance with Policies GP2, ENV11 and ENV32 of the UDP and Policy ENV3 of the BCCS.

8. No tannoy system shall be installed on any structure/building/boundary or within any part of the site.

Reason: To protect the amenities of the neighbouring residential occupiers on the opposite side of Charles Street in accordance with Policies GP2, ENV10 and ENV32 of the UDP.

9. The development hereby permitted shall not be open otherwise than between the hours of 0800 hours to 18.30 hours Mondays to Fridays and 0830 hours to 1300 hours Saturdays with no Sunday Bank and Public Holidays opening.

Reason: To protect the amenities of the neighbouring residential occupiers on the opposite side of Charles Street in accordance with Policies GP2, ENV10 and ENV32 of the UDP.

Notes for Applicant Severn Trent Water

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be

diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

As the site is to be used as a Car Wash, we would strongly recommend the applicant speaks to the Trade Effluent Support Team before requesting a discharge of the drainage related condition. The team can be contacted by telephone: 01332 683369 or email: trade.effluent@severntrent.co.uk

Recommendation Summary:

Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to

- Undertake further consultation and 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;
- Addressing land ownership issues

End of Officers Report



Planning Committee

Report of Interim Head of Planning and Building Control on 25-Jun-2020

Plans List Item Number: 2.

Reason for bringing to committee: Major Application

Location: LAND AT FORMER DUCTILE STOURBRIDGE COLD MILLS, CHARLES STREET, WILLENHALL

Proposal: CHANGE OF USE FROM CLASSES B1/B2/B8 TO HAULAGE YARD (SUI GENERIS)

Application Number: 19/1366

Applicant: Alan Keith Thomas

Agent: Gurprit Benning

Application Type: Full Application: Change of Use

Case Officer: Devinder Matharu

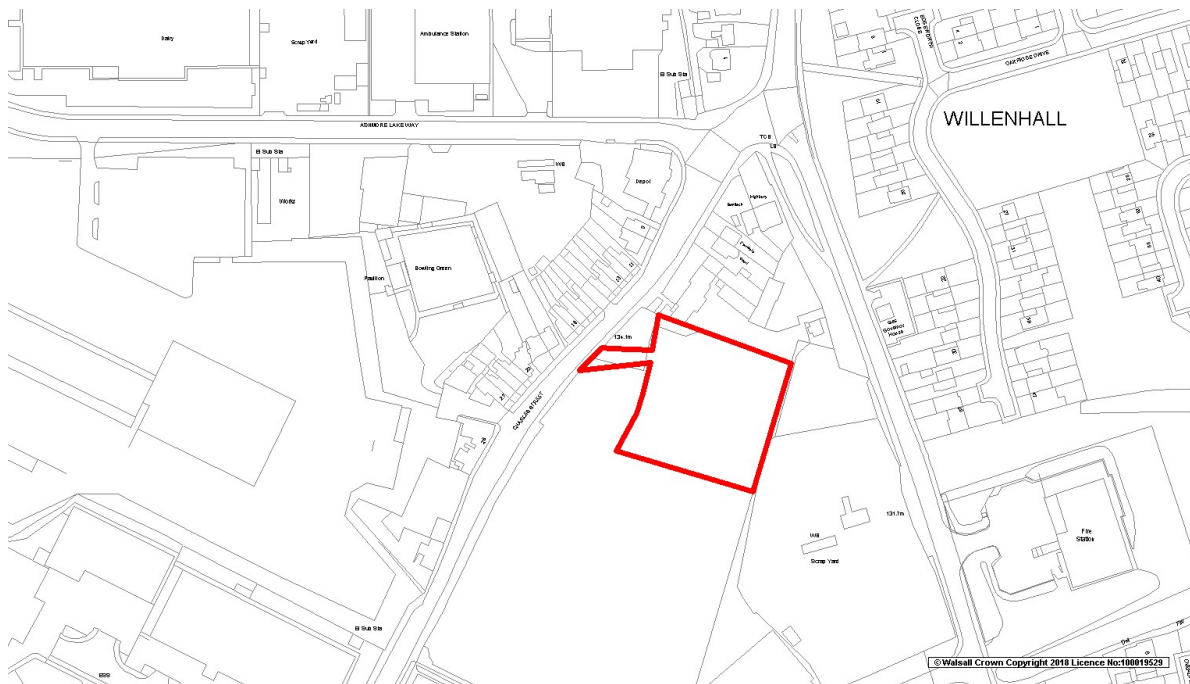
Ward: Short Heath

Expired Date: 04-Feb-2020

Time Extension Expiry: 30-Jun-2020

Recommendation Summary: Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to

- Undertake further consultation and 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;
- Addressing land ownership issues, Highway and Pollution Control objections



Proposal

Retrospective: change of use from Classes B1/B2/B8 to haulage yard (sui generis).

The submitted plans show 15 HGV's to be operated and parked at the site. The application form states twenty-four employees full time and two part time.

A plan showing propose lighting on site has bene submitted.

A Design and Access Statement has been submitted which addresses the proposal.

A covering letter has been submitted stating:

- The business will relocate from Cannock
- In total 15 staff are to be employed
- Staff will travel to the site by private vehicles
- Shift patterns for staff/travel patterns between 04:00 to 16:00 and one truck between 16:00 to 02:00
- Monday mornings 14 vehicles leave between 04:00 to 17:00, eight vehicles stay out until Friday afternoon between 14:00 to 17:00
- Two staff/vehicles finish shift at 18:00 every day, three staff/vehicles finish shift between 14:00 and 17:00 and one staff/vehicle finishes shift at 02:00
- One staff/vehicle is out on Sunday with no trailer between 04:00 to 15:00
- Articulated lorries are 56 feet long
- A small 3.5t van is also used.
- Not all HGV's are emptied of contents only ambient products are left loaded on the Trailer of the HGV Vehicle e.g roof tiles if driver has run out of legal driving hours and has to take his legal daily rest period as stipulated by the EU rules on driving hours and working times.

- Drivers will load the product from a depot as requested by the customer e.g Marley tiles Burton and deliver the product to a specified destination in the UK that is given on the delivery note by the customer.
- There will be no products loaded on site only collected/delivered to Customers depots/delivery points.
- There are five office Staff based in Cannock, 1 vehicle is used 2 drivers, 3 drivers work out of Bilston using the Customers vehicles. Two Part time staff are only called in onsite to cover sickness and holidays

The noise impact assessment states:

- The lorry park is used to store up to about 20 lorries.
- Drivers arrive in their cars and drive out lorries with either full or empty containers. It is understood that the lorry park operates Monday to Friday only.
- About 6 lorries leave on a Monday morning and do not arrive back until Friday. Most of the others leave and return to the park same day.
- The first drivers arrive on site early, approximately 04:00 hrs, and at the end of the day, the last driver would leave the site around 18:00 hrs.
- The source noise levels of a typical fully laden lorry being driven and manoeuvring in the lorry park was approximately 68 dB LAeq. The intermittency correction is not considered appropriate for such infrequent use as three to five events between 04:00-07:00 hrs and tonal correction is not considered applicable given the soundscape of the area. As the activity durations are short, it is considered unlikely that activities would occur at the same time.
- The assessment shows an impact of up to 7 dB, could be or likely to be an indication of significant noise impact. However, in the context of this area close to Charles Street where there are other local sources of noise, this is considered unlikely. It is considered that operation of the lorry park with typical vehicle related sources of noise with similar varying ambient noise levels is unlikely cause a significant adverse impact.
- The noise impact determined above may be mitigated by raising the height of the site boundary fence towards the newly converted houses. The boundary fence needs to be about 3.5m tall for part of its length for a reduction of 5-7 dB in the noise impact. The taller fence should be positioned to screen lorries in the central part of the lorry park.

Site and Surroundings

The application site is located on the eastern side of Charles Street, opposite numbers 14 and 21 consecutive Charles Street. To the north of the site is a two storey flat development.

The site was the former Ductile Stourbridge cold mills, which has been split into two. The application forms the southern part of the site.

The area is mixed in nature with commercial uses to the west and south and on the opposite side of Charles Street and residential properties to the north and opposite side of the site. To the west of the application site is Autobits, a scrap yard facility.

PAGE 15 OF 135

Relevant Planning History

Land at former Ductile Stourbridge cold mills

20/0051 - Change of use from B1/B2/B8 to Storing, leasing and selling vans including an office portacabin, valet bay shed, vehicle wash bay, and ancillary external lighting and CCTV. Being considered.

Autobits

18/0260 - Change of use of land from metal works to scrap yard, to be utilised as part of existing autobits for the depollution of car vehicles and metal storage, removal of internal fence, retention of part of the unauthorised 3.5m high fence within the site and erection of 3m high boundary treatments. Being considered.

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 6 – Building a strong, competitive economy**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **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
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV26: Industrial Archaeology
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- JP8: Bad Neighbour Industrial Uses
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- EMP3: Local Quality Employment Areas
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document 2019

IND3: Retained Local Quality Industry
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

Arboricultural Officer- To be updated.

Coal Authority – No objection

Public Health – No objection but makes comments about noise and neighbouring residents.

Pollution Control – Objection as the hours of operation need to be clarified and noise mitigated measures agree to protect the amenities of the neighbouring occupiers in the flats adjacent the site.

Public Lighting Manager – To be updated.

PAGE 18 OF 135

Transportation – objection on the grounds that the proposal presents an unnecessary risk of a HGVs straddling Charles Street attempting to turn out of or into the site from the north, to the detriment of the free flow of traffic along the public highway and to highway safety.

Representations

Nine letters from five residents have been received objecting to the proposal on the following grounds (officer comments in italics):

- Neighbours not consulted- *the correct address for the immediate neighbour has been provided and as such neighbour notified. All those neighbours who form a boundary with the site have been notified as well as those neighbours opposite the site.*
- Application site includes third party land
- Application form details are incorrect regarding trees, access, hours of operations, drainage
- Lorries are now new or Euro 6 *the type of vehicle on site is not a material planning consideration*
- Impact upon street appearance
- Drainage issues including: use of the jet wash on site, needs to be hard core on site for drainage purposes
- Weight and vibration of HGV's cause damage to properties on Charles Street
- Light pollution
- Noise issues including: Existing noise from ambulances leaving station during early hours, ambulances use horns during early hours of the morning, vehicles leave the site at all times of the day and night and associated noise disturbs sleeping residents during the early hours, haulage yard used on Saturdays, jet wash causes noise nuisance on a weekend, noise survey should have been carried out Monday to Sundays as the site is operational throughout, folk lift trucks used on site at all times of the day and night, generator used on site, vehicles parked up against the boundary of neighbouring flats
- Access and parking issues including: 700 plus movements with existing commercial uses in the area, lorry drivers knock on residents doors who live opposite move vehicles as there is not enough space for them to manoeuvre out of the site safely, vehicles mount the pavement to access and leave the site, vehicles mount pavement opposite and vehicles are inches from neighbouring properties, vehicles have caused damage to the pavement impacting on pedestrians, access to site originally from Clarkes Lane and not Charles Street, share access with flats causing damage to footpath, residents struggle to park on Charles Street, extra traffic,
- Impact upon sale of house- *there is no evidence to suggest the proposal will impact upon the sale of the house.*

Determining Issues

- Principle of development
- Design, Layout and character of the area
- Impact upon neighbouring commercial and residential occupiers
- Impact upon trees on site
- Access and parking

Assessment of the Proposal

Principle of development

The haulage yard is in use and as such, this is a retrospective application seeking the retention of the haulage use. The application site lies within the area identified as site IN69.4 in the Site Allocation Document and under policy IND3 allocated for local quality industry. Policy EMP3 of the BCCS allocates the site as a local quality employment area.

As the proposal is an employment use, it can be supported under the terms of the development plan policy.

Design, Layout and character of the area

The haulage yard would not unduly harm the character or appearance of the commercial nature of this part of Charles Street. No structures are proposed within the site.

The proposal seeks the installation of a 3.5m high boundary fence to the northern part of the site. Whilst this fence is within the site, part of it will be seen from the public realm, there are concerns over the visual impact this would have when seen from Charles Street. Until the noise mitigation measures have been agreed as set out in the report below, the final design and visual impact of the fence will need to be assessed at that stage. It is very likely that whilst, a 3.5m high fence may be supported within the site towards the front of the site, a lower height fence may be more appropriate.

Issues regarding drainage on site can be resolved through the submission of drainage details by way of a planning condition.

There are issues still to be clarified around the site ownership; as such, delegation is sought to the Interim Head of Planning and Building Control to ensure an accurate plan has been submitted and the necessary consultation undertaken.

Impact upon neighbouring commercial and residential occupiers

The submitted plans show the proposed site to accommodate 15 heavy good vehicles to be parked along the eastern boundary of the site adjacent Autobits. However, photographic evidence shows these vehicles parked alongside the northern boundary

PAGE 20 OF 135

of the site. The manoeuvring of vehicles in close proximity to these neighbouring flats would unduly harm the amenities of these neighbouring occupiers. Residents amenities can be protected through appropriate conditions ensuring vehicles are parked as shown on the approved drawings. Pollution Control have raised concerns with the proposal regarding the impact the proposal would have upon neighbouring occupiers and have sought noise mitigation measures to be agreed prior to approval.

There are discrepancies between the submitted documents with regards to the proposed hours of use and number of vehicles that would operate from the site. Pollution Control have also sought clarification of the proposed hours of operation to fully assess the impact upon these neighbouring residential occupiers. The operational hours of the site can be secured by way of a planning condition.

The noise impact assessment suggests that a 3.5m high fence is erected along the northern part of the site to protect the amenities of neighbouring occupiers. Pollution Control advise the consultant has based his noise reduction on noise from the centre of the site to the apartments, but it is unclear whether this is based on ground or upper floor apartments. Pollution Control express concerns that if the assessment is based on ground floor apartments then the boundary fence may need to be increased for upper floor apartments. They also advise the 3.5 metre fence height is a conservative measurement and one that the acoustic consultant has assumed should result in some noise reduction. The main issue is the apartment block and whether they have undertaken an acoustic noise survey and/or installed acoustic glazing based on the noise survey. As such, further information from the noise consultant is required in order to fully assess the noise impacts upon these neighbouring occupiers and appropriate mitigation measures.

Further details will also need to be obtained from the planning agent regarding what other vehicles/machinery are utilised on site and the hours these will be used. Neighbouring occupiers have raised objections regarding a generator being used on site. Details of this will be required and appropriate mitigation measures sought to protect the amenities of neighbouring residential occupiers.

Lighting details have been submitted showing lighting columns to be erected on site and a light spillage plan. The Public Lighting Manager has been consulted to ensure the proposed lighting would not result in light spillage or sky pollution to impact upon the amenities of neighbouring occupiers. Members will be updated at planning committee. Furthermore, should the lighting details be acceptable, they can be secured by way of a planning condition.

Any existing issues regarding noise from the ambulance station can be dealt with through Environmental Health legislation.

Neighbouring occupiers have raised objection that the weight and vibration of HGV's cause damage to properties on Charles Street. There is no evidence to support this.

PAGE 21 OF 135

Delegation is sought to the Interim Head of Planning and Building Control to ensure further information regarding hours of operation, mitigation measures and clarification on the noise assessment are submitted to address Pollution Control objections and the necessary consultation with Pollution Control undertaken.

Impact upon trees on site

There are trees within the site fronting Charles Street, the submitted plans do not illustrate or make reference to these trees. The Arboricultural Officer has been consulted and members updated of the outcome of that consultation.

Access and parking

Notwithstanding the submission of autotrack swept path diagrams demonstrating that the access can operate satisfactorily as a right in/left out only arrangement, the angle of the access road to the highway makes for unsatisfactory if not impossible left in/right out movements for HGV's.

Whilst the applicant claims in the D&A Statement that HGV's drivers do not make these manoeuvres, the Highway Authority is concerned that drivers of these vehicles may attempt to turn right out of the site or left into the site as this is the shortest route to and from the strategic highway network. Due to the width of Charles Street at the access point, it is not feasible to install physical preventive measures on the highway and it cannot be controlled with any degree of certainty by a workable and enforceable planning Condition.

As the access to the site is currently laid out, it presents an unnecessary risk of a HGVs straddling Charles Street attempting to turn out of or into the site from the north, to the detriment of the free flow of traffic along the public highway and to highway safety. It has been raised by third parties who have written in confirming residents are asked to move their vehicles, as HGV's are unable to exit the site. Neighbouring objectors also raise concerns that HGV's mount the footpath not only causing damage to the footpath, due to the width of the road vehicles are in close proximity to houses when HGV's are making turning manoeuvres.

The submitted Milestone drawing no. 20063/001 demonstrates that to achieve the minimum 2.4 metre x 43 metre visibility splay at the access in a southerly direction, part relocation of the existing boundary fence on the adjacent site would be required. As the adjacent site is not within the red line boundary of the current application, it is not clear whether these visibility accommodation works can be deliverable by condition.

The Highway Authority considers the access fails to meet minimum Highway Design standards in terms of visibility to the detriment of the safe and satisfactory operation of the access and to highway safety.

Delegation is sought to the Interim Head of Planning and Building Control to ensure further information regarding the access are submitted to overcome highway objections and the necessary consultation with highways undertaken.

Conclusions and Reasons for Decision

The principle of haulage yard in a mixed commercial area is considered acceptable.

The use of the site as a haulage yard is unlikely to impact upon the existing commercial nature of the site.

The proposal partly complies with the policies set in the policy section of this report. Issues regarding the boundary fencing, hours of use, machinery, noise mitigation and access are matters remaining to be resolved. This will also result in planning conditions being amended and further conditions included.

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 undertaken negotiation with the agent to submit amended plans that would overcome highway officers concerns; to date the LPA is still awaiting amended plans.

Recommendation

Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to

- Undertake further consultation and 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;
- Addressing land ownership issues, Highway and Pollution Control objections

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 hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Location plan submitted 13-05-2020
- Proposed site plan submitted 20-05-2020

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

3a. Prior to the commencement of development hereby permitted, drainage plans for:

- iii. the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers
- iv. full details of drainage measures to prevent waste water from this area from discharging onto the highway or into any highway drain

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

3b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

3c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site and to ensure the satisfactory drainage of the site and in the interests of highway safety in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

4. No tannoy system shall be installed on any boundary or within any part of the site.

Reason: To protect the amenities of the neighbouring residential occupiers in accordance with Policies GP2, ENV10 and ENV32 of the UDP.

Recommendation Summary:

Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to

- Undertake further consultation and 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;
- Addressing land ownership issues, Highway and Pollution Control objections

End of Officers Report



Planning Committee

Report of Interim Head of Planning and Building Control on 25-Jun-2020

Plans List Item Number: 3.

Reason for bringing to committee: Significant community interest

Location: ALDRIDGE SCHOOL, TYNINGS LANE, ALDRIDGE, WALSALL, WS9 0BG

Proposal: CONSTRUCTION OF 15 NEW CAR PARKING SPACES.

Application Number: 20/0071

Applicant: Aldridge School

Agent: J Jacobs

Application Type: Full Application: Minor
Use Class Sui Generis

Case Officer: Devinder Matharu

Ward: Aldridge Central And South

Expired Date: 01-Apr-2020

Time Extension Expiry: 30-Jun-2020

Recommendation Summary: Grant Planning Permission Subject to conditions



Proposal

The proposal seeks the construction of 15 car parking spaces to be provided by cutting into an existing grassed area outside the main school frontage. Part of the grassed area has already been utilised for additional car parking. The parking spaces will be accessed via the existing driveway into the school and around the existing internal road network.

A covering letter has been submitted stating:

- three trees to be lost as a result of the proposed parking will be replaced on the green area to the front of the school adjacent the proposed parking.
- The existing overflow car park that occurs on the grass area will be alleviated by the provision of new car parking spaces.
- The school do not wish to incur the cost of putting a post and trip rail to the grassed area to prevent overspill parking that acts as very occasional overflow parking use for high demand parking situations on site such as parents evenings.
- The school are committed to protecting the environment and lowering carbon footprint and taken out the roll out of replacement light fittings with LED type.
- The school will provide 2no electric charging points (ECP).
- The location of the ECP will be confirmed once a feasibility investigation has been undertaken by the school's electrical contractor.

A Design and Access Statement has been submitted which states:

- The school has limited parking
- The new parking spaces will be accessed off the internal circulation roadways.
- Provide additional parking to meet existing staff needs
- Enable additional capacity at busier times
- Alleviate the current parking issues on grassed areas.

Site and Surroundings

Aldridge School is located off Tynings Lane with vehicular and pedestrian access between numbers 6 and 8 Tynings Lane. The school buildings are located to the north of the playing fields and are surrounded by housing in Tynings Lane, Walsall Road, Quicksand Lane, Hepburn Close, Meadow Road and Gaydon Road.

The front part of the school encompassing the lobby, reception and circulation area is single storey where the main school building to the east is two storeys high.

The area in front of the reception, lobby and circulation area is soft and hard landscaped and includes a pathway to the school entrance.

There is a grass verge with trees on it to the rear of 8 to 16 Tynings Lane within the school site, which is used for parking. Towards the rear of 18 to 28 Tynings Lane there is a defined hardsurfaced area within the school site used for parking.

Relevant Planning History

BC48113P - Erection of Single Storey Extension consisting of 3 Classrooms & Ancillary Accommodation. Grant Permission Subject to Conditions 1997-01-03.

03/0641/FL/E4 - Geography block infills extensions and new windows. Grant Permission Subject to Conditions 2003-06-30.

04/0080/FL/E4 - Installation of lift for disabled access. Grant Permission Subject to Conditions. 2004-03-12.

06/2069/FL/E6 - Replacement of glazed wall to swimming pool with masonry and windows (east wall). Grant Permission Subject to Conditions 2007-01-23.

06/2068/FL/E6 - Replacement of windows with cladding panels and replacement of doors at A Block Sports Hall. Grant Permission Subject to Conditions 2007-01-23.

12/1647/FL - Demolition of existing side garage and rear conservatory at 6 Tynings Lane to allow the widening of existing access to Aldridge School to form a designated pedestrian access. Grant Permission Subject to Conditions 2013-02-06.

13/0210/FL - Variation of conditions 2a (details of bollards) and 4 (approved plans) on planning approval 12/1647/FL to amend boundary wall to fence and approve details of bollards. Grant Permission Subject to Conditions 2013-03-25.

16/0518- Outline planning permission for the erection of 3 no. dwellings with access details to be considered, and all other matters reserved. Grant Permission Subject to Conditions 05-12-16

18/0228- The proposal is to create a 'Ground-Art feature' in the form of an Analemmatic ("Human") Sundial in the grounds of Aldridge School. Grant Permission Subject to Conditions 24-Apr-2018

20/0019 – Extension of parking spaces. Granted subject to conditions April 2020.

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"*.

PAGE 29 OF 135

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **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.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- HOU5: Education and Health Care Facilities
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Walsall Site Allocation Document 2019

OS1: Open Space, Sport and Recreation

T4: The Highway Network

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

Consultation Replies

Arboricultural Officer – No objection subject to planning condition to ensure replacement planting for the loss of the three trees, to protect existing trees and to ensure a post and trip fence is erected to protect the future health of existing trees on site.

Pollution Control – No objection subject to planning condition relating to electric charging points.

Strategic Policy – No objection

Transportation – No objection

Representations

Seven letters from six residents have been received objecting to the proposal on the following grounds:

- Plans are out of date and show parcels of land previously sold off
- Loss of trees on site and in close proximity to neighbouring properties
- Light pollution from existing lights shining into rear of houses

- Noise issues including: from proposed parking being close to neighbouring properties, vehicles accessing the site early morning and late at night, increase in noise levels, concerns over noise from previous construction works.
- Access and parking issues including: proposed parking spaces near neighbouring property, attract more traffic, should be deterring traffic and not encouraging it, existing congestion, other entrances to the school which should be used, restrict ability to park outside homes on Tynings Lane, parents and coaches park across neighbouring driveways, 15 spaces will not alleviate the problem, school should educate drivers about blocking driveways of neighbours on Tynings Lane, no logistics plan or programme informing neighbours of in and out access and duration of the proposed works.

Determining Issues

- Principle of development
- Design and Layout
- Loss of trees
- Impact upon neighbouring residential occupiers
- Access and Parking

Assessment of the Proposal

Principle of development

Policy HOU5 of the Black Country Core Strategy supports the provision to enhance educational facilities in the Borough.

Although the proposal would occupy an area which is currently grass, it is not shown as open space on the Policies Map and does not appear to function as such so is not protected by SAD Policy OS1 or the NPPF paragraph 97.

On balance, the principle of development is acceptable.

Design and Layout

In response to the concerns over accuracy of the submitted drawings officers confirm that the plans are accurate and show the extent of the school boundaries correctly.

The layout of the proposed parking spaces are considered acceptable and in keeping with the similar designed parking spaces the opposite end of the grassed area towards the front of the school reception area. The design and layout of the proposals are considered acceptable.

Loss of trees

The proposal seeks the loss of three trees on site to accommodate the proposed parking.

Negotiations have been undertaken to secure replacement tree planting for the loss of the three existing trees on the site. The proposal now seeks the replacement of three silver birch trees within the same grassed area towards the front of the school. The Arboricultural Officer has no objection to the loss and replacement tree planting and these will be secured by condition. Furthermore, to safeguard existing trees on site, a planning condition will be attached to ensure protective fencing is erected around existing trees.

There is a parcel of green space within the school site to the rear of numbers 8 to 18 Tynings Lane safeguarded by a full height kerb and trees. However, given the issues of limited parking at the school visitors and other persons who visit the school/teach at the school tend to park on this green space to the point where the grass has now been churned up into a muddy verge and in effect detrimentally affecting the future health of the existing trees on site.

The supporting information in the Design and Access Statement and the covering statement refers to alleviating existing grass parking but also refers to occasional use for overflow parking when there is high demand for spaces.

However, it is evident from the case officer's site visit, there were a number of vehicles parked within this space during the day and the state of the grass verge as a muddy verge was clearly evident suggesting that verge parking happens more regularly.

The Arboricultural Officer and case officer consider it appropriate to secure a post and trip rail fence along this section of the school site to safeguard the future health of existing trees and to safeguard this open space within the school site from further encroachment of parking. As such, a planning condition is recommended.

Impact upon neighbouring residential occupiers

The proposed parking spaces are to be located away from neighbouring residential properties in front of the school within an area where there is already parking. As such, the proposed parking spaces would not unduly harm the amenities of neighbouring occupiers with regards to noise and general disturbance over and above that which already takes place.

There is a parcel of green space to the rear of numbers 8 to 16 Tynings Lane that is currently utilised by visitors to the school and school staff for the parking of vehicles. It is the use of this green space for the parking of vehicles in close proximity to neighbouring garden boundaries, which causes noise, and disturbance to neighbouring occupiers. The fencing off this area would not only safeguard the future health of the existing trees but would also remove any parking adjacent neighbouring boundaries eliminating any noise and disturbance to these existing neighbouring occupiers. Neighbouring occupiers have raised concerns over noise and disturbance from the parking being close to neighbouring properties.

Towards the rear of 18 to 28 Tynings Lane there is a defined hardsurfaced area within the school site used for parking for a number of years.

Neighbouring occupiers have also objected to the proposal on the grounds that vehicles access the site early in the morning and late at night leading to increased noise levels. It is considered the creation of the 15 parking spaces would not necessarily mean more traffic would be coming and going to the school, it is merely to address an existing shortfall of parking spaces within the school. It is considered the creation of 15 additional spaces would not unduly harm the amenities of neighbouring occupiers with regards to noise and disturbance.

Any issues neighbouring occupiers have regarding existing light pollution from lighting columns at the school and any future noise issues regarding construction hours of work can be dealt with through Environmental Health legislation.

Access and Parking

The information provided by the planning agent in the supporting documentation is contradictory where it states in the Design and Access Statement the proposal would provide additional parking to meet existing staff needs, enable additional capacity at busier times and alleviate the current parking issues on grassed areas. With the covering letter stating the *grassed area acts as very occasional overflow parking use for high demand parking situations on site such as parents evenings*.

The school was asked to demonstrate whether 15 parking spaces would be sufficient for its needs, as there is ad hoc parking within the grounds on grass verges and other random locations within the school site. There is no evidence to suggest that 15 parking spaces would be sufficient, as the supporting statement states the grass areas will be used for overflow parking. However, the proposal for 15 parking spaces would be supported as the creation of these parking spaces will go some way to alleviate some of the parking issues on site. Furthermore, the parking spaces would be created towards the front of the school for safety and security purposes ensuring a single in and out access point is utilised by all visiting the school.

The LPA are keen to eliminate any parking on the grass verge particularly to the rear of numbers 8 to 18 Tynings Lane, as addressed above.

There is no evidence to suggest that creation of the additional spaces would increase vehicle movements to and from the school or increase traffic or congestion. The creation of the proposed additional spaces would not result in on street parking to what currently exists at present, as the school is not seeking to increase staff or pupil numbers.

The issues raised by neighbouring regarding coaches and parents blocking neighbouring driveways is a matter for the school and residents to address. The proposals seek to alleviate some of the current parking congestion issues. .

Neighbouring occupiers have concerns over the logistics of when the works will be undertaken. Currently, due to unforeseen circumstances the schools are closed and

should they remain closed, the annual summer holidays will approach. If works went ahead during these times there would be ample space on site for construction workers to park and on and off load materials.

The Highway Officer has no objection to the proposed creation of the additional parking spaces.

Conclusions and Reasons for Decision

The principle of development, design and layout are acceptable. The proposal would not unduly harm the amenities of neighbouring residential occupiers. The replacement planting is welcomed and the proposal would alleviate some of the ad hoc parking arrangements on site. On balance, the proposal can be supported. The proposal complies with the policies as set out in the policy section of this report.

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 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 otherwise than in conformity with the following plans and documents,

- 19042/201/A proposed block plan submitted 16/03/2020
- 19042/001/A location plan submitted 05-02-2020

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 the development hereby permitted details of electric vehicle charging points, to be provided for the development shall be submitted in writing to and agreed in writing by the Local Planning Authority.

3b. Prior to first use of the proposed parking spaces hereby permitted, the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

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

4a. Within 12 months of the completion of the proposed development hereby approved the approved landscaping details as shown on drawing number 19042/201/A submitted 16/03/2020 showing the exact location of the three nursery standard size Silver Birch (*Betula pendula*) shall be carried out.

4b. If within a period of 5 years from the date of the planting that tree, the tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree s of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

5. Prior to the first use of the proposed parking spaces hereby approved and as shown on drawing number 19042/201/A submitted 16/03/2020, a post and trip rail fence similar to that which exists on site shall be erected on the grass area behind numbers 8 to 16 Tynings Lane and thereafter maintained for the life of the development.

Reason: In the interests of protecting the future health of existing trees on site in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

7. During construction works, operations materials, equipment and waste material shall not be stored/placed beneath the canopy of any of the retained trees.

Reason: To safeguard the retained trees on the site in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

8. During construction works, the passing of construction vehicles/any other vehicles and the lighting of fires shall not take place beneath the canopy of any of the retained trees.

Reason: To safeguard the retained trees on the site in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

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 parking provision for commercial premises is 5% of points to comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw, with appropriate cable provision in place for a further 5% to meet any future increase in demand. Wherever possible the power supply and charging point should both be phase 3 compatible. 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.

Recommendation Summary: Grant Planning Permission Subject to conditions

End of Officers Report



Planning Committee

Report of Interim Head of Planning and Building Control on 25-Jun-2020

Plans List Item Number: 4.

Reason for bringing to committee: Called in by Cllr Wilson the application requiring delicate judgement.

Location: ALDRIDGE AIRPORT, BOSTY LANE, ALDRIDGE

Proposal: INSTALLATION OF A PRE-CONSTRUCTED STORAGE UNIT.

Application Number: 19/0649

Applicant: Mark Travers

Agent: G & G Building Consultancy Ltd

Application Type: Full Application: Minor
Use Class Sui Generis

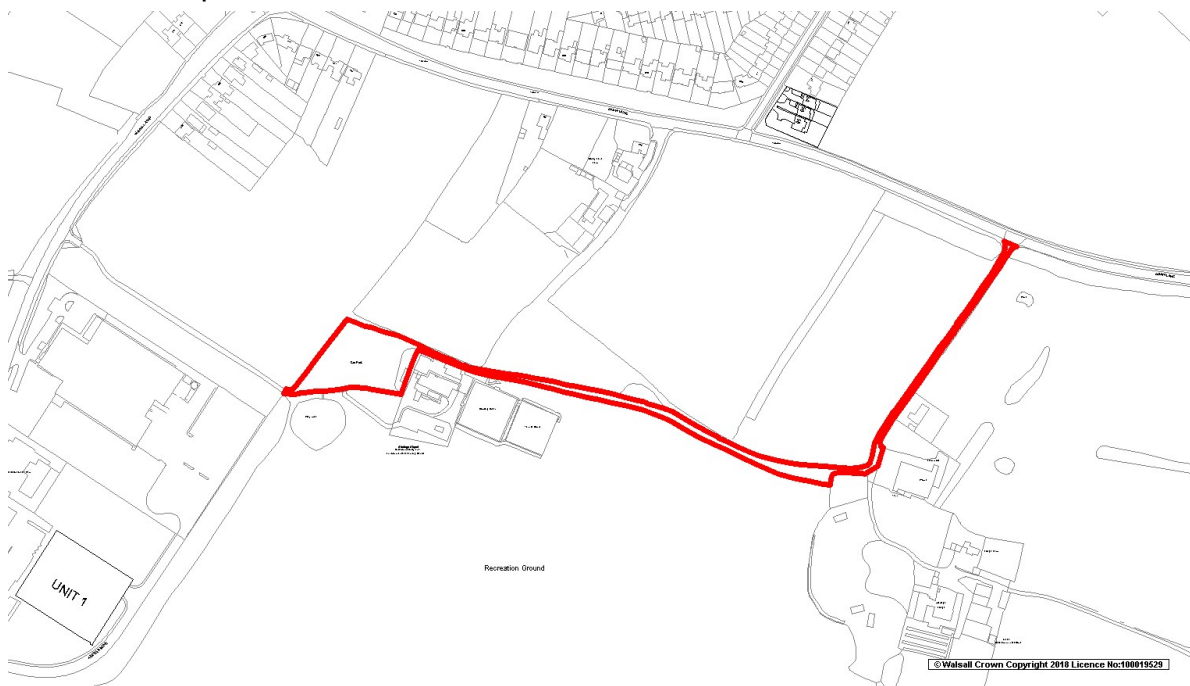
Case Officer: Devinder Matharu

Ward: Aldridge Central And South

Expired Date: 02-Aug-2019

Time Extension Expiry: 30-Jun-2020

Recommendation Summary: Delegate to the Interim Head of Planning & Building Control to grant permission subject to amendment and finalising of conditions and no further representations raising new material planning considerations following publicity of amended plans.



Current Status

The application was first reported to planning committee on 31 October 2019. At that time the recommendation was to refuse permission on the basis that the installation of the storage container represented inappropriate development in the Green Belt for which no very special circumstances had been demonstrated. At the meeting members wanted officers to carry out further negotiations with the applicants to determine whether an alternative solution was feasible.

Discussion centred on the impact of the proposed container on the Green Belt and the status of the Greenacres Model Aero Club as a sports club with a long history of use at Aldridge Airport.

The Committee resolved the following:

That planning application no. 19/0649 be deferred to enable Officers to negotiate further with the applicants to try and accommodate the storage of their lawnmower in an alternative storage unit.

Since then officers in planning services and Clean & Green have been negotiating with the applicants to consider whether an alternative storage solution was feasible without the need to install another storage container at the Aldridge Airport site as proposed.

The following report has been amended to take into consideration these negotiations and concludes that officer's consider that the applicant has now demonstrated that the Model Aero Club is a long established use at the site and the proposed storage container supports this established use for outdoor recreation which is acceptable in the Green Belt and there is no conflict with Green Belt policy hence the recommendation is now to grant permission subject to conditions.

Proposal

The application proposes the installation of a pre-constructed storage unit measuring 2.4m wide by 6m in length and 2.4m high and painted green. The storage container will be positioned on the car park to Aldridge Airport along the southern boundary.

The planning agent has submitted the following details in support of the application:

- Greenacres Model Aero Club are the stewards of model aircraft flying in Aldridge Airport.
- The club has some 60 members; seven members form the managing committee.
- As part of their agreement with Walsall MBC they are required to host three free public model flying shows each year.
- The car park is being used by the general public as well as various organisations/football groups and Greenacres Model Aero Club.

- In order to host these events the club house needs to store various items of equipment, including large marquees, fencing, boundary stakes, public address equipment, limbo bars and a ride on mower.
 - The largest single item to be stored on a regular basis is a mower.
 - The orientation of the unit is that the doors face the car park.
 - The container will be painted green
 - The unit will be accessed at weekends and other times when events are being held.
 - The unit needs to be located as close to the ground as practical, subject to the slope of the car park and levelling of the unit, in order to drive the sit on mower in and out.
 - The mower is maintained and owned by the club.
 - There are several steel storage units on site used by various groups including football changing rooms and toilets.
 - The club does not have the means to transport the mower to or from the park, other than to drive it, which they can't do on roads.
 - The mower would be used once a month in the Winter and once a week during other times during March to October.
 - The facilities to the club are open 7 days a week.
 - The club has represented the UK in international competitions.
- New buildings in the green belt are appropriate for the provision of outdoor sport and recreation.
- The storage unit is an essential element to the club.
 - The local authority mows the grass but the cuttings are left where they are cut and the grass is too high for small wheel aircraft.
 - Grass cutting would damage the aircraft wheels.
 - There are several areas used for set up, landing, take-off strips

An amended plan with a revised site boundary enlarged to include the field where the model aircraft fly has been supplied and is subject to further consultation.

Site and Surroundings

Aldridge Airport is located off the southern side of Bosty Lane. The site is accessed via a long road from Bosty Lane into the site. At the end of the road is a hard surfaced car park with a number of storage containers to the eastern part of the car park, a further container on the northern corner of the car park and an existing container.

There is an existing building to the east of the car park. To the north, south and west of the car park boundary are open playing fields.

The site is within the West Midlands Green Belt.

Relevant Planning History

BC58351P Retention of existing WC block. Granted subject to conditions 1999.

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 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **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
- ENV7: Countryside Character
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- T7 - Car Parking NOTE
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

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

Consultation Replies

Pollution Control – No objection subject to note for applicant regarding contaminated land.

Strategic Policy – Commentary on policy relating to recreational and other uses in the Green Belt.

Transportation – No objection

Representations

None

Determining Issues

- Impact on the Green Belt
- Access and parking

Background

At the previous planning committee meeting discussion centred on the impact of the proposed container on the Green Belt and the status of the Greenacres Model Aircraft Club as a sports club with a long history of use at Aldridge Airport.

The Committee also asked officers to explore alternative arrangements to enable the Aero Club to use an existing container, that is, to transfer material presently stored in a container onsite elsewhere, freeing up space for the Club's use. Suggestions were made that a new container could be provided by the model aircraft club and located at Sneyd School for material presently stored at Aldridge Airport.

In the event, officers investigated the possibility of providing a new container at Sneyd School, but have concluded that the issues raised, in terms of Green Belt impact, ownership and operation amongst other issues, provide no advantage to either the applicant or the Council. Further, continued discussions regarding the status of the

Aero Club and the policy position regarding impact on the Green Belt have led to a reconsideration of the proposed development.

Assessment of the Proposal

Impact on the Green Belt

Aldridge Airport is a site that falls within the West Midlands Green Belt.

The NPPF paragraph 145 states that although a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, consideration may be given to the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Paragraph 146 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it; including material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). Proposals listed under paragraphs 145 or 146 do not need to demonstrate the 'very special circumstances' which are generally required to justify granting permission. The proposal to site a container supports a long standing recreational use of the site.

Part of the Aldridge Airport playing fields has been used for the flying of model aircraft for many years. The proposal to install a storage container for the continued use of part of the site for model aircraft is similar to the erection of a new building which may be permissible under para 145 of the NPPF, as noted above.

The planning agent states that the storage unit is an essential element to the club. Inevitably, the proposed container would have some impact on the openness of the Green Belt but the container would appear to be of an appropriate size in relation to its intended purpose. The applicants have confirmed that the storage container is required to store a sit on mower as well as other related equipment to allow the occupiers of the club to mow the lawn to enable the model aircrafts to be flown across the open grounds.

The proposed container would be positioned adjacent to an existing container in the car park area, adjacent to existing buildings, thereby reducing the harm to the open character and openness of the Green Belt to an acceptable level.

There is no record of any planning permission having been granted for part or all of the much larger playing field to be used for the flying of model aircraft. The site includes the area actually used for model aircraft flying, and the planning agent advises that the club has been operating at the Airport for some 40 years which means

PAGE 45 OF 135

that specific permission is not required for this recreational use as it is established and hence lawful.

As the storage container is to support the continued use for outdoor recreation by the Model Aero Club and is sited so as to cause minimal harm to the openness and character of the Green Belt the proposals are acceptable.

Access and parking

The Highway officer has no objection to the proposed storage container on the car park.

Conclusions and Reasons for Decision

The installation of a storage container to support a long-standing recreational use at Aldridge Airport represents a minor and acceptable incursion into the Green Belt and will assist the continuation of this activity in the future. As such the proposed development accords with the NPPF, policies 3.2 to 3.5, GP2 and ENV7, ENV32 of the UDP, Policies ENV1, ENV2 and ENV3 of the BCCS, Policies GB1 of the SAD.

Positive and Proactive Working with the Applicant

Grant permission subject to conditions

Significant discussion has taken place with the applicant, to explore the possibilities of alternative locations. In the event, no appropriate alternative location was found and it is considered that the proposal is acceptable to support a long-standing recreational use in this area.

Recommendation

1. Delegate to the Interim Head of Planning & Building Control to grant permission subject to amendment and finalising of conditions and no further representations raising new material planning considerations following publicity of amended plans.

Conditions

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 & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

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

Site Plan including car park land G002265/03 submitted 19/05/2020

Proposed Site layout G002585/01 submitted 19/05/2020

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 installation the metal storage container hereby approved it shall be painted green and the colour thereafter maintained and retained for the life of the development.

Reason: In order to safeguard the visual amenity of the area in compliance with Policy ENV32 of Walsall's UDP.

4. The development hereby approved shall be used for the purposes of ancillary storage for the Model Aero Club only and for no other purpose including any other purpose in Class D2 of Part D of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To protect the amenities of the area/prevent unauthorised use that would be contrary to policies GP2 and ENV7, ENV32 of the UDP, Policies ENV1, ENV2 and ENV3 of the BCCS, Policies GB1 of the SAD.

Recommendation Summary: Delegate to the Interim Head of Planning & Building Control to grant permission subject to amendment and finalising of conditions and no further representations raising new material planning considerations following publicity of amended plans.

End of Officers Report



Planning Committee

Report of Interim Head of Planning and Building Control on 25-Jun-2020

Plans List Item Number: 5.

Reason for bringing to committee: Councillor Towe requested the application be heard at Committee and there were four objections from occupiers of neighbouring properties on material planning considerations grounds.

Location: 77, COLLINGWOOD DRIVE, GREAT BARR, BIRMINGHAM, B43 7JW

Proposal: CHANGE OF USE FROM DENTIST TO HOT FOOD TAKEAWAY

Application Number: 19/1397
Applicant: MOHAMED PATEL
Agent: SPECTRUM Management & Services Ltd

Case Officer: Fiona Fuller
Ward: Pheasey Park Farm
Expired Date: 18-Feb-2020

Application Type: Full Application: Change of Use
Time Extension Expiry:

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

The applicant seeks planning permission for the change of use from a dental surgery to a hot food take-away at 77 Collingwood Drive.

The proposal would make no external changes only internal changes. 5 staff (three full two part time) would be employed.

The proposed opening hours would be 08.00am to 23.00 pm Monday – Saturday. Sundays and Bank Holidays 10.00am to 22.00pm.

Site and Surroundings

The application site is located in Collingwood Drive Local Centre.

The application site is within a parade of 10 retail shops at ground floor with residential accommodation above, fronting Collingwood Drive. The block consists of an off-licence, pharmacy, chip shop, cafe, beauty salon, opticians, newsagents, cake shop and tattooists and a further 4 retail units fronting Hillingford Avenue. There is on-street chevron parking in front of the shopping parade for 14 vehicles. The application site is currently vacant. There is a vehicle access to the rear of the shops and flats from off Hillingford Avenue. To the rear of the shops and flats is mixed with extensions to the shops, hard surfaced yards (as the current application site) and some grassed areas that appear to be used as amenity for a few flats

The Collingwood Drive Local Centre also includes St Chads Church across the road with the library, Collingwood centre and youth centre opposite the church.

The Collingwood Centre also benefits from good public transport links.

Beyond Collingwood Drive Local Centre, there are predominantly traditional residential properties to the north and west of the site.

Relevant Planning History

08/1641/FL - Single storey rear extension and internal alterations to shop at 79-81, provision of 6 parking spaces to the rear, new pedestrian access to flat above 81 and new enclosed amenity space for flats above 77, 79 and 81.- Permission Granted- 18-Dec-2008

09/0657/FL - Change of use from retail units to a dental surgery - Withdrawn, Called In, Turned Away - 15-Jun-2009

09/1715/FL - Change of use from retail units to a dental surgery- Permission Granted - 02-Feb-2010

09/1723/FL - Change of use from two retail units to a dental practice - Permission Granted - 16-Feb-2010

18/1637 - Change of use from Dental Surgery to Retail Shop - Permission Granted - 22-Feb-2019

Relevant Policies

National Planning Policy Framework (NPPF)

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

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 7 – Ensuring the vitality of town centres
- NPPF 8 – Promoting healthy and safe communities
- NPPF 12 – Achieving well-designed places
- NPPF 16 – Conserving and enhancing the historic environment

On planning conditions the NPPF says:

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

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

Reducing Inequalities

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

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

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

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- EMP1: Providing for economic growth and job creation.
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document (SAD) was adopted in January 2019. The saved UDP policies detailed below have not been replaced by the SAD and full weight can be given to these policies. The following SAD policies are relevant:

SLC1: Local Centres (LC16 – Collingwood Drive)

Saved Unitary Development Plan

- GP2: Environmental Protection
- GP6: Disabled People
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- S2: The role of the Local Centre is to meet the day-to-day convenience shopping and local service needs of their communities.
- S6: Meeting Local Needs

Supplementary Planning Document

Designing Walsall

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

- DW6 Legibility
- DW9 High Quality Public Realm

Shop Front

- SF2: Shop front proportions
- SF3: Materials in shop fronts
- SF4: Colour finishes
- SF5: Access to shops
- SF8: Shop front security

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

Consultation Replies

Transportation (Local Highways Authority) – No objection

Pollution Control – No objection asked that Environmental Health be consulted/ advice sought and pointed out certain issues which should be covered/ assessed in the report.

Environmental Health – No objection subject to conditions

Designing out Crime Officer (Police) – No objection

Representations

Twenty three neighbouring properties were notified.

Whilst ten letters have been received raising concerns, two residents haven't provided comments, Councillor has forwarded letter of objection already received via the on-line planning service, one family have provided three versions of their objection and one resident letter who hasn't provided an address.

The concerns raised were on the grounds of (*Local Planning authority comments in italics and brackets*):

- Increase in smells/waste/litter
- Increase in noise from the extraction fans
- Impact on resident's sleeping patterns.
- Parking issues in the area/ outside the shops (*The existing parking issues is outside the scope of local planning authority to deal with. There are other agencies to deal with which residents can report this too*)
- customers coming and going, delivery

- Proposed use will encourage anti-social behaviour (*Residents have not provided evidence that the future use subject to this planning application will encourage anti-social behaviour*)
- Proposed extraction fan unsightly
- Marketing - being a vacant building back into use. (*The Local Planning Authority is required to process the application before it, which is for the change of use to a hot food takeaway*)
- Objector tried to make the area nice (*This is outside the scope of the assessment of this planning application*)
- 'You're making this a horrible place to live in. (*The council's local planning authority has to determine planning applications in accordance with the national planning legislation and the national and local planning policies*)
- Angry the objector's feelings are being ignored (*all material planning objections and comments are weighed in the planning balance*).
- The vacancy use should be used for something else. The landlord refuses to rent to serious prospective tenants. (*Who a landlord rents a property to is outside the scope of the planning legislation to consider and not material to the determination of this planning application*)
- There is a demand for daytime use and this indicated by the full occupancy of the other shops on this parade. (*The local planning authority has to determine the application before it, which is currently for a hot food takeaway that is seeking to be open between 08.00am to 23.00 pm Monday – Saturday. Sundays and Bank Holidays 10.00am to 22.00pm*)
- Take away will have a detrimental impact on the amenities on the neighbours.
- Refuse the application and let it for retail shop not to takeaway. (*The local planning authority has to determine the application before it, which is currently for a hot food takeaway, it has no powers to influence the land owner to rent the property to a different tenant*)
- Shops should be considered for 'normal day time hours' i.e. 9am – 5pm. (*The local planning authority has to determine the application before it which includes the proposed opening hours of 08.00am to 23.00 pm Monday – Saturday. Sundays and Bank Holidays 10.00am to 22.00pm*)
- Too many take-away/ another take-away is not needed/ Area full of takeaways/ excessive. (*The local planning authority has to determine the application before it, which is currently for a hot food takeaway. The council has no planning policies that restrict the numbers of hot food takeaways in an area or location*)
- Businesses only allowed for normal day time use (9am- 5pm) (*The local planning authority has to determine the application before it, currently this is for a hot food takeaway with proposed opening hours of 08.00am to 23.00 pm Monday – Saturday. Sundays and Bank Holidays 10.00am to 22.00pm. The application will be considered against the council's policy for opening times in a local centre*).
- Objector having a young family.
- Cars parked illegally. (*This is outside the scope of the planning legislation to consider and a matter for residents to raise with other agencies to investigate*)

- Parking causing access issues. *(This is outside the scope of the planning legislation to consider and a matter for residents to raise with other agencies to investigate)*
- The proposed use will attract vermin *(No evidence has been provided to substantiate this claim the proposed use would attract vermin, plus the councils environmental team have no objections to the proposal)*
- The leaks from vents will mean cleaning the windows and walls *(There is no evidence to substantiate the claim that any vents will leak and with what to cause walls and windows to be cleaned with this proposed change of use)*
- The proposed use will cause children to lose sleep over noisy extraction fan
- Objector would be forced to move if the proposed change of use is approved. *(This is outside the scope of the planning legislation and a matter for the objector to decide whether they were to move)*
- The proposed use and the impact on the health on young family.
- Impact on child playing the area *(No evidence has been provided to substantiate how this hot food takeaway use would impact on children playing in the area)*

Determining Issues

- Principle of the use
- Residential amenity
- Car parking
- Third party representation

Assessment of the Proposal

Principle of the use

Local Centres generally meet day-to-day convenience goods needs and are useful to the elderly and less mobile. Within these areas the retention, enhancement and further development of shops, services and other town centre uses will be encouraged through the council's planning policies. In this case the proposed hot food takeaway (A5 planning class use), is considered an appropriate scale for this local centre, which also benefits from good public transport links. It is considered, the proposed change of use to a hot food takeaway in the local centre accords with the council's planning policies including UDP Saved Policy S2, S6, S10 and BCCS Policy CEN5 plus SAD policy SLC1.

Residential amenity

Whilst the property is situated within a local centre, there are residential units above the shops. Government policies encourage the use of upper floors of commercial units to be used for residential use. Collingwood Drive is a busy route through the Pheasey estate with 10 bus routes and a bus terminus for 6 different bus operators. The council accepts that living in local centres above shops, the level of amenity for residents will not be the same as those living in a suburban location.

The proposed use is seeking to open normal shop hours plus into the evening, 08.00am and 23.00pm Monday to Saturday and 10.00 to 22.00pm on Sunday. The council's hot food UDP policy S10 suggests closing times of 23:00 hours Monday to Fridays, with 23:30 hours for closing on Saturdays. Whilst the policy continues Sundays will be considered on its merits, it is considered the proposed opening hours reflect the level of activity to existing units in the local centre and with no formal consultee objections to the opening hours, on balance is considered to be in accordance with the council's policy notwithstanding residents' concerns. The Council's Environmental Health team were consulted and consider the proposal is acceptable subject to imposing noise, smell, deliveries conditions to control the use. It is considered these suggested conditions would go some way to minimising the impact on neighbours and the wider community for noise and disturbance to residents particularly into the evening.

As such the proposals as they currently are would have no greater adverse impact on resident's amenities for surrounding occupiers, including those in the flats above the shops over and above the current situation.

Several objectors commented on the proposed use would increase issues such as noise from the extraction fans on the site and the site surrounding. Modern extraction systems should minimise the potential for noise on neighbours and the locality. Environmental Health who would be best placed to deal with future noise complaints regarding this proposed use have no objection to the proposal subject to safeguarding conditions relating to the extraction system. It is considered, the applicant has done sufficient to address the concerns in planning terms.

Several comments received that the proposed use would create smells/ waste and litter. Smell from cooking the proposal includes an extraction flue that terminates at least 1 metre above the highest part of the roof. This reflects DEFRA guidance for dissipating smell from extraction systems. Consequently, it is considered, based on the evidence before the council's planning authority, the applicant has done sufficient to mitigate the potential smell/odour concerns. Concerns about waste can be dealt with by imposing a suitably worded condition that meets the 6 tests for adequate waste facilities to be available to the end user. Environmental health have requested this and have no objections to the proposal. In planning terms, it is considered that the applicant has done sufficient to overcome the concerns. Concerns about litter. This is outside the scope of the planning application process as the planning system cannot control what residents may choose to do once they have purchased food from the takeaway. There are third party agencies that are better placed to deal with this matter including environmental health who are not objecting to the planning application.

Residents' concerns regarding the proposed installation of the extraction fan being unsightly are recognised. The proposal includes the extraction flue being powder coated a colour to reflect the existing brick wall. Coupled with the fact, the installation of an extraction flue at the rear of a parade of shops, even with flats above, is reflective of the equipment that may be expected to be installed in a location like this. Consequently, it is considered the applicant has done sufficient to minimise the visual

impact of the extraction system to ensure the application could be recommended for approval.

Whilst some residents have suggested the proposed use would encourage anti-social behaviour at the application site and the site surrounding, they have not substantiated this point or provided clear evidence that this particular use would be an attractor of anti-social behaviour. The Police have not objected to the proposal have offered advisory notes/ informative to be included in any approval. Consequently, when weighing the planning balance taking into account the issues raised by residents, the planning application as submitted, the council's planning policies and consultee responses, it is considered the planning application can be supported.

Car Parking

The site is located within the Collingwood Drive local centre which has good access to public transport and community facilities and provides services for local residents. As such it is considered to be in a highly sustainable location. There is parking along the frontage of the shops for customers and includes two disabled persons' parking spaces.

The Local Highway Authority was consulted and has no objection to the proposal as the application site is within a local centre with public transport links and the ability of the surrounding community to walk to and from the shops. Matters of unsafe parking by visitors to the local centre is outside the scope the planning application process and a matter for residents to raise with other agencies to investigate and if necessary pursue.

Conclusions and Reasons for Decision

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

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

The use of safeguarding conditions in respect of the hours of use and open storage / refuse will ensure that the 6 tests: necessary; relevant to planning and; to the

development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

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

Positive and Proactive Working with the Applicant

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

Recommendation

Grant subject to conditions

Conditions and Reasons

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

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

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

- Design and Access Statement received 20th November 2019.
- Proposed and existing ground floor plan (Drawing Number 1928.101- Rev A) 11th December 2019.
- Proposed and existing elevation plan (Drawing Number 1928.102- Rev B) received 11th November 2019.
- Location plan and site plan (Drawing Number 1928.100- Rev B) received 24th December 2019.

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

3a. Notwithstanding the details as submitted and prior to commencement of the development hereby permitted a noise assessment of the external extraction flue equipment shall be submitted in writing to and approved in writing by the Local Planning Authority. The assessment shall include details of recommendations for mitigation measures to ensure the mountings and installation does not give rise to noise nuisance for existing occupiers of the residential users of the building.

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures and such measures shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the occupiers of the adjoining premises and the wider area to ensure the satisfactory functioning and appearance of the development.

4a. Notwithstanding the details as submitted and prior to commencement of the development hereby permitted until details of a mechanical extraction system of all fumes from the food preparation area shall be submitted and be agreed in writing by the Local Planning Authority. The assessment shall include details of a de-odorising filter, details of the extraction equipment including the chimney and the manufacturer's guidelines.

4b. Notwithstanding the details as submitted the extraction flue shall not be carried out otherwise than with the extraction flue terminating at least one metre above the highest part of the building.

4c. The development hereby permitted shall not be carried out otherwise than in accordance with the extraction flue being powder coated BS381C 3012 and shall thereafter be retained for the lifetime of the development.

4c. The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures and such measures shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the occupiers of the adjoining premises and the wider area to ensure the satisfactory functioning and appearance of the development.

5. No deliveries taken at or despatched from the site otherwise than between the hours of 0800 hours to 23.00 hours Mondays to Saturdays and 1000 hours to 2200 hours Sundays, Bank and Public Holidays.

Reason: To protect the amenities of nearby residential occupiers in accordance with saved UDP policies GP2 and ENV32.

6. The development hereby permitted shall not be open to customers otherwise than between the hours of 0800 hours to 23.00 hours Mondays to Saturdays and 1000 hours to 2200 hours Sundays, Bank and Public Holidays.

Reason: To protect the amenities of nearby residential occupiers in accordance with saved UDP policies GP2 and ENV32.

7. Notwithstanding the details as submitted the development hereby permitted shall not be carried out otherwise than in accordance with the construction of compound up to 2 metres high within the rear yard of the application boundary to accommodate the

storage and containment of waste from the proposed use and such measures shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory provision of off-street parking, appearance and functioning of the development in accordance with UDP saved policy GP2 and ENV32

Notes for Applicant

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

1. This permission does not grant consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992 or subsequent legislation.
2. Prior to beneficial use a suitable grease trap shall be provided to prevent entry into the public sewerage of matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.

Recommendation Summary: Grant Planning Permission Subject to Conditions

End of Officers Report



Planning Committee

Report of Interim Head of Planning and Building Control on 25-Jun-2020

Plans List Item Number: 6.

Reason for bringing to committee: Significant Community Interest

Location: GARAGES OFF, MARGAM CRESCENT, BLOXWICH

Proposal: ERECTION OF 4 NO. 2 BED 4 PERSON DWELLING HOUSES AND ASSOCIATED CAR PARKING, LANDSCAPING AND HIGHWAY WORKS.

Application Number: 19/1520

Applicant: Whg Housing Association

Agent: Miss Rachel Taylor

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

Case Officer: Gemma Meaton

Ward: Bloxwich West

Expired Date: 22-Jan-2020

Time Extension Expiry:

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

The application proposes the removal of the existing hard surfaced parking area and the development of four 2 bedroom 4 person dwelling houses and associated car parking, landscaping and highways works. The houses would be divided into two pairs of semi-detached dwellings fronting onto Margam Crescent as it doubles back on itself, such that the rear gardens of the proposed dwellings would be arranged back-to-back.

The buildings would be set back from the highway, in line with surrounding properties, in order to provide landscaped front gardens and parking for each dwelling unit with new highway accesses required in the form of five sections of dropped kerb.

This site forms part of a large project by the applicant to redevelop former garage courts to provide new homes, utilising the efficiencies and benefits of AMC (Advanced Methods of Construction). This means that the majority of house construction takes place in a factory using a hybrid of pods and panels. The central pods containing the kitchen and bathrooms are structurally formed from LSF (lightweight steel frame) to which a series of LSF panels wrapped in insulating material with the uPVC windows and composite doors inserted in the factory. The entire unit would be wrapped in brick slips, render or cladding, which can be varied to be site specific. On site the central pods would be placed on the foundations and the panels then fixed to the pods to provide the finished house, ready to move in to. The pitched, tiled roofs (with solar panels) would also be brought to site in panels and put together on site.

The buildings would be two storey with a maximum height of 9.3m and a total footprint of approximately 137m² per pair. The buildings would have dual-pitched gable ended roofs. Materials would be pale coloured facing brick slips with standing seam roof panels in dark grey and dark grey uPVC windows and rainwater goods. Long windows on the first floor to ground level would provide interest to the design while adding light and improving views from within the dwellings.

The accommodation within the houses would comprise an entrance hallway and kitchen to the front of the building with rear lounge and dining area with French Door access to the rear gardens. A central stair with ground floor W.C. would give access to two bedrooms, family bathroom and built-in storage.

Windows to the flank elevations would serve the WC on the ground floor only and would be obscure glazed. No accommodation is proposed in the roof space.

Amenity space is provided in the layout of 108m² for Plot 1, 94m² for Plot 2, 84m² for Plot 3 and 78m² for Plot 4. Private rear gardens would be provided for each of the plots which would be surrounded by 1.8m close boarded fence internally and 1.8m high brick pillared wall with timber inset panels.

Documents provided to support the proposed scheme include:

Design and Access Statement – provides information regarding the site and layout decisions, design evolution, previous planning applications, size scale and character of the proposals.

Preliminary Risk Assessment – Provides ground contamination information and recommends that a further intrusive site investigation be undertaken.

Coal Mining Risk Assessment – Identifies potential shallow coal mining risks and recommends an intrusive site investigation to confirm the risk associated with coal mining.

Preliminary Ecological Appraisal - Desk study and field observations of the site are assessed against policy to identify potential ecological improvements and impact mitigation measures. The appraisal concludes that all of the habitats on site were assessed to be of negligible ecological value and the site was determined to have negligible potential for supporting protected species and no further ecology surveys are required. Recommendations are to install bird boxes, implement a native planting scheme and maintain holes in boundary treatments to allow for the connectivity of mammals.

Site and Surroundings

The site comprises the former garages on Margam Crescent that have recently been demolished and replaced with a hard surfaced car parking area. The site is surrounded by a low loop railing fence and has four small grassed areas surrounding the brick paved and asphalt parking spaces.

There are no structures on the site other than the fencing and no trees. Surrounding residential development is a mix of semi-detached and terraced two storey dwellings of modern construction, with bungalows to the south west of the site on Easby Way.

The site has frontage onto Margam Crescent and is surrounded by residential development off Waverly Road and Margam Terrace. To the south of the site is the Mossley Primary School and the South Mossley Local Centre which is 250m away.

The site is in a sustainable location with bus routes running along Cresswell Crescent and Sneyd Lane. Bloxwich North train station is approximately 500m to the north providing connections Walsall, London and Birmingham.

Relevant Planning History

16/1072 - Proposed neighbourhood improvement works to include demolition of 13 no. garages, create new car park on former garage site and provide new footpath to perimeter of car park. - Grant Permission Subject to Conditions - 15/11/2016

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
- ENV14: Development of Derelict and Previously-Developed Sites
- 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 Documents

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 application being made for the required vehicle crossovers.

Pollution Control – No objections subject to compliance with the Air Quality SPD including electric vehicle charging points and low NOx boilers. Also subject to into the development to comply with the recommendations of the Ground Contamination Risk Assessment to undertake an intrusive site investigation.

Severn Trent Water – No objections. Note to applicant regarding public sewers recommended.

Fire Officer – No objection. Water supply needs to comply with Building Regulations Part B.

Strategic Planning Policy – Supports the application as it complies with NPPF paragraphs 117 and 118 in that it will involve the effective use of under-utilised land and buildings.

Representations

Five objections were received from 5 properties in Margam Crescent, which can be summarised as follows [officer comments are provided in *italics*]:

- Loss of parking from the car park. *The area is not currently public parking.*
- Impact from noise and disturbance during construction
- Noise and disturbance from additional properties in the area
- Loss of light to neighbouring properties
- Decrease in value of surrounding property. *This is not a material planning consideration.*
- Modern design in contrast to traditional 1950s houses would be out of character. *Since this comment was provided the proposals have been modified to provide less contrasting materials by using brick slip for the elevations rather than white render making the design more in keeping with the surrounding properties*

An assessment of the impact of these considerations and potential mitigation measures are discussed later in this report.

Determining Issues

- Principle of the development
- Design and layout
- Access and parking
- Impact on the amenity of surrounding occupiers
- Local finance considerations

Assessment of the Proposal

Principle of the Development

The revised NPPF says the use of previously developed land that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. The NPPF defines previously developed land as land, which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

The site is previously developed land as defined in the NPPF. The NPPF sets out the Government's objective of boosting the supply of homes (para 59) and promoting the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (chapter 11, especially paras 117 and 118).

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.

Site Allocation Document (SAD) Policy HOU2 states that the provision of housing on other previously developed sites not listed in Table HC1 will be encouraged provided:

- i. The site is not allocated or safeguarded for other uses in this Plan;
- ii. If the site is not allocated or safeguarded for other uses in this Plan, there is no overriding need for the land or buildings to be retained for its current or previous use;
- iii. Residential development would not conflict with any national or local designation relating to the site itself, or adjoining land or buildings;
- iv. A satisfactory residential environment can be achieved, where people will choose to live, that will contribute to achieving the Vision, Sustainability Principles, Spatial Objectives and Spatial Strategy of the BCCS and take account of other policies of this Plan;

- v. Residential development would not unacceptably constrain the use or development of any adjacent site for its allocated or identified use;
- vi. The proposal is acceptable in terms of other policies of this Plan.

The site is situated within an established residential area where there is already a mix of modern and older properties, therefore the proposed change of use to residential would be compatible with this use. There are regular bus routes within walking distance and the closest bus stop is 125m from the site therefore the site is considered to be sustainable and accessible.

The advanced method of construction proposed would provide modern, efficient, high standard, affordable housing with a short on site construction period to help meet the growing demand for housing in the Borough.

The NPPF and BCCS requires that development have a positive impact on the ecology of an area, if the recommendations of the Ecology report are implemented by addition conditions regarding native planting, bird and bat boxes and maintaining movement corridors the proposal is considered to achieve this in line with stated policy.

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

Design and Layout

The layout provides for generous private amenity space (78-108m²) for the proposed dwellings exceeding the 68sqm requirements of Appendix D of Designing Walsall SPD.

The internal layout is considered practical and provides for rooms of adequate dimensions for future occupants with good access to natural light and ventilation. Although the internal floor area of 72m² is not overly generous, it is considered adequate and in line with the size of other properties in the area. . The width of the properties and plot sizes are considered appropriate and compatible with the character of the area.

The development is to be constructed of a brick slip render which gives the appearance of facing brickwork, and would integrate well into the area. The roofing system and fenestration arrangement represent a departure from the existing character, however it is considered that the proposed modern design would serve to provide architectural interest and elevate the design quality of the surroundings.

It is considered that by picking up on the surrounding scale, colours and textures of design and juxtaposing this with some more modern design and material choices the proposed development will create a positive impact on the surrounding area.

The distance between the proposed dwellings existing house on Margam Crescent would be at least 15.8m with no windows proposed on this elevation, therefore exceeding the minimum 13m recommended by Appendix D of the Designing Walsall SPD. The proposed houses would back onto each other and maintain a separation distance of 18m which is less than the 24m between habitable room windows detailed in the Designing Walsall SPD. Given the other favourable space saving aspects of the design and the prevailing tendency for rear-extensions it is considered that this distance can be relaxed in this instance without causing significant harm to outlook or privacy of surrounding dwellings. It is however recommended that permitted development rights for rear extensions on the dwellings be removed in order to ensure that there would be no further compromise to the separation without careful assessment.

The proposed houses would be separated by over 4m from the dwellings to the south at No 21 and 19 Margam Crescent, this separation is in line with the development pattern observed in the area and serves to solidify the development's integration into the urban grain of the area. Given that no windows exist in the existing flank walls and none are proposed in the new dwellings, and that the dwellings comply with the 45-degree code in relation to the rear elevations of these adjacent properties, this separation is considered sufficient to mitigate any impacts in terms of light or outlook on the adjacent properties.

The traditional layout of smaller front gardens with parking, a regular building frontage with larger private amenity space to the rear is indicative of the area and has been maintained by the scheme. In general the proposed layout reflects the plot sizes and urban grain of the area.

The proposed low fencing boundary treatments and landscaping to the frontage of the site is considered appropriate to definition to the site whilst creating an aesthetically pleasing green area in addition to the required off-street parking.

The proposed dwellings would integrate with the street scene well in terms of bulk and mass and scale. The design of the proposed dwellings would be in keeping with others in the area, with gable ended semi-detached houses indicative of the adjacent development. The maximum height of the buildings at 9.3m would be slightly higher than the adjacent buildings but would remain in keeping with their scale, the separation between them would mitigate the height change. The proposal would be a positive contribution to the street scene.

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

Impact on the Amenity of the Surrounding Occupiers

Objectors have commented that the proposal would impact on light and privacy to surrounding properties. The proposed houses have been positioned such that they are to the north and east of the existing dwellings on Margam Crescent which would minimise overshadowing of rear gardens where most sunlight enters from the south and strongest afternoon sun is from the west. The houses would create new overlooking from the first floor rear windows into adjacent gardens, however this would not deviate from the status quo as there is existing mutual overlooking from surrounding properties on the other side. Likewise noise and disturbance from residential activity would not be unexpected in the established residential area, and although there would be a slight increase as a result of the additional four houses this is considered not sufficiently significant to warrant the refusal of the application.

It is therefore considered that the proposed dwellings would not unduly harm the amenities of the neighbouring occupiers by way of overlooking, loss of privacy or loss of light. The proposals on the whole comply with the separation distances required by Appendix D of Designing Walsall SPD.

The impact on surrounding occupiers during construction could be significant if not carefully controlled. In order to mitigate this impact it is recommended that a Construction Environmental Management Plan be required in order to ensure that the impact of construction vehicles, noise and dust are controlled.

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

Access and Parking

The proposed layout provides two off street parking spaces for plots 1 and 2 whilst plots 3 and 4 have access to one off-street parking space each, parking is therefore provided at 1.5 spaces per dwelling within the development. Although this provision is less than that provided in saved policy T13 it is considered that given the sustainable location and the expected lower occupancy level of the dwellings (as they only have two bedrooms) the requirement for off-street parking can be met by the proposals. A condition is recommended to remove permitted development rights for loft conversions in order to prevent the increase in the number of bedrooms which would require additional parking provision.

New vehicle accesses would need to be provided with new crossings onto Margam Crescent. The new accesses and parking arrangement is considered acceptable, and has been supported by the Transportation officer.

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

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 four new homes.

The Government has indicated that, for 2019-20, 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 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

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 in a sustainable location within walking distance of bus routes and close to local facilities. The site has an existing frontage to Margam Crescent and the principle residential development on the site is considered appropriate and in compliance with guidance in the NPPF (para 68), policies HOU2 and CSP4 of the BCCS, saved policy ENV14 of the UDP 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 picking on key characteristics of the surrounding properties and would comfortably within the street scene, in compliance with policy ENV32 of the UDP.

The proposals provide sufficient parking for the needs of the development to be accommodated on site. 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 provide additional parking and remove the light coloured render component from the proposal 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 plans and documents:

- Location Plan, Drawing Number 1122_A_DR_000 – deposited 11/12/2019
- Existing Site Plan, Drawing Number 1122_A_DR_001 – deposited 11/12/2019
- Proposed Site Plan, Drawing Number 1122_A_DR_002 Rev. A – deposited 3/3/2020
- Proposed Plans Elevations and Sections, Drawing Number 1122_A_DR_003 Rev. B – deposited 3/3/2020
- Proposed Street Scene - Drawing Number 1122_A_DR_005 Rev. B – deposited 3/3/2020
- Design and Access Statement, Prepared by JDA Architects Dated November 2019 – deposited 11/12/2019
- Coal Mining Risk Assessment, ref LKC 20 1048, prepared by LK Group - deposited 11/12/2019
- Preliminary Risk Assessment [Contamination], ref. LKC 20 1048 E0999 - deposited 11/12/2019
- Preliminary Ecological Appraisal, Prepared by RSK ADAS Ltd Dated November 2019, deposited 11/12/2019

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. a) Prior to commencement of the development hereby permitted a site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken and the findings together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas submitted in writing to and approved in writing by the Local Planning Authority. (see Note for Applicant CL1 and CL2)

b) Prior to commencement of the development hereby permitted 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)

c) 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.

d) 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 agreed in writing by the Local Planning Authority.

e) 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 prevent potential contamination of the ground due to any potentially hazardous materials associated with the site or its previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

4. a. Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement 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 porta cabins and welfare facilities for site operatives
 - vii. Site security arrangements including hoardings

PAGE 75 OF 135

- 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 if 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 mitigation measures

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

5. a. Prior to commencement of the development hereby permitted details of a native planting scheme shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

6. a. Prior to the commencement of the built development above damp proof course level of any building, a scheme showing how bird and bat boxes, the use of native planting and small mammal permeable boundary treatments will be incorporated into the development shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

7. a. Notwithstanding the details submitted and prior to the formation and laying out of the proposed driveways and parking area hereby permitted details of how surface water will be drained within the application site to prevent surface water from the driveway running on to the public highway or into any highway drain shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the driveway and drainage shall thereafter be retained for the lifetime of the development.

Reason: To ensure water does not run onto the highway and to avoid increased surface flooding to comply with Walsall's Unitary Development Plan saved policies GP2 and ENV40.

8. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan, 1122_A_DR_002 Rev. A, have been hard surfaced and drained and with no loose stone. The access, turning area and parking facilities shall not be used for any purpose otherwise than for access, turning and parking respectively.

Reason: To reduce the need for on street parking in the interest of highway safety and ensure surface water does not run onto the highway and to avoid increased surface flooding to comply with Walsall's Unitary Development Plan saved policies GP2 and ENV40.

9. The development hereby permitted shall not be occupied until the dropped kerbs have been installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 *see Notes for Applicant.

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.

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 A (enlargement, improvement or other alteration of a dwellinghouse)

- 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. Notwithstanding the details submitted of the development hereby permitted and 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 additional doors or windows shall be inserted above ground floor level throughout the lifetime of the development.

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

12. No boilers shall be installed in any of the units hereby permitted, save for:
- Gas and liquefied petroleum gas (LPG) boilers with maximum NOx emissions no greater than 56 mg/kWh
 - Oil-fired boilers with maximum NOx emissions no greater than 120 mg/kWh.

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

13. a. Prior to first occupation of the development hereby permitted details of electric vehicle charging points, to be provided for each dwelling shall be submitted in writing to and agreed in writing by the Local Planning Authority.

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

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

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.
2. The Applicant must ensure that no water is discharged onto the highway. Failure to prevent this discharge could result in an offence and a notice being served on the Applicant under Section 163 of the Highways Act 1980.
3. 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.

Air Quality SPD

1. 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.
2. 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.

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.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Ground Contamination

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

Recommendation Summary: Grant Planning Permission Subject to Conditions

End of Officers Report

Planning Committee

Report of Interim Head of Planning and Building Control on 25-Jun-2020

Plans List Item Number: 7.

Reason for bringing to committee: Significant Community Interest

Location: FORMER GARAGES AND LAND OFF SELBY WAY, FOUNTAINS WAY, BLOXWICH

Proposal: ERECTION OF 6NO. 2 BED 4 PERSON DWELLING HOUSES AND ASSOCIATED CAR PARKING, LANDSCAPING AND HIGHWAYS WORKS.

Application Number: 19/1516

Applicant: Whg Housing Association

Agent: Rachel Taylor

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

Case Officer: Gemma Meaton

Ward: Bloxwich West

Expired Date: 22-Jan-2020

Time Extension Expiry:

Recommendation Summary: Grant Planning Permission Subject to conditions



Proposal

The application proposes the removal of the existing hard surfaced parking area and the development of six 2 bedroom 4 person dwelling houses and associated car parking, landscaping and highways works. The houses would be divided into two pairs of semi-detached dwellings and two detached houses arranged back to back such that three dwellings face onto Fountains Way and the other three onto Selby Way, such that their rear gardens would be arranged back-to-back.

The buildings would be set back from the highway, in line with surrounding properties, in order to provide landscaped front gardens and parking for each dwelling unit with new highway accesses required in the form of five sections of dropped kerb.

This site forms part of a large project by the applicant to redevelop former garage courts to provide new homes, utilising the efficiencies and benefits of AMC (Advanced Methods of Construction). This means that the majority of house construction takes place in a factory using a hybrid of pods and panels. The central pods containing the kitchen and bathrooms are structurally formed from LSF (lightweight steel frame) to which a series of LSF panels wrapped in insulating material with the uPVC windows and composite doors inserted in the factory. The entire unit would be wrapped in brick slips, render or cladding, which can be varied to be site specific. On site the central pods would be placed on the foundations and the panels then fixed to the pods to provide the finished house, ready to move in to. The pitched, tiled roofs (with solar panels) would also be brought to site in panels and put together on site.

The buildings would be two storey with a maximum height of 9.3m and a total footprint of approximately 93m² per pair, and 47m² per detached dwelling. The buildings would have dual-pitched gable ended roofs. Materials would be pale coloured facing brick slips with standing seam roof panels in dark grey and dark grey uPVC windows and rainwater goods. Long windows on the first floor to ground level would provide interest to the design while adding light and improving views from within the dwellings.

The accommodation within the houses would comprise an entrance hallway and kitchen to the front of the building with rear lounge and dining area with French Door access to the rear gardens. A central stair with ground floor W.C. would give access to two bedrooms, family bathroom and built-in storage.

Windows to the flank elevations would serve the WC on the ground floor only and would be obscure glazed. No accommodation is proposed in the roof space.

Amenity space is provided in the layout of between 62 and 80m² per plot. Private rear gardens would be provided for each of the plots which would be surrounded by 1.8m high close boarded fence internally and 90cm high galvanised black-painted railings between front gardens.

Documents provided to support the proposed scheme include:

Design and Access Statement – provides information regarding the site and layout decisions, design evolution, previous planning applications, size scale and character of the proposals.

Preliminary Risk Assessment – Provides ground contamination information and recommends that a further intrusive site investigation be undertaken.

Coal Mining Risk Assessment – Identifies potential shallow coal mining risks and recommends an intrusive site investigation to confirm the risk associated with coal mining.

Preliminary Ecological Appraisal - Desk study and field observations of the site are assessed against policy to identify potential ecological improvements and impact mitigation measures. The appraisal concludes that all of the habitats on site were assessed to be of negligible ecological value and the site was determined to have negligible potential for supporting protected species and no further ecology surveys are required. Recommendations are to install bird boxes, implement a native planting scheme and maintain holes in boundary treatments to allow for the connectivity of mammals.

Site and Surroundings

The site comprises the former garages on Fountains Road that have recently been demolished and replaced with a hard surfaced car parking area. The site is surrounded by a low loop railing fence and has two small grassed areas surrounding the brick paved and asphalt parking spaces.

There are no structures on the site other than the fencing, and no trees. Surrounding residential development is a mix of semi-detached and terraced two storey dwellings of modern construction.

The site has frontage onto Fountains Road and is surrounded by residential development off Fountains Way and Selby Way. To the south of the site is the Mossley Primary School and the South Mossley Local Centre which is 300m away.

The site is in a sustainable location with bus routes running along Cresswell Crescent. Bloxwich North train station is approximately 500m to the north providing connections Walsall, London and Birmingham.

Relevant Planning History

05/0173/PD/E5 - Prior Notification: Demolition Prior Notification of Demolition: 15 garages. Demolition Approved 2005-03-09

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
- ENV14: Development of Derelict and Previously-Developed Sites
- 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 Documents

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

Coal Authority – No objection subject to imposition of conditions. The Coal Authority agrees with the recommendations of the Coal Mining Risk Assessment and recommends an intrusive investigation be carried out.

Fire Officer – No objection. Water supply needs to comply with Building Regulations Part B.

Housing Standards – No objection

Natural England – No objection

Network Rail – No objection

Pollution Control – No objections subject to compliance with the Air Quality SPD including electric vehicle charging points and low NOx boilers. Also subject to into the development to comply with the recommendations of the Ground Contamination Risk Assessment to undertake an intrusive site investigation.

Severn Trent Water – No objections, recommend that a condition regarding drainage be applied. Note to applicant regarding public sewers recommended.

Strategic Planning Policy – Supports the application as it complies with NPPF paragraphs 117 and 118 in that it will involve the effective use of under-utilised land and buildings.

Transportation – No objections, subject to amendment of parking for plot 4 to make it standard size and acceptable visibility splay and application being made for the required vehicle crossovers.

Plot 4 has been amended in line with the requested changes.

West Midlands Police – No objection. Recommend External LED lights with daylight sensors to the external front and rear walls of the houses, and following secured by design principles.

Representations

Three objections were received and one comment from occupants in the surrounding area, which can be summarised as follows [officer comments are provided in *italics*]:

- Loss of parking from the car park. *The area is not currently public parking.*
- Loss of access to side garden of property for motorcycle parking. *This claim was investigated and it was found that there is no existing obligation from the landowner to provide access. Issues around ownership of land are also not material planning considerations.*
- Loss of light to existing side windows of adjacent properties.
- Concern regarding access to the adjacent properties for cleaning and fence maintenance
- Decrease in value of surrounding property. *This is not a material planning consideration.*
- Addition of overlooking into surrounding properties.

An assessment of the impact of these considerations and potential mitigation measures are discussed later in this report.

Determining Issues

- Principle of the development
- Design and layout
- Access and parking
- Impact on the amenity of surrounding occupiers
- Local finance considerations

Assessment of the Proposal

Principle of the Development

The revised NPPF says the use of previously developed land that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. The NPPF defines previously developed land as land, which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

The site is previously developed land as defined in the NPPF. The NPPF sets out the Government's objective of boosting the supply of homes (para 59) and promoting the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (chapter 11, especially paras 117 and 118).

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.

Site Allocation Document (SAD) Policy HOU2 states that the provision of housing on other previously developed sites not listed in Table HC1 will be encouraged provided:

- vii. The site is not allocated or safeguarded for other uses in this Plan;
- viii. If the site is not allocated or safeguarded for other uses in this Plan, there is no overriding need for the land or buildings to be retained for its current or previous use;
- ix. Residential development would not conflict with any national or local designation relating to the site itself, or adjoining land or buildings;
- x. A satisfactory residential environment can be achieved, where people will choose to live, that will contribute to achieving the Vision, Sustainability Principles, Spatial Objectives and Spatial Strategy of the BCCS and take account of other policies of this Plan;
- xi. Residential development would not unacceptably constrain the use or development of any adjacent site for its allocated or identified use;
- xii. The proposal is acceptable in terms of other policies of this Plan.

The site is situated within an established residential area where there is already a mix of modern and older properties, therefore the proposed change of use to residential would be compatible with this use. There are regular bus routes within walking distance and the closest bus stops are at Abbey Square or Glastonbury Crescent which are 155 and 135m away respectively from the site. Therefore the site is considered to be sustainable and accessible for the intended use.

The advanced method of construction proposed would provide modern, efficient, high standard, affordable housing with a short on site construction period to help meet the growing demand for housing in the Borough.

The NPPF and BCCS requires that development have a positive impact on the ecology of an area, if the recommendations of the Ecology report are implemented by addition conditions regarding native planting, bird and bad boxes and maintaining movement corridors the proposal is considered to achieve this in line with stated policy.

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

Design and Layout

The layout provides for sufficient private amenity space of between 62 and 80m², which would be in line with those provided by surrounding properties and for the most part achieve the guideline size of 68m² of Appendix D of Designing Walsall SPD.

The internal layout is considered practical and provides for rooms of adequate dimensions for future occupants with good access to natural light and ventilation. Although the internal floor area of 72m² is not overly generous, it is considered adequate and in line with the size of other properties in the area. . The width of the properties and plot sizes are considered appropriate and compatible with the character of the area.

The development is to be constructed of a brick slip render which gives the appearance of facing brickwork, and would integrate well into the area. The roofing system and fenestration arrangement represent a departure from the exiting character, however it is considered that the proposed modern design would serve to provide architectural interest and elevate the design quality of the surroundings.

It is considered that by picking up on the surrounding scale, colours and textures of design and juxtaposing this with some more modern design and material choices the proposed development will create a positive impact on the surrounding area.

The distance between the proposed dwellings existing houses on Fountains Road would be at least 13.5m with only obscure glazed windows proposed on this elevation, therefore exceeding the minimum 13m recommended by Appendix D of the Designing Walsall SPD. The proposed houses would back onto each other and maintain a separation distance of approximately 20m which is less than the 24m between habitable rooms windows detailed in the Designing Walsall SPD. Given the other favourable space saving aspects of the design and the prevailing tendency for rear-extensions it is considered that this distance can be relaxed in this instance without causing significant harm to outlook or privacy between proposed dwellings nor of surrounding dwellings. Since this relationship would be between the new dwellings rather than impact on existing occupiers it would have no impact on the existing residential amenity. It is however recommended that permitted development rights for rear extensions on the dwellings be removed in order to ensure that there would be no further compromise to the separation without careful assessment.

The proposed houses would be separated by a minimum of 2.9m and 3.9m at first floor level from the dwellings to the north Selby Way and Fountains Way respectively. This proposed separation is in line with the development pattern observed in the area and serves to solidify the development's integration into the urban grain of the area.

The traditional layout of smaller front gardens with parking, a regular building frontage with larger private amenity space to the rear is indicative of the area and has been maintained by the scheme. In general the proposed layout reflects the plot sizes and character of the area.

The proposed low fencing boundary treatments and landscaping to the frontage of the site is considered appropriate to define public and private space whilst creating an aesthetically pleasing green area in addition to the required off-street parking.

The proposed dwellings would integrate with the street scene well in terms of bulk and mass and scale. The design of the proposed dwellings would be in keeping with others in the area, with gable ended semi-detached houses indicative of the adjacent development. The maximum height of the buildings at 9.3m would be slightly higher than the adjacent buildings but would remain in keeping with their scale, the separation between them would mitigate the height change. The proposal would be a positive contribution to the street scene.

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

Impact on the Amenity of the Surrounding Occupiers

No flank windows are proposed in the first floor of the dwellings facing Fountains Way and Selby Way. The existing houses do have small first floor flank windows, however they are positioned in a way which means they are unlikely to be the sole light source to the rooms they serve, and appear to have been added after the original construction of the houses. The proposal is therefore considered not to have an undue impact on the light and outlook to the existing properties at number 2 Fountains Way and 44 Selby Way.

The proposed dwellings would be set back further in the plots than the exiting original rear elevations of the surrounding properties by approximately 2.2m, however the new houses would not encroach beyond the line created by the 45-degree code in relation to the rear elevations of these adjacent properties. Therefore the proposed relative footprint is considered appropriate to protect the adjacent properties from undue impacts in terms of light or outlook. It is recommended to remove permitted development rights for rear extensions from the new houses in order to prevent additional construction to the rear that could compromise neighbouring amenity.

Objectors have commented that the proposal would impact on light and privacy to surrounding properties. Although the new houses would be to the south of those on Fountains Way and Selby Way the separation is considered sufficient to mitigate any overshadowing created. The houses would create new overlooking from the first floor rear windows into adjacent gardens, however this would not deviate from the status quo as there is existing mutual overlooking from surrounding properties on the other

side. Likewise noise and disturbance from residential activity would not be unexpected in the established residential area, and although there would be a slight increase as a result of the additional houses this is considered not sufficiently significant to warrant the refusal of the application.

It is therefore considered that the proposed dwellings would not unduly harm the amenities of the neighbouring occupiers by way of overlooking, loss of privacy or loss of light. The proposals on the whole comply with the separation distances required by Appendix D of Designing Walsall SPD.

The impact on surrounding occupiers during construction could be significant if not carefully managed. In order to mitigate this impact it is recommended that a Construction Environmental Management Plan be required in order to ensure that the impact of construction vehicles, noise and dust are controlled.

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

Access and Parking

The proposed layout provides two off street parking spaces for plots 1, 5 and 6 whilst plots 2, 3 and 4 have access to one off-street parking space each, parking is therefore provided at 1.5 spaces per dwelling within the development. Although this provision is less than that provided in saved policy T13 it is considered that given the sustainable location and the expected lower occupancy level of the dwellings (as they only have two bedrooms) the requirement for off-street parking can be met by the proposals. A condition is recommended to remove permitted development rights for loft conversions in order to prevent the increase in the number of bedrooms which would require additional parking provision.

New vehicle accesses would need to be provided with new crossings onto Margam Crescent. The new accesses and parking arrangement is considered acceptable, has been amended in line with the requirements of the Highways Officer, and would not have a severe negative impact on highway safety.

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 six new homes.

The Government has indicated that, for 2019-20, 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 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

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 in a sustainable location within walking distance of bus routes and close to local facilities. The site has an existing frontage to Margam Crescent and the principle residential development on the site is considered appropriate and in compliance with guidance in the NPPF (para 68), policies HOU2 and CSP4 of the BCCS, saved policy ENV14 of the UDP 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 picking on key characteristics of the surrounding properties and would comfortably fit within the street scene, in compliance with policy ENV32 of the UDP.

The proposals provide sufficient parking for the needs of the development to be accommodated on site. 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 provide additional parking and remove the light coloured render component from the proposal which enables full support to be given to the scheme.

Recommendation

Grant permission subject to conditions

14. 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.

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

- Location Plan, Drawing Number 1123_A_DR_000 – deposited 17/12/2019
- Existing Site Plan, Drawing Number 1123_A_DR_001 – deposited 17/12/2019
- Proposed Site Plan, Drawing Number 1123_A_DR_002 Rev. D – deposited 09/06/2020
- Proposed Plans Elevations and Sections, Drawing Number 1123_A_DR_003 Rev. B – deposited 07/05/2020
- Proposed Boundary Treatment Details, Drawing Number 1123_A_DR_004 Rev. C – deposited 09/06/2020
- Proposed Street Scene - Drawing Number 1123_A_DR_005 Rev. D – deposited 09/06/2020
- Design and Access Statement, Prepared by JDA Architects Dated November 2019 – deposited 17/12/2019
- Coal Mining Risk Assessment, ref LKC 20 1047 E1000, prepared by LK Group - deposited 17/12/2019
- Preliminary Risk Assessment [Contamination], ref. LKC 20 1047 E1000 - deposited 17/12/2019
- Preliminary Ecological Appraisal, Prepared by RSK ADAS Ltd Dated November 2019, deposited 17/12/2019

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).

- 16.a) Prior to commencement of the development hereby permitted a site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken and the findings together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas submitted in writing to and approved in writing by the Local Planning Authority. (see Note for Applicant CL1 and CL2)

b) Prior to commencement of the development hereby permitted 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)

c) 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.

d) 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 agreed in writing by the Local Planning Authority.

e) 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 prevent potential contamination of the ground due to any potentially hazardous materials associated with the site or its previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

17. a) Prior to commencement of the development hereby permitted:

- I. Details of intrusive site investigations for past coal mining activity shall be submitted in writing to and approved in writing by the Local Planning Authority;
- II. the approved details of intrusive site investigations shall be undertaken and a report of findings arising from the intrusive site investigations including the results of any monitoring shall be submitted in writing to the Local Planning Authority;
- III. details of remedial works shall be submitted to and approved in writing by the Local Planning Authority;

b) Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out

c) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

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

b) The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

c) The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

19.a. Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

xiii. Construction working hours

xiv. Parking and turning facilities for vehicles of site operatives and visitors

xv. Loading and unloading of materials

xvi. Storage of plant and materials used in constructing the development

xvii. A scheme for recycling/disposing of waste resulting from construction works

xviii. Temporary porta cabins and welfare facilities for site operatives

xix. Site security arrangements including hoardings

xx. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway

xxi. Measures to prevent flying debris

xxii. Dust mitigation measures (particularly if the contaminated land investigation has indicated that land is contaminated)

xxiii. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

xxiv. Noise and vibration mitigation measures

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

20. a. Prior to the commencement of the built development above damp proof course level of any building, a scheme showing how bird and bat boxes, the use of native planting and small mammal permeable boundary treatments will be incorporated into the development shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

21. a. Notwithstanding the details submitted and prior to the formation and laying out of the proposed driveways and parking area hereby permitted details of how surface water will be drained within the application site to prevent surface water from the driveway running on to the public highway or into any highway drain shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the driveway and drainage shall thereafter be retained for the lifetime of the development.

Reason: To ensure water does not run onto the highway and to avoid increased surface flooding to comply with Walsall's Unitary Development Plan saved policies GP2 and ENV40.

22. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan, 1123_A_DR_002 Rev. D, have been hard surfaced and drained and with no loose stone. The access, turning area and parking facilities shall not be used for any purpose otherwise than for access, turning and parking respectively.

Reason: To reduce the need for on street parking in the interest of highway safety and ensure surface water does not run onto the highway and to avoid increased surface flooding to comply with Walsall's Unitary Development Plan saved policies GP2 and ENV40.

23. The development hereby permitted shall not be occupied until the dropped kerbs have been installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 *see Notes for Applicant.

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.

24. 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 A (enlargement, improvement or other alteration of a dwellinghouse)
- 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.

25. Notwithstanding the details submitted of the development hereby permitted and 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 additional doors or windows shall be inserted above ground floor level throughout the lifetime of the development.

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

26. No boilers shall be installed in any of the units hereby permitted, save for:

- Gas and liquefied petroleum gas (LPG) boilers with maximum NOx emissions no greater than 56 mg/kWh
- Oil-fired boilers with maximum NOx emissions no greater than 120 mg/kWh.

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

27. a. Prior to first occupation of the development hereby permitted details of electric vehicle charging points, to be provided for each dwelling shall be submitted in writing to and agreed in writing by the Local Planning Authority.

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

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

28. Prior to the first occupation of any dwelling on the development, the widening of the public footway fronting the development in Fountains Way, Fountains Road together with the new footway provision in Selby Way, shall be fully implemented.

Reason: To improve accessibility to the development, to ensure the satisfactory completion and operation of the development and in accordance with UDP Policy GP2, T1, T5 and T8.

Notes for Applicant

Transportation

3. 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.
4. The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 for the adoptable widening and new footway provision fronting the development.

Air Quality SPD

1. 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.
2. 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.

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.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Ground Contamination

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

Recommendation Summary: Grant Planning Permission Subject to conditions

End of Officers Report



Planning Committee

Report of Interim Head of Planning and Building Control on 25-Jun-2020

Plans List Item Number: 8.

Reason for bringing to committee: Significant community interest

Location: 34, NEW ROAD, BROWNHILLS, WALSALL, WS8 6AT

Proposal: OUTLINE APPLICATION: CONSTRUCTION OF 2NO DWELLINGS TO REAR OF 34 NEW ROAD WITH ALL MATTERS RESERVED

Application Number: 19/1566

Applicant: MISS M HOWELLS

Agent: MR ROGER PALMER

Application Type: Outline Permission: Minor Application

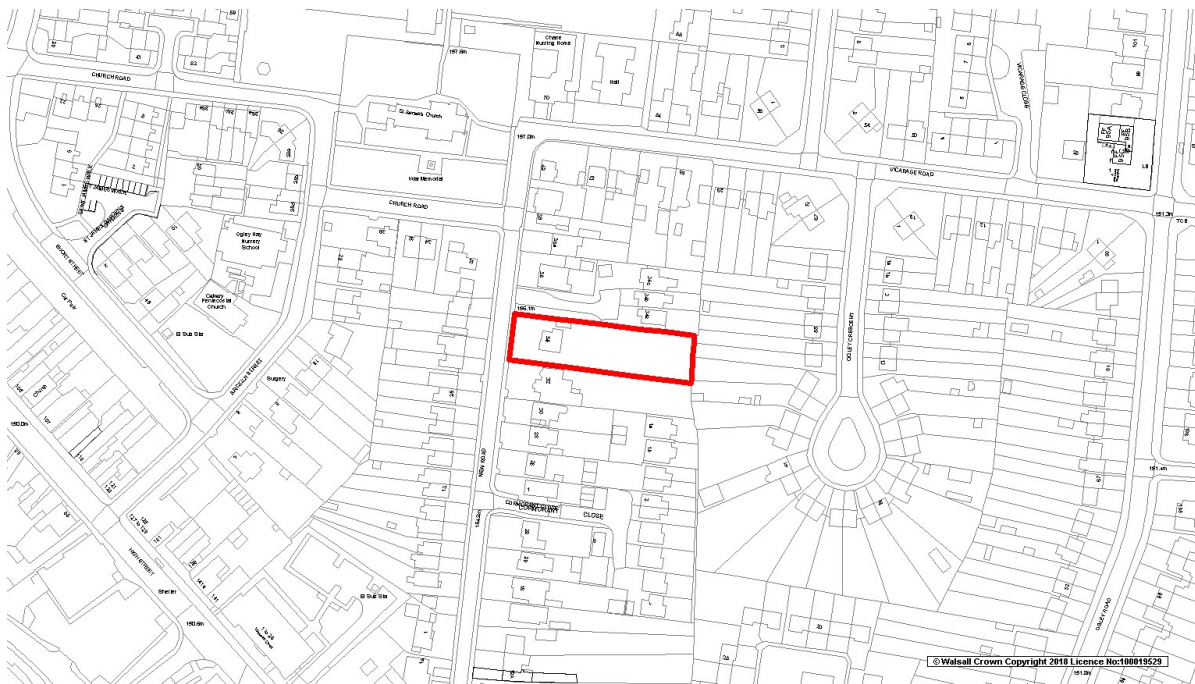
Case Officer: Devinder Matharu

Ward: Brownhills

Expired Date: 04-Mar-2020

Time Extension Expiry: 30-Jun-2020

Recommendation Summary: Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to the amendment and finalising of conditions



Proposal

The application is an outline application seeking the construction of 2no dwellings to rear of 34 New Road, with all matters reserved.

The proposal seeks the principle of residential development on the land to the rear of number 34 New Road.

Site and Surroundings

Number 34 New Road is a two storey detached dwelling located on the eastern side of New Road. The property has a side and front gable roof, chimneys, rear pitched roof dormer with double fronted bay windows. The side elevation facing number 32 has secondary habitable room windows with main windows facing the front and rear of the site.

The property has a front garden measuring approximately 11m in length with a driveway and garage to the northern boundary of the site. The rear garden measures some 56m in length and is relatively flat. The front garden is enclosed with low boundary hedges. There is a lamppost in front of the property adjacent the driveway.

There are a number of trees in the rear part of the garden. The boundary treatments with neighbouring properties is a 2m high close board fence.

To the north of the site is a cul de sac serving three detached two storey dwellings positioned towards the rear of 36 New Road, numbers 34a, 34b and 34c. Adjacent the driveway to these dwellings is number 36 New Road, a detached bungalow.

To the south of the site is number 32 New Road, a detached bungalow with rear conservatory extensions with the conservatory being located closest to number 30. The rear elevation of the bungalow has patio doors serving a habitable room.

To the rear of numbers 18 to 32 New Road is a cul de sac, Cormorant Close serving eleven dwellings. The design of these dwellings vary from two and three storey modern detached and semi detached dwellings to dormer bungalows located behind number 32 New Road.

Towards the rear of the site is Ogle Crescent with number 45 and 47 sitting to the rear of the application site. Both of these dwellings are positioned at an angle on the plot.

On the opposite side of New Road are a fairly uniform pattern of semi detached two storey dwellings, set back with front gardens and low boundary treatments of walls and hedges.

The site is located 120m outside of a bat buffer zone and 415m away from the edge of the Wyrley and Essington Canal. Bat surveys have been undertaken within 260m of the application site.

Relevant Planning History

36 New Road

05/1466/FL/E3, Erection of 2 houses refused 2005. Allowed on appeal 06-12-2006.

Land r/o18-24 New Road

05/0677/FL/E4, Erection of 7 dwellings. Grant subject to conditions 2005.

05/2394/FL/E3, Demolition of No. 24 New Road and erection of 8 residential dwellings and new access. Grant subject to conditions 2006.

06/2163/FL/E9, Substitution of house type on Plots 2 and 3 on previous planning approval 05/2394/FL/E3, to provide rear conservatories. Grant subject to conditions 2006.

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 9 – Promoting sustainable transport**
- **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:

PAGE 105 OF 135

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.

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
- ENV17: New Planting
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

HOU2: Housing Density, Type and Accessibility

- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality
- CSP2: Development outside the growth network

Walsall Site Allocation Document 2019

T4: The Highway Network

HC2: Development of Other Land for Housing

Supplementary Planning Documents

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

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

Consultation Replies

Severn Trent Water – No objection subject to note for applicant regarding drainage.

Transportation- No objection to the principle of development, no access details to be agreed at this stage.

Archaeology – No objection.

Strategic Policy – No objection

Arboricultural Officer – No objection

Pollution Control – comments to be updated

Representations

Nine letters from eight residents have been received objecting to the proposal on the following grounds:

- Number 34 set at a higher level than 32 New Road
- Design issues including: proposed plots too wide, dominating effect, position of proposed garages overbearing and visually intrusive, should consider integral garages
- Impact upon neighbouring occupiers including: loss of privacy, deriving happiness, peace and security, access road in close proximity to neighbouring habitable rooms, overlooking into neighbouring habitable rooms from access road, blocking views, noise and general disturbance during building works,
- Layout issues including: position of garages would be in view of neighbouring properties, garages block view,
- Loss of light and overshadowing
- Impact upon trees including: impact upon tree roots, trees protected, loss of trees, trees in neighbouring garden 34a protected
- Access and parking issues including: access drive cause parking and visibility issues, two cul de sacs already added previously, road used as a short cut for speeding vehicles and cars and vans, enough vehicles already, proposed access road very narrow, existing boundary wall will restrict vehicle visibility from access, access not afford fire appliance access, access road too close to neighbouring properties, existing on street parking issues

Determining Issues

- Principle of development
- Impact upon neighbouring residential occupiers
- Impact upon trees and ecology
- Access and parking
- Local Finance Considerations

Assessment of the Proposal

Principle of development

Planning policy CSP2 of the BCCS supports housing development outside of the growth network with Policy HC2 of the SAD supporting other land for housing development.

Along the eastern side of New Street, the principle of dwellings set to the rear of existing dwellings along New Road has already been established through earlier developments. Cormorant Close is a cul de sac that serves eleven dwellings to the rear of numbers 18 to 30 New Road and there are three dwellings served off an access driveway at the rear of number 36 New Road.

The proposal to erect dwellings at the rear of number 34 New Road would be in keeping with the existing pattern of development along this part of New Road.

The application is an outline application with all matters reserved, seeking to establish the principle of residential development only.

Whilst, number 32 is set at a slightly higher level than number 34 New Road, existing and proposed floor levels and cross sections can be sought at reserved matters stage to fully assess the impact the proposal would have upon existing occupiers and to assess the relationship between the existing and proposed dwellings.

, A number of residents have raised concerns over the design of the proposed dwellings and the positioning of the proposed garages. The design and layout details of both dwellings and garages will be considered at the reserved matters stage when the details of appearance, scale and layout are submitted. The visual impact and the impact the proposal would have upon the character of the area would also be assessed at that time along with details of boundary treatments .

Neighbouring residents have stated that integral garages should be considered rather than detached garages standing further forward in the plots but this detailed design would be considered at reserved matters stage.

The Archaeology Officer has advised that the site is just outside the area of the mid-19th century Brownhills settlement, a completely new settlement based on the coal mining industry and the coming of the railway. It is unlikely, that there is archaeology here that pre-dates this period, or would give us additional information on the foundation or subsequent development of the settlement itself.

Impact upon neighbouring residential occupiers

The neighbouring occupier number 32 New Road has a close side boundary with the site so were anynew vehicular access be proposed here alongside the boundary it could potentially unduly harm the amenities of this neighbouring occupier from the use of the proposed driveway with comings and goings at all times of the day and night,. As such, it is considered that the proposed dwellings should be accessed from the existing cul de sac, Cormorant Close. A planning condition is recommended to preclude any new driveway adjacent number 32 New Road.

Neighbouring residents have raised a number of objections regarding loss of light, over shadowing, loss of privacy, overlooking, loss of peace and security and the proposed garages would block neighbouring views. Until the design details of the proposed dwellings have been submitted at the reserved matters stage, the issues regarding the impact the proposed dwellings would have upon the amenities of neighbouring occupiers cannot be fully assessed at this stage. It is likely that a satisfactory layout and design could be achieved to address such concerns at reserved matters stage.

Any issues regarding noise and general disturbance from construction works can be dealt with under Environmental Health legislation should it become an issue during construction works. This would assist in protecting the amenities of neighbouring residential occupiers.

Impact upon trees and ecology

Whilst a number of concerns regarding the loss of trees on site and the impact the proposal will have upon protected trees in neighbouring rear gardens, the Arboricultural Officer has no objection to the proposal.

The site has no significant trees or prominent trees that would merit protection or retention. Outside the north boundary of the site is a number of mature TPO Sycamore trees (title no. 07/2004), however, the development of the site as proposed is unlikely to have any long term detrimental effect on their health and stability. A number of the trees on site fell over due to the storms in February.

Any issues regarding root protection measures and the impact upon neighbouring protected trees can be assessed at reserved matters stage when the design details are submitted.

The site is within 415m of the Wyrley and Essington Canal and within 260m of sites where bat surveys have been undertaken. Given there are trees on the site and in neighbouring gardens, it is considered a condition requiring bat bricks to be included in the construction of the proposed dwellings would provide habitats to any bats foraging in the vicinity. A lighting condition will also be attached to ensure any lighting erected within the rear of the site does not affect foraging bats.

Access and Parking

The proposal does not seek approval of any access into the site, as this is an outline scheme with all matters reserved and as such; the Highway Officer has no objection to the principle of residential development on the site.

Neighbouring residential occupiers have raised a number of concerns regarding the access being narrow and creating a pinch point, visibility, and accessibility for fire appliances. They also point out New Road is used as short cut by commercial and domestic vehicles and there are existing on street issues. The LPA has already

advised the planning agent that a new driveway at the side of 34 New Road adjacent number 32 New Road would not be supported on the grounds of loss of amenity to the occupier of 32 New Road and that an alternative access will need to be considered. When the reserved matters application is submitted the access details will be assessed at that time. There is no evidence any new housing on the application site will exacerbate any existing on street parking issues along New Road. Any issues regarding speeding vehicles is a matter for the Police to enforce, and the installation of raised table beds to slow traffic along New Road is a matter for the Highways department to consider.

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 2019-20, 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 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

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 principle of residential development on the site is supported. The design, scale, appearance, layout, access and landscaping will be considered at reserved matters stage. The impact upon neighbouring residential occupiers will be considered at reserved matters stage when further details are submitted but it is likely that a satisfactory layout can be achieved that protects residential amenity.

The proposal complies with the policies as set out in the policy section of this report.

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

1. Delegate to the Interim Head of Planning & Building Control to grant Planning Permission Subject to the amendment and finalisation of conditions.

Conditions and Reasons

1. Prior to the commencement of development hereby permitted approval of the details of the following reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced:

1. Access
2. Appearance
3. Landscaping
4. Layout
5. Scale

Reason: Pursuant to Town & Country Planning (Development Management Procedure) Order 2015.

2a. Application for the approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

2b. The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

3. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Location and Block plan drawing number PD536/01/B submitted 09-01-2020

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

4a. Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

5a. Prior to the commencement of development, a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement 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)

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

6a. Prior to the commencement of development hereby permitted details of the proposed finished floor levels, existing and proposed ground levels and cross sections shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

6b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

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

7a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

7b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

7c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

8a. Prior to occupation of the development hereby permitted a brick bat box shall be incorporated into the proposed southern elevation of both dwellings and shall thereafter be retained as such. The bat box shall be located at a point not lower than 2.5m from ground level and shall not be positioned directly above any doors or windows.

8b. The entrance to the brick bat box shall be kept clear from obstructions at all times.

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

9a. No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

9b. No external lighting shall be installed on the site otherwise than in accordance with the approved details.

Reason: In the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan.

Notes for Applicant: 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.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Recommendation Summary: Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to the amendment and finalising of conditions

End of Officers Report



Planning Committee

Report of Interim Head of Planning and Building Control on 25-Jun-2020

Plans List Item Number: 9.

Reason for bringing to committee: Call-In by Cllr Wilson on the grounds that the proposals require delicate judgement

Location: 15 , LITTLE ASTON ROAD, ALDRIDGE, WS9 0NP

Proposal: DEMOLITION OF SINGLE STOREY REAR EXTENSION AND THE ERECTION OF PART SINGLE, PART TWO STOREY REAR EXTENSION.

Application Number: 18/1144

Applicant: Daniel Thomas

Agent: GMB Construction Design

Application Type: Full Application:
Householder

Case Officer: Gemma Meaton

Ward: Aldridge Central And South

Expired Date: 09-Nov-2018

Time Extension Expiry: 02-Mar-2020

Recommendation Summary: Refuse



Proposal

It is proposed to demolish the existing single storey side and rear extension and construct a part single part two storey rear extension and two storey side extension on the dwelling at number 15 Little Aston Road. The proposal entails the following:

- The existing rear portion of the side extension on the left side that extends beyond the original wall would be demolished, as would the existing outbuilding to the rear of the property.
- The single storey rear extension would be 5.8m from the original rear wall and 3.3m from the existing rear wall, and extend the entire width of the rear of the dwelling and the proposed side extension
- The two storey rear elevation would be 2.015m from the existing rear elevation and would also extend the length of the dwelling.
- The side extension would be 2.0m wide on the ground and first floor and run the length of the building save for a 0.4m set back from the front elevation and 0.5m set back from the proposed rear elevation on the first floor. The side extension would bring the flank wall to within 0.16m from the side boundary.
- The single storey portion of the rear elevation would have a flat roof with a roof lantern and would be 3.4m high to the roof with a total height of 4m
- The first floor extension would extend the existing rear facing gable that extends from the existing roof apex at a height of 8.34m and would fall to the flank elevations of the building at a height of 5.2m.
- The side extension would have its own pitched gable extending from the side of the building set down by 0.66m from the main ridge. The roof of the side extension would have small front and rear facing dormers set 1.2m below the ridge.

Site and Surroundings

The application property is a red brick detached property which is located along Little Aston Road. To the west along Little Aston Road, the street scene consists of similar styles of individually designed detached properties with a similar building line that maintain a traditional design. The properties are characterised by front-facing gable details, bow and bay windows and chimneys. To the east the immediate neighbour is set further back from the road, with subsequent dwellings built as bungalows in a more modern style.

The property is set back from the road with driveway access to the right hand side. There are some examples of single storey side and rear extensions in the area as well as single storey rear extensions, although there do not seem to be any two storey side extensions in evidence.

PAGE 118 OF 135

In general the area is characterised by large properties with significant space around buildings which gives an open generous character to the area.

Rear gardens in the area are long and comparatively narrow and back onto the rear gardens of the houses on Hallcroft Way, separation distances to the rear are approximately 60m.

Neighbouring properties include:

17 Little Aston Road

No.17 is a two storey detached house that sits to the east of the application address and is set approximately 5m to the rear of the application property. This property has two side facing windows on the first floor that look onto the subject property both of which serve habitable rooms.

13 Little Aston Road

No.13 is a two storey detached house that sits to the west of the application site. The house has benefitted from a single storey extension that runs the length of the building to the common boundary with number 15. At first floor level number 13 has at least one habitable room window facing the boundary with number 15. The original front elevation is approximately level with the front of the subject property, with the rear extended on both floors to create a rear elevation set approximately 3m further back.

Relevant Planning History

There is no record of previous planning applications on the subject property.

17 Little Aston Road:

08/1427/FL, Ground Floor Extension to rear, GSC, 2008-10-13

13 Little Aston Road:

10/1198/FL, Two storey rear extension, Refuse Permission, 2010-10-25

10/1507/FL, Two storey rear extension, GSC, 2010-12-23

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 12 – Achieving well-designed places**

On **planning conditions** the NPPF says:

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

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

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.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

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

Saved Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

Consultation Replies

None

Representations

Two objections were received from the neighbours surrounding the property. The issues raised by the objections can be summarised as follows:

- Impact on light to habitable rooms
- Overlooking
- Impact on outlook from windows of surrounding properties
- Overbearing impact
- Belief that the plans do not accurately indicate the proposals in relation to the existing development at the surrounding properties.

Officer comment: in terms of the accuracy of the plans, there is no clear indication that the dimensions or locations provided do not accurately depict the situation on the ground.

Determining Issues

- Design and character of the area
- Impact on amenity of surrounding properties
- Parking

Assessment of the Proposal

Design of Extension and Character of Area

The design of the extension would be compatible with the existing house. The proposed side extension would be set back and down from the main dwelling meaning that it would remain subordinate to the original house. The rear gable addition of the first floor extension is also in keeping with the design characteristics indicative of the area, as would the addition of a flat roofed single storey rear extension.

The proximity of the proposed extension to the surrounding properties has a negative impact on the space around buildings, which is a particular characteristic of the properties in the immediate surroundings. The proposal would be built almost to the boundary on the right hand side of the property when viewed from the road, which would mean there would be no separation at ground level between number 15 and number 13 Little Aston Road. The separation at first floor level would be significantly reduced to approximately 2.9m which is retained only as a result of the set back of

PAGE 121 OF 135

number 13 from the common boundary on this side. On the left flank the building is already built to the boundary on the ground floor. Since number 17 is also built to the common boundary there would be continuous development across the site at this level, which would be a departure from the open character in evidence in the surrounding area. Bulk and mass of the building once extended is exacerbated by the tall flat gables of the roof of the application property, as well as the alteration to the roof slope angle proposed that would create an excessively bulky unbalanced building particularly when viewed from the side elevations.

The proposal is therefore considered to have a negative and harmful impact on the street scene at Little Aston Road and character of the area, contrary to the provisions of Policy ENV32 and the Designing Walsall SDP.

Impact on Amenity of Nearby Residents

The side extension would bring the flank wall 2m closer to number 13 Little Aston Road, in addition two new high-level windows are proposed in this flank which would serve bathrooms. There is an existing side window in the wall facing the common boundary at 13 Little Aston Road, although this appears to serve a bathroom. The window in number 13 is obscure glazed and therefore there would be no impact on outlook from this window as a result of the proposal. There would be a decrease in light to the window, however the separation distance of 2.9m and the fact that it does not serve a habitable room means that the impact would not be sufficiently harmful to warrant refusal on this ground alone.

The 45 degree code is used to measure the impact of development on surrounding windows in terms of light and outlook. In the case of a two storey extension the quarter point of the closest window is used to create a 45-degree line towards the development which should not be broken in order to ensure the protection of the amenity of surrounding occupiers. Number 13 and number 17 Little Aston Road are set further back in their plots than number 15. The single storey portion of the proposed rear extension would draw level with number 15 and would continue to fall short of the rear of number 17 by approximately 3m on the boundary. The extensions at first floor level would also not protrude past the rear of the surrounding properties. Therefore, while both adjacent houses have windows in their rear elevations, the proposed extensions would not contravene the 45 degree code and the extensions are considered not to be harmful to the amenity of the rear-facing habitable rooms.

The proposal would add an additional window to the rear of the property at first floor level and bring the rear wall 2m closer to the rear property boundary, however the long rear amenity space of almost 50m means that there will be no significant impact on the property at 88 Hallcroft Way which is directly to the rear of the application property.

The proposed two storey rear extension would bring the rear wall of the property to 0.2m from the side facing window in the property at number 17 Little Aston Road. This window serves a bedroom and is the sole light source for this habitable room. It is considered that this would have a significant negative impact on the light to this room and would therefore have a harmful impact on the amenity of the surrounding occupiers. The proposed rear extension would appear large and overbearing from this bedroom, which would significantly compromise the outlook from this window.

The proposal includes the addition of a new 1.5m by 1m rear facing window in the first floor section of the rear extension. This new window would be positioned at right angles to the existing side-facing window at number 17. Although the angle would mean that the view would not be direct, it is considered that the very close proximity of these windows in first floor bedrooms would introduce significant privacy concerns for both sets of occupants. This impact on privacy would be harmful to amenity and would compound the oppressive nature of the proposed extension.

The proposal is therefore contrary to the provisions of Policy ENV32 of the UDP and The Designing Walsall SDP.

Parking

The increase in the number of bedrooms from 3 to 4 would require an additional parking space to be provided. There is sufficient space within the frontage to achieve this therefore the proposal is considered to comply with Policy T13 of the UDP.

Conclusions and Reasons for Decision

The bulk and mass of the proposed extensions, coupled with their dominating effect on the plot in reference to the spacious character of the area is considered to have a negative and harmful impact on the street scene at Little Aston Road and character of the area.

The size and location of the proposed two storey rear extension would have a significant and harmful impact on the light, outlook and privacy to the habitable room window in number 17 Little Aston Road.

As such the development is contrary to the aims and objectives of the National Planning Policy Framework, 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.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant and their representative and suggestions have been made to overcome officers' concerns, however amendments have not been

forthcoming in this instance. The applicant and their agent has been informed that the proposal is not supported.

Recommendation

Refusal.

Reasons for Refusal

1. The two storey side extension coupled with the large rear extension that adds significant bulk to the roof and which brings the building to the boundary on the ground and first floors would have detrimental negative impact on the space around buildings which would harmfully impact the street scene and character of the area. 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 policies GP2, ENV32 and the terracing policy in Appendix D of Designing Walsall SPD.
2. The proposed two storey rear extension due to the size, scale and location would cause loss of light and would have an overbearing impact on neighbouring property No.17's adjacent bedroom and would therefore have a detrimental impact on the neighbouring amenity by means of overbearing impact and loss of light. The proposal would therefore be contrary to Chapter 12 of the National Planning Policy Framework, the Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and the Designing Walsall SPD.
3. The proposed new rear facing window in bedroom 2, due to its size and proximity to the neighbouring property No.17's adjacent bedroom window therefore have a detrimental impact on the neighbouring amenity by means of impact on privacy. The proposal would therefore be contrary to Chapter 12 of the National Planning Policy Framework, the Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and the Designing Walsall SPD.

Recommendation Summary: Refuse

End of Officers Report



Planning Committee

Report of Interim Head of Planning and Building Control on 25-Jun-2020

Plans List Item Number: 10.

Reason for bringing to committee: Called in by Cllr. Johal stating the application requires delicate judgement as surrounding properties have similar schemes.

Location: 195B, FOLEY ROAD WEST, STREETLY, SUTTON COLDFIELD, B74 3NX

Proposal: NEW FRONT BOUNDARY WALL (1.153 METRES HIGH) WITH RAILING (650MM HIGH) ON TOP OF THE WALL, PLUS 1.989 METRE HIGH VEHICULAR GATE.

Application Number: 19/0319

Applicant: Harnak Singh

Agent:

Application Type: Full Application:
Householder

Case Officer: Rebecca Rowley

Ward: Streetly

Expired Date: 31-May-2019

Time Extension Expiry: 21-Jul-2019

Recommendation Summary: Grant permission subject to conditions to safeguard highway safety and visual amenity of the local area.



Proposal

The original proposal for this application was to erect a 1.153m wall with metal railings to a total height of 1.82m. Following advice from officers, amended plans were submitted.

This proposal is for the erection of a boundary wall, with metal railings on top and vehicular access gate around the front garden boundary of a detached dwelling located on a corner plot. The wall would span the east and west side boundaries from the principal elevation of the dwelling house to the footpath and across the front boundary with the footpath. The wall would be set back 3.8m from Foley Road West highway kerb and 1.1m from Schoolacre Rise highway kerb with the wall and fence to be erected along the shared boundary between the applicants land and the back of the public footpath. The vehicular gate would align with the front boundary wall at the back of the public footway, set 0.3m in from the east side boundary with neighbouring no.195a Foley Road West. The wall on the west side boundary would face Schoolacre Rise.

Height of wall: 1m

Height of railings: 0.6m

Dimensions of gate: 4m width x 1.6m height

The colour of the railings has not been provided with the applicant stating it would be agreed with the LPA. The gate would be constructed from metal railings of a consistent design. Existing foliage would be retained behind the proposed wall and railings.

Site and Surroundings

Foley Road West is a district distributor between Walsall to the west and Sutton Coldfield to the east. There is a speed camera including road markings just beyond Schoolacre Rise.

The application site is a 1980's style detached house located on a corner plot between Foley Road West and Schoolacre Rise, part of a group of similar age and design houses, in a wider residential area of mixed housing styles, age and design. The front driveway is hard surfaced in an L shape providing access from both Foley Road West and Schoolacre Rise. There is a patch of grass in the crook of the L on the north west corner of the site, with an existing 2 metre high hedge which is set back 2 metres from the back of the pavement on the corner and approximately 1.0 metre back from the edge of the site in Schoolacre Rise and 1.0 metre from the back of the pavement in front of the site. The plans show that this hedge is to remain unchanged. There is a

strip of grass along the side boundary between no.s 195b and 195a to the east. There are no other boundary treatments in situ.

Given the wider mix of housing designs, for the determination of the planning application, the character to be considered is, 195a, 195b, 197 and 197a Foley Road West part of the 1980's development. This frontage character is open, with no solid boundary treatments whilst benefitting from planting on the boundaries. In the wider area it is noted there are some walls and/or fences, mainly low level and/or are set back from the back of the pavement, however, where these are, the character of those parts of the road are different to the current application site.

Relevant Planning History

BC18734P – Residential Development of 14 No. detached houses and access road – granted permission – 24/07/1987 – subject to removal of PD rights for side facing windows and doors, gates, fences, walls, etc. and extensions.

05/0545/FL/E3 Demolition of existing bungalow and erection of 2 new detached houses with garages – granted permission STC 09/05/2005

07/1555/FL/H4 Two storey side and single storey front extension – Granted permission STC 30/08/2007

07/2325/FL/H4 Proposed garage and boundary wall with gated drive access – Refused – 09/01/2008 – on grounds that the siting, design and height of the boundary fence would be an unduly dominant and incongruous feature in the street scene, contrary to the open plan character of the locality.

08/0269/FL Single Garage – Refused permission – 08/04/2008 – on grounds that the siting, design and height of the boundary fence would be an unduly dominant and incongruous feature in the street scene, contrary to the open plan character of the locality. – Granted permission by appeal – 16/01/2009

18/0557 – Proposed 1m high gates and 1m high boundary wall to property perimeter, gates set back 5m from the kerb – Granted Permission STC – 28/09/2018

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,

PAGE 127 OF 135

social and environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **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.

PAGE 128 OF 135

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

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness

Supplementary Planning Document

Designing Walsall

- DW3 Character

Consultation Replies

Local Highway Authority; Object to the proposed scheme on the grounds of potential harm to highway safety. The proposed increase in the solid wall element of the boundary treatment over and above the 1000mm wall height accepted under application 18/0557 within 2.4m x 3.4m pedestrian visibility splays at the access point and the neighbouring access point are contrary to highway safety.

Representations

Two representations were received from neighbouring occupants, raising the following (*local planning authority comments in italics and brackets*);

objecting to the impact of the wall, railings and gate on the appearance of the area and highway safety:

-Foley Road, is a lovely green area... gradually being eroded by the erection of walls, gates and railings.

-do not wish the area to have the appearance of an industrial estate and be degraded in this way.

-concerned that gates erected on a bus route would lead to traffic being backed up at busy times, whilst the car is waiting in the road for the gate to be opened, which this road is not big enough to cope with.

-Altering the size of proposed walls and railings is imm (*Representation finished at this point*)

-Streetly is a lovely green area and do not wish to see greenery replaced by walls and railings.

-This is a narrow road on a bus route which is busy and installing gates will cause the applicant's car to sit in the road whilst the gates are being opened; therefore causing obstruction.

Cllr. Johal stating the application requires delicate judgement as surrounding properties have similar schemes.

Determining Issues

- Design of Extension and Character of Area
- Residential Amenity
- Highway safety

Assessment of the Proposal

Design of Extension and Character of Area

The wall would be built against the edge of the footway fronting the highway and is clearly visible within the street scene. The locality is characterised by an open plan layout with houses consistently set back from the highway with deep landscaped front gardens, allowing long sight lines along the road, providing a green and open character to the street scene. Where boundary walls are in place in the wider area, these are low in height and considered to not impact significantly on the open nature of the locality. Many of the other boundaries are marked with hedges or trees which also helps soften the street scene.

Given the size of the proposal and for the purposes of this assessment, local character is considered to the 1980's housing 195a, 195b, 197 and 197a Foley Road West. These houses were built at the same time, with a similar design and consequently contribute to this part of Foley Road West local character, with open front gardens with planting. Whilst the local planning authority has previously approved one metre high boundary treatment at the current application property, this required the local highway authority to compromise from a maximum of 600mm high boundary treatment. It is considered that the erection of a higher boundary wall with metal railings and gates at this location would erode the local character to the point it would become an incongruous addition to the open plan street scene, especially on this corner plot, detrimental to the local amenity, open nature of the locality and cause harm to the character of the area, conflicting with the requirements of BCCS policies CSP4 and ENV2, save UDP policies GP2 and ENV32 and the SPD Designing Walsall policy DW3.

It is acknowledged that there are houses in the wider vicinity, including no. 199 Foley Road West has a 1m high wall, with 1.17m high end pier and railings on top to a maximum height of approximately 1.5m. It is considered, the circumstances for this house are different, being located amid a row of houses, this causes less harm to the open plan design of the area than would occur at a corner plot, such as the application site. All other walls and railings that have been observed in the visible vicinity of the application site are below 1m in height, or set back much further from the footpath, again limiting the harm to the open nature and character of the street scene. Notwithstanding Councillor Johal's stating the application requires delicate judgement as surrounding properties have similar schemes, as explained above, Foley Road West benefits from different clusters of character along the road, and considered that does not require delicate judgement.

Residential Amenity

It is considered that approval of the proposed increase in height of the boundary treatment would be an incongruous visual impact to the surrounding neighbourhood, contributing to the detrimental harm of local residents' visual amenity. In weighing the overall planning balance, the fact that objections have been received raising concerns about the degradation of the green open appearance of the area contributes to reinforcing the harm the additional height of the fence would bring. The proposal is considered not consistent with the requirements of saved UDP policy GP2.

Highway and Pedestrian Safety

Foley Road West is a classified road (B4151) and carries relatively high volumes of local and through traffic. The site is close to an existing bus stop where there is likely to be increased pedestrian footfall. The retention of satisfactory pedestrian inter-visibility is therefore important to allow drivers emerging from the vehicular access and the neighbouring vehicular access to see pedestrians and vice-versa.

The Local Highway Authority had already compromised on the previous application 18/0557 by accepting the wall element to be retained at 1000mm not the usual 600mm. The current proposal looks to increase the wall element to 1m with railings on top to a total height of 1.6m. This is unacceptable to the Local Highway Authority, being contrary to Highway Safety and the requirements of NPPF 9, paragraph 110, consequently, will require the wall to be retained at no more than 1000mm (measured above the natural ground level of the public footway) especially within 2.4m x 3.4m visibility splays at the access point and the neighbouring access point.

Notwithstanding Councillor Johal's stating the application requires delicate judgement as surrounding properties have similar schemes, given the local highway authorities objection to the higher fence/wall, it is considered highway safety cannot be weighed in the balance as requiring delicate judgement. A proposal is either safe or not safe.

It is considered to address the local highway authority's highway safety objection a planning condition could be imposed to prevent any boundary treatment exceeding 1000mm. In addition, taking into account the local planning authorities 18/0557, additional conditions requiring the gates to be set back into the site by 5 metres should also be imposed and no gates to be opened out over the public highway for highway safety reasons.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and responses from consultees and representations, it is considered that the proposed front boundary wall, railings and gate, according to the plans submitted, by virtue of their design, height, position and expanse would appear out of character and at odds with its surroundings. The proposal would appear as an overbearing, prominent and discordant feature that would cause unacceptable harm to the visual amenities of this open plan corner plot and the local area. The proposal fails to improve the character and quality of the area and would set a precedent for the incremental erosion of this high quality sense of place. As a consequence the development is considered to be contrary to the aims and objectives of the National Planning Policy Framework, policies ENV2 and ENV3 of the Black Country Core Strategy, saved policies GP2, 3.6, and ENV32 of the Walsall Unitary Development Plan and policies DW3 and DW9 of Supplementary Planning Document Designing Walsall.

The height and position of the wall and gated access opening onto Foley Road West near to a bus stop with the likelihood of increased pedestrian footfall, could obscure visibility of pedestrians and increase potential for harm to pedestrians, contrary to saved UDP policies GP2, ENV32 and NPPF 9 paragraph 110.

It is considered that this application can only be supported subject to conditions to secure a maximum height of 1m for any part of the boundary treatment, with gates set

back at least 5m from the highway kerb, to safeguard highway safety and to safeguard the visual amenity of the surrounding area.

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

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

Positive and Proactive Working with the Applicant

Following amendments to the original plans which reduced the height of the wall with railings to 1.6m in total, officers advised the applicant's agent that we still could not support a proposal greater than 1m in height, for reasons of pedestrian safety and we could not support a proposal greater than 1.2m in height for the remainder of the boundary outside of this splay for reasons of visual amenity and harm to the character of the area. As no revisions have been submitted, in this instance we can only support the proposal subject to conditions imposed to safeguard amenity and pedestrian safety.

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 hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Location Plan, submitted 05/04/2019
- Proposed Wall Plan, submitted 06/03/2019
- Proposed Front Elevation, drawing no. A-05-02 Rev A, submitted 17/07/2019
- Proposed Side Elevation from 195a Foley Road West, drawing no. A-05-05, submitted 17/07/2019
- Proposed Side Elevation from Schoolacre Rise, drawing no. A-05-03 Rev A, submitted 17/07/2019

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

3: The bricks for the wall shall match, in size, colour and texture as those which are used in the existing building and shall be retained as such after completion of the extension.

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

4. Notwithstanding the details as submitted, no part of the boundary treatment including the gates shall be higher than 1 metre when measured from the ground level of the adjacent public footway

Reason: To ensure the satisfactory appearance of the development in accordance with saved UDP policy ENV32 and to safeguard highway safety in accordance with saved UDP policy GP2 and NPPF 9 paragraph 110.

5. Notwithstanding the submitted plans:

- Proposed Wall Plan, submitted 06/03/2019
 - Proposed Front Elevation, drawing no. A-05-02 Rev A, submitted 17/07/2019
 - Proposed Side Elevation from 195a Foley Road West, drawing no. A-05-05, submitted 17/07/2019
 - Proposed Side Elevation from Schoolacre Rise, drawing no. A-05-03 Rev A, submitted 17/07/2019
- a) the gates shall be set back 5 metres from the carriageway kerb edge to enable a standard sized motorcar to pull clear of the main public carriageway in the event the gates are in a closed position.
- b) The wall shall not encroach any closer than 450mm from the carriageway kerb edge alongside Schoolacre Rise (between the adopted highway footway and the attached garage).
- c) The vehicular gates shall not, at any time, open outwards across any part of the public highway.

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

6. Notwithstanding the submitted plans, the railings shall be simple bar and rail design with points/swirls/balls or fleur de leys along the top of the railings and powder coated black

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

Recommendation Summary: Grant permission subject to conditions.

End of Officers Report