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5	99	18/0550	THREE CROWNS INN, SUTTON ROAD, WALSALL, WS5 3AX WARD: ALDRIDGE CENTRAL AND SOUTH PHEASEY PARK FARM	DEMOLITION OF THE EXISTING 'THE THREE CROWNS PUBLIC HOUSE' AND ERECTION OF 7 NO. DETACHED DWELLINGS (SITE AFFECTS THE SETTING OF PUBLIC RIGHTS OF WAY WAL98) INCLUDING THE FORMATION OF A VEHICLE ACCESS TO THE ADJACANT FIELD.	DELEGATE TO THE HEAD OF PLANNING, ENGINEERING AND TRANSPORTATION TO REFUSE PLANNING PERMISSION PROVIDING NO NEW MATERIAL PLANNING CONSIDERATIONS ARE RAISED PENDING CONCLUSION OF CURRENT CONSULTATION PERIOD AND OWNERSHIP NOTICE PERIOD.
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7	145	18/1641	<p>166, CLARKES LANE, WILLENHALL, WV13 1HT</p> <p>WARD: WILLENHALL SOUTH</p>	PARTIAL DEMOLITION AND EXTENSIONS TO CREATE A TWO-STOREY DWELLING WITH SIDE AND REAR EXTENSIONS AND NEW FIRST FLOOR.	PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING, ENGINEERING & TRANSPORTATION TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO NO NEW MATERIAL CONSIDERATIONS BEING RECEIVED WITHIN THE CONSULTATION PERIOD
8	155	18/1574	<p>35, WEST BROMWICH STREET, WALSALL, WS1 4BP</p> <p>WARD: ST MATTHEWS</p>	CHANGE OF USE FROM 4 BED DWELLING HOUSE (C3) TO RETAIL SHOP AT GROUND FLOOR AND 2 FIRST FLOOR FLATS. INSTALLATION OF NEW SHOP FRONT AND REAR STEPPED ACCESS TO FIRST FLOOR FLATS.	GRANT PERMISSION SUBJECT TO CONDITIONS



Planning Committee

Report of Head of Planning, Engineering and Transportation on 21-Mar-2019

Plans List Item Number: 1.

Reason for bringing to committee: Major Application

Location: CHALLENGE BUILDING, HATHERTON ROAD, WALSALL, WS1 1YB

Proposal: DEMOLITION OF THE CHALLENGE BUILDING AND REPLACEMENT WITH A NEW THREE STOREY MEDICAL CENTRE. THE CENTRE WILL INCLUDE 54 CONSULTING ROOMS, ANCILLARY SUPPORT SPACES, CAFE, OPTICIAN, PHARMACY (USE CLASS A1), ROOF TERRACE AND CAR PARK FOR 112 VEHICLES.

Application Number: 18/1663

Applicant: Dr Martin Stevens

Agent: Mr Peter Icke

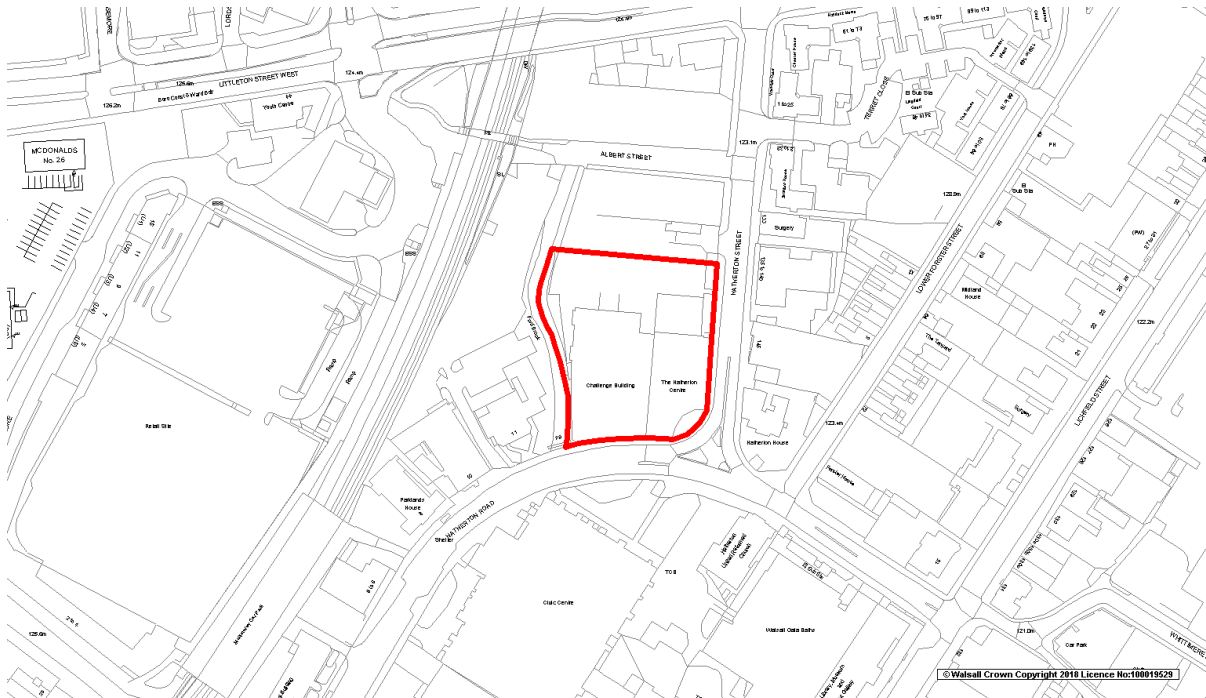
Application Type: Regulation 3: Major Application (SI 1992/1492)

Case Officer: Helen Smith

Ward: St Matthews

Expired Date: 18-Mar-2019

Time Extension Expiry:



Recommendation Summary

Planning Committee resolve to delegate to the Head of Planning, Engineering & Transportation to grant planning permission subject to

- (i) resolving the Environment Agency objection (including by way of safeguarding conditions or addition to the legal agreements, as required);
- (ii) the completion of a Section 111 legal agreement and a Section 106 planning obligation to:
 - a) confirm certainty of funding to address the requirement that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred,
 - b) confirm that the planning permission is satisfactory to the developer
 - c) secure demolition and ground investigations, to submit and agree a full remediation strategy and to carry out the agreed remediation and construct a development platform
 - d) to secure a full travel plan to cover 5 years from first occupation with an annual review
 - e) to treat and remove Japanese knotweed.

Proposal

This scheme proposes the demolition of the Challenge Building and replacement with a new three storey medical centre which would include 54 consulting rooms, ancillary support spaces, cafe, optician, pharmacy, roof terrace, lifts, and car parking for 112 vehicles, with the roof plant including; 115sqm of photo-voltaic, 27sqm of solar collectors, 10 sun pipes, 2 roof lights, 9 air conditioning condensers and an air handling unit. The applicant is aiming to deliver a BREEAM excellent building.

Walsall Council (acting by its Regeneration and Development Team) is a party to the planning application because the Council owns the Challenge Building and Cabinet has resolved to sell the building and land to Purple Platypus who, together with the Council, is the applicant for planning permission. In addition, the Council and the developer have agreed that the Council will be responsible to implement phase one of the current proposal by; resolving any on site asbestos, clearing the existing Japanese Knotweed, demolishing the existing structure, and dealing with land contamination, including potentially the former fuel tanks and then to create a development platform before the land is sold to the developer. The second phase would be undertaken by the developer to construct and then operate the new medical centre.

The new development proposes to combine four existing local GP practices into one new centre with a combined patient list of 24,750. These local GP practices include Lichfield Street Surgery, Saddlers Medical Surgery, The Limes Medical Centre and Sycamore House Medical Centre. These practices occupy smaller buildings and are considered by the NHS to have out-dated patient facilities not suited to current requirements.

The application is accompanied by the following documents;

Design and Access Statement suggests that the proposed new medical centre would enhance and revitalise the street scene. The proposed design has been informed by the

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local context and the design of the existing building which is to be demolished, in order to address issues of the Conservation Area, flood plain and environmental issues and to produce an interesting and cohesive design.

Heritage Statement assesses the heritage significance of the Challenge Building and its site with regard to its contribution to the character and appearance of the Lichfield Street Conservation Area. The author of the Heritage Statement concludes that they consider that the significant public benefits of the proposal outweigh the much less than substantial harm arising from the loss of the existing building and that the character and appearance of the Conservation Area will be preserved and in some respects enhanced.

Level 2 Historic Building Recording. This states that the Challenge Building is not listed or locally listed and has not been identified as a non-designated asset, but is sited within the Lichfield Street Conservation Area. It is however designated as a Heritage Asset within the NPPF. The document states that very little of the original layout or features survive with parts of the interior in poor condition with signs of damp and decay with some ceilings collapsing. The report suggests that the main street elevations (Hatherton Street) do have some minor design merit but on balance the remainder of the building has had major changes and has generally deteriorated over time, to the point where it has now lost its significance. This opinion is reflected in recent planning studies that have not recommended the building for listing.

Flood Risk Assessment & Drainage Strategy states; the site is identified on EA records as low to medium risk from fluvial flooding, does lie within a recognised floodplain, the proposed development is considered would not generate any extra flow or exacerbate any flooding that may occur within the vicinity of the site, surface water run-off from the development site will be limited to Greenfield run-off rates, external areas (within the application boundary) may possibly flood by no more than 125mm in extreme storm events. Finished ground levels will be considered and flood routing applied to ensure protection of proposed buildings and adjacent landowners, in the event of extreme weather conditions.

The report confirms that water quality will be improved through the use of SUDS drainage techniques such as permeable paving. The proposed development drainage schemes will be designed such that there is no increase to the potential of

any flooding occurring at the site. This is mainly due to the set proposed levels at the site and adoption of recommended SUDS design techniques in line with EA and CIRA guidance.

Ecological Appraisal has been prepared to consider the impacts of the proposed development in relation to habitats, protected and notable species and notifiable weeds. The report states that the habitats that would be lost are common, of low ecological value and easy to replace. Roosting bats are found to be absent from the building after full inspections and no potential roosting features were recorded in the trees. The potential for other protected or notable mammal species to use the site is deemed by the report to be negligible and the site provides almost no nesting and foraging opportunities for urban bird species and there was no evidence of previous or current nesting by birds on site. However the report comments that birds may nest on the site in future. Japanese knotweed has been found to be present both in small areas of the car park and west of the

site, on the banks beside Ford Brook. The report recommends that further advice is sought relating to the presence of this plant on site.

Japanese Knotweed Proposed Treatment Statement provides details of a preferred treatment option for the excavation and off-site disposal for this highly invasive weed. Japanese Knotweed is a controlled waste.

Demolition Statement details the proposed methodology and logistics solutions for the proposed project to include site safety and minimise disruption to the neighbouring community.

Outline Remediation Strategy has been prepared which is an outline approach as it is considered there are significant data gaps within the site investigation due to the inaccessibility of areas for investigation. A full remediation strategy will be required and can be secured by condition, if approved.

Transport Assessment and Travel Plan (December 2018) – this assessment concludes that from the evidence provided that the traffic from the proposals would not adversely affect the operation of the highway network

Report of Engagement has been included explaining how the applicants' have engaged with their patients, patients representative groups and community along with the outcomes of these consultations concluding overall 60.6% of patients approved of the proposed move and 20.5% of patients did not support the proposed move.

Parking- Proposed Displacement of Existing Parking – this document has been prepared by the Council and explains that 52 staff parking spaces would be displaced as a result of this development on a site that currently has 150 permit holders allocated. In total the Council will have a requirement to provide a minimum 115 spaces (including 10 blue badge holders) in order to maintain current 85% spaces to permit holders provision. The statement confirms that as joint applicant and current landowner/staff parking provider, the Council will manage the displacement of staff parking from the application site to alternative location(s) in the town centre.

Site and Surroundings

The Challenge Building is a late Art Deco style former Kennings garage building at the corner of Hatherton Street and Hatherton Road located within Lichfield Conservation Area and Walsall Town Centre. The existing building has more recently been used as Council offices and included a former children's nursery towards the rear of the building. The Council also has a tenant in the building who is relocating within the town.

Culverted Ford Brook and the main Walsall to Rugeley railway line are located to the west of the application site.

The Challenge Building is a non-designated historic building. The late Art Deco style façade is of historic and architectural interest, which includes a two storey concave corner feature, formerly the petrol court, facing the road junction. The building has not been in its original use for some years and presently suffers from under-occupation.

The current surface car park is located to the rear of the existing buildings accessed from Hatherton Street.

The application site is located amongst other similar town centre use buildings including; the Saddlers Medical Surgery, funeral directors, civic offices, newspaper offices, Hatherton United Reformed Church, a former children's nursery and Walsall Institute for the Blind. To the north, is further council owned surface car parking on Hatherton Street, tyre fitters and a decorating shop before Littleton Street West.

The site is located 175 metres walking distance from the Primary Shopping Area, as defined by the UDP 2005 and the Town Centre Area Action Plan 2019, 155 metres from Walsall Bus Station and 400 metres to Walsall Railway Station. There are also some short-term parking spaces on Hatherton Street.

The application site includes designated Flood Zone 1, 2 and 3 areas.

Relevant Planning History

08/0951/OL – Walsall Gigaport- Outline Application (access only considered) Erection of 127000 sq. m of B1 (A) offices, a 4,206 sq. m data centre, 4,300 sq. m hotel with conference facilities, 23,195 sq. m of live/work space, a 5,890 sq. m health and sports facility and 621 sq. m of A1/A3 (retail/non-retail) floor space together with associated highways works, public transport facilities, new public square, landscaping and car parking. (Revision of planning application reference 07/2659/OL/W7) – GSC 18/12/08

BC52326P – Part change of use to family planning clinic, health information centre and associated offices – GSC 29/7/98

BC39905P – Change of use to offices, childcare facilities and multi-purpose hall – GSC 1/12/93

BC28049P – Application for deemed consent for conversion to Arts and Media Centre – GSC 13/12/89

BC25904P – Retrospective – Continued use as public car park – GSC 19/04/89

BC23266P – Part change of use to adult training centre – GSC 26/7/88

BC22754P – Section 53 Determination - Use of land for sale of petrol and hire of cars - Planning permission is not required – 28/4/88

BC20790P – Retrospective application for temporary change of use (5 years) as public car park – refused 28/10/87

P16205 – Erection of a vehicle repair workshop – GSC 22/11/51

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 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

Key NPPF paragraphs include

Para. 104. Support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities

Para. 106. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

Para. 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para. 170 (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

Para. 175 (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity

improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Para. 195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use

Para. 196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Para. 197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Para. 198. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

In addition, the 2010 Act imposes a Public Sector Equality Duty "PSED" on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life. Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy (BCCS)

- CSP4: Place Making
- CSP5: Transport Strategy
- HOU5: Education and Health Care Facilities
- CEN4: Regeneration of Town Centres
- CEN5: District and Local Centres
- CEN6: Meeting Local Needs for Shopping and Services
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

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- ENV8: Air Quality

Saved Policies of Walsall Unitary Development Plan (UDP)

- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- 4.6 The Service Sector
- S4: The Town and District Centres: General Principles
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- T7: Car Parking
- T8: Walking
- T9: Cycling
- S1: Definition of Town Centre Uses
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Walsall Site Allocation Document 2019 (SAD)

- EN5: Development in Conservation Areas
- T2: Bus Services
- T4: The Highway Network
- T5: Highway Improvements

Walsall Town Centre Area Action Plan 2019 (AAP)

- AAP1: Walsall Town Centre Boundary
- AAPS2: New Retail Development
- AAPB1: Office Development
- AAPLV3: Health Care Facilities
- AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness
- AAPLV6: Securing Good Design
- AAPLV8: Environmental Infrastructure
- AAPT1: Pedestrian Movement, Access and Linkages
- AAPT2: Cycling
- AAPT5: Car parking

- AAPINV3: Walsall Gigaport
- TC41: Challenge Block

Supplementary Planning Document Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

Highway Authority- No objections subject to the inclusion of conditions in respect of parking areas, dropped kerbs and drainage, full details of cycle shelter provision, provision

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of a Construction Methodology Statement, car park management plan and a full travel plan.

Strategic Planning Policy – No objections

Structures – No objections as the site is located outside the zone of consideration for limestone working

Pollution Control- This application requires two distinct phases of work, demolition and reclamation of the site followed by construction of the new facility.

Regarding demolition works, the submitted 'Demolition Statement' sets out arrangements for management and supervision of the activities including control of dust, noise, debris drag-out and waste management etc. A condition requiring compliance with this document should be imposed.

The 'Outline Remediation Strategy' sets out general principles for the reclamation and remediation of the site but does not confirm specific actions.

Additional investigation and assessment of ground conditions will be required following demolition of the building and grubbing out of the foundations etc. Conditions to require this work and agree remediation/reclamation methodology, delivery and validation are required. *(This will need to be secured via a Section 106 as a condition would not meet the Government advice for imposing a condition)*

The heating and ventilation equipment that may have an impact on adjacent residential property or the wider environment. ... A condition requiring the provision of an assessment of overall impact of the proposed development including details of any required mitigation measures to protect adjoining amenity should be included.

Proposals include provision of a significant amount of car parking. The potential for traffic movement/increase and the potential impact on air quality is not considered significant given the existing traffic volumes in the area. ... the requirements of the 'Black Country Air Quality Supplementary Planning Document (SPD)' and ... the installation of Low NOx boilers and the provision for electric vehicle charging facilities. A condition requiring submission and agreement of details to demonstrate compliance with the SPD is recommended.

Conservation Officer – No objections

Ecology – No objections subject to the inclusion of planning conditions regarding precautionary measures for bats, mammals and nesting birds

Tree Officer – No objections subject to safeguarding conditions in respect tree species to be planted and the allowance of sufficient growing space for the root systems and landscaping.

Public Health – No objections and recommendations for internal room requirements and fittings has been made and forwarded to the planning agent for future reference

Fire Officer – No objections subject to the inclusion of an informative note in respect of access to water requirements

Historic England – No objections and recommend the views of specialist conservation and archaeological advisors are sought

Archaeology – No objections

Natural England – No objections

Severn Trent Water – No objections and require the inclusion of notes in respect of the use or re-use of sewer connections requiring a formal application and that there may be a public sewer located within the application site.

Lead Local Flood Authority – No objections subject to the inclusion of planning conditions to ensure the development is implemented in accordance with the approved flood risk assessment.

Environment Agency – Comments to be updated at planning committee

Network Rail – No objections

West Midlands Police – No objections subject to the inclusion of motion detection lighting only being used internally in line with the current Secure by Design Advice.

Walsall Clinical Commissioning Group – Supports the proposal as the building would replace out-dated surgeries and provide modern healthcare services that the NHS is looking for from Primary Care in future. An engagement process has been undertaken by the practices with their patients with a return of over 2,000 questionnaires. 60.6% were in support, 20.51% opposed the development and 18.38% were unsure and 0.51% did not express a view. The CCG is satisfied with the process undertaken as are the Patient Representation Groups of each practice, and is assured that the majority of patients of the four practices are supportive of the development being on Hatherton Street. This would be an exciting facility for NHS services in Walsall and a flagship development for the town.

Representations

A petition organised by Councillors Rasab, Sohal and Martin which includes 781 signatories has been provided stating;

“Consultation to build a health facility on the site of the former garage site on Hatherton Street, Walsall has started which will amalgamate Lichfield Street Surgery, Sycamore House Surgery, The Limes Surgery and Saddlers Medical Centre on the site just off the ring road. It is too far from community with no direct bus route on other side of a very congested polluted ring road. At this point the CCG, NHS, and importantly the Doctors are abandoning the Broadway North site but we are still committed to delivering a health facility on the Broadway North. It is closer to patients and the community, a site that has good transport links and ample room for parking. We have to oppose yet another proposal that is not the Broadway North. The Labour Party have made clear their opposition to delivering a health facility on the Broadway North by voting to put the site up for sale to the highest

bidder. Labour were also in power when talks began on the Hatherton Street site, which they kept very quiet about during the election.

We are supporting local people to make it clear that patients and local residents want to see Health Services delivered at a locality level here in the heart of the Community.”

A second petition by Walsall South Residents, patients and Community Association Users collected by Councillor Rasab with 459 signatories has been provided. This states the following:

“We the undersigned as patients of Sycamore House, Lichfield Street, The Limes and Saddlers Health Centre, and residents of Paddock Ward and surrounding areas call on NHS England and Walsall Council to scrap plans for a Health Centre on the site of the Challenge Building, Hatherton St, Walsall.

We call on NHS England and Walsall Council to work with the existing GP practices on the ward, local residents and community groups to deliver a Health and Community facility at the Broadway North Centre, Broadway North, Walsall. A site that is in the heart of our community and has excellent transport links and parking.”

Additional comments made by signatories within the petition are;

“Have the Doctors considered their patients or even agreed – ridiculous idea, tried to gauge their opinion. Older people may stop going until really ill and taxis will do an enormous trade”

“Way out of this area (WS5). The car park will get used for free town centre parking”

“Not catering for many OAP’s on estate (WS5) especially as they are now taking the alarms off us”

A further resident has commented that this is a huge undertaking at a staggering cost and that the use of the former Marks and Spencer building for this use would be beneficial as it’s in the town centre with ease of access, trains, bus station, taxi rank, multi storey car park in the Saddlers Centre with restaurants, lift, toilets. Boots the chemists are opposite and this would be at a lower cost than a new build whilst revitalising the town centre.

Determining Issues

- Impact on the Character of the Conservation Area
- Principle of Development and Development Opportunity
- Character/Appearance and Design
- Highway Safety and Parking
- Amenity of Neighbouring Residents
- Flood Risk
- Sustainability
- Ecology
- Archaeology

- Trees
- Pollution Control

Assessment of the Proposal

Impact on the Character of the Conservation Area

The Challenge Building is not listed or locally listed. It lies within the Lichfield Conservation Area and has been identified as a non-designated asset and although it was not recommended for local listing by the Conservation Area Character Appraisal and Management Plan for Lichfield Street Conservation Area (2008), it is considered the buildings form does make a contribution to the overall Conservation Area.

The former Kenning's Car Garage and Showroom was constructed in 1935 with a late Art Deco style reflecting motor vehicle related architecture of the time. The façade of the building has areas in poor condition with a broken clock face, corroded metal-framed windows and some broken glazing.

A Level 2 Historic Building Recording statement comments, that *"internally very little of the original layout survives and very few features relating to its former use of the building as a car garage or showroom (e.g. any original shopfronts, car lifts, turntables or ramps) survive". The remains of a crane within the steel roof trusses remain however "parts of the interior are in poor condition, being unoccupied and are showing signs of damp with ceilings collapsing in areas"*.

The main street façade is considered by the Level 2 Historic Building Recording to have some minor design merit whilst the remainder of the building has had major changes and has lost its historic significance, which is reflected in recent planning studies that have not recommended the building for listing.

It is recommended that the blue plaque on the side of the building fronting Hatherton Street stating; - *"General William Booth. 1829-1912, founder of the Salvation Army, formerly lived here"*, should be kept and reinstated in the same location on any future building. In addition to this the *"1935"* date tile on the front of the existing building should be retained and included in the new building. These can form part of a planning condition meeting the Governments 6 tests.

The Council's Conservation Officer acknowledges that a new health centre would provide wider public benefits with up to date health facilities. The loss of a building with clear local historical interest and distinctive design would constitute harm to the character and appearance of the Lichfield Street Conservation Area, and thus can only be justified if the new building design preserves and enhances the character and appearance of the Conservation Area.

The Conservation Officer requested some revisions to the initial design, including a reduction in height and simplifying the material palette. The Conservation Officer has concluded that if the Local Planning Authority is satisfied that the proposed design is the best that can be achieved then it must be assessed if other merits of the scheme i.e. securing a sustainable future for a town centre site that is not currently in active use, outweigh the degree of harm the proposed works would impact on the undesignated

heritage asset (the current building on the site proposed for demolition) and the Lichfield Street Conservation Area as a whole. NPPF paragraph 196 states: *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use.*

Walsall Civic Society has concerns regarding the loss of the non-designated heritage asset due to adverse impacts on the Conservation Area. They continue, the new centre would provide some community benefit and efficiencies for patients and the concave frontage is a “welcome nod” to the former garage building however the loss of a notable building in Walsall’s history, especially its façade is regrettable.

The introduction of brise soleil are not considered to be preferable design features in this location but it is noted that these are necessary as part of securing a BREEAM excellent compliant design for NHS funding to make the project possible.

The local planning authority considers the modern interpretation design of the existing Challenge building is appropriate for this site. The new building is, aimed at achieving a BREEAM excellent standard. The internal layout of the existing building is not suitable for the modern needs to deliver patient care consequently this has led to the current building design to optimise the use of the land. The building retains the concave corner of the original building, whilst setting back from the footway the Hatherton Street and Hatherton Road elevations, to allow for defensible space and

to offer some privacy to future users of the building, plus off-setting the increase in height to limit harm to the conservation area. The delivery of an enhanced patient care to at least 24,000 patients, in a sustainable town centre location, is considered to deliver optimal public benefits and use of the site.

In compliance with the NPPF, local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. In this instance, this is to ensure a vacant site is not left which would have a substantial harm to the designated heritage asset of the Conservation Area. Given the proposed development is to have two distinct phases of the development, with the Council implementing the first phase as landowner and the developer implementing the second phase, to ensure the site is not left vacant, the Council will secure the build programme via the Section 111 and Section 106, thereby protecting the Conservation Area. The new building, whilst being a modern interpretation of the Challenge building, whilst reflecting the existing built form is considered to enhance the Conservation Area. The new building replaces a building that has very little surviving original layout or features, plus the interior was in poor condition with signs of damp and decay with some ceilings collapsed, street elevations with minor design merit, with the remainder of the existing building having had major changes, has generally deteriorated over time, to the point of losing its significance.

Overall, it is considered the replacement building has a less than substantial harm, whilst contributing to enhancing and preserving the Conservation Area. Consequently, it is considered the public benefit of delivering a new health care facility fit for the current and future needs of patients in a sustainable town centre location, outweighs the loss of the

non-designated heritage asset in the conservation area in accordance with NPPF Para's 193, 197 and 198.

Principle of Development and Development Opportunity

The application site is located within the adopted AAP Town Centre boundary. The wider site is allocated in the AAP under Policy AAPINV3: Walsall Gigaport (site reference TC41) as being suitable for office development and a multi-storey car park (AAP Policy AAPT5). It is also identified as a site for convenience retail / bulky goods if sequentially preferable sites cannot be delivered (AAP Policy AAPS2). The site is within the Gigaport outline planning permission boundary, which is still live as a number of buildings have now been brought forward and occupied.

Whilst the site is not allocated for a Class D1 use (which is the class within which a medical centre falls) a medical centre, it is considered to be a town centre use (saved UDP Policy S1). Historically the Council has previously approved the use of parts of the application building for medical centre uses as part of the overall buildings use. AAP Policy AAPLV3: Health Care Provision activity supports the

location of health care facilities within the town centre in order to meet community needs. This approach is also supported by BCCS Policy HOU5: Education and Health Care Facilities which states that facilities need to be *"... well related to public transport infrastructure and directed to a Centre appropriate in role and scale to the proposed development and its intended catchment area. Proposals located outside Centres must be justified in terms of relevant national policy."* Furthermore the AAP recognises that Challenge Block is a suitable location for community facilities *"given its location close to public offices and public transport"* (section 8.3.1 of the AAP).

The applicants Design and Access statement explains the proposals *"position on the TC41 site does not impede the future development of a likely multi-storey car park to the north of the site; indeed, two such developments would be complimentary to each other."* It is considered the applicant has demonstrated the current proposals will not jeopardise the delivery of the multi-storey car park in this location (AAP Policy AAPT5 and AAPINV3) by the inclusion of an indicative drawing, in their Design and Access statement illustrating the potential development opportunity for the wider site.

The proposed pharmacy, optician and café are considered to be ancillary to the primary use of a medical centre justifying the location within the town centre outside of the Primary Shopping Area. A safeguarding condition can be included to for this use to remain ancillary to the proposed health centre, meeting the Governments 6 tests.

Walsall CCG considers this development would be an exciting facility for NHS services in Walsall and a flagship development for the town centre and a positive investment benefiting healthcare provision in Walsall. The proposed medical centre development within Walsall Town Centre, is considered would add vitality and viability to the town centre as visitors who may be visiting for shopping, could then combine with any medical appointments they may have.

Whilst Walsall South residents have signed a petition supporting the use of the Broadway North Centre as a health facility or the former M&S town centre store, neither of these locations are currently before Local Planning Authority as a planning application. Should any other location come forward as a proposed medical centre, the Council would consider these against the local and national planning policies at the time.

Whilst it is recognised the Broadway North Centre would be closer to Walsall South residents, the current medical centre proposal brings together 4 local GP practices in one new building. Saddlers Medical Centre and Lichfield Street GP practice are within the town centre between 49 metres and 126 metres from the current application site. The Limes Medical practice is 0.79 km from the current application site and 120metres outside of the town centre boundary. Sycamore GP are 1.42 km

from the current application site. The application site being in the town centre offers all patients bus routes to Walsall town centre, parking facilities with designated disabled parking areas included within the application site, plus other publically accessible parking. Consequently, the town centre location is considered a sustainable location, giving patients a range of transport options, not just the private vehicle. The delivery of a new medical centre at this location would also add to the town centre's vitality and viability, which is considered contributes to outweighing the harm to some of the overall patient catchment. In addition, AAP Policy AAPLV3: Health Care Provision activity supports the location of health care facilities within the town centre in order to meet community needs. This approach is also supported by BCCS Policy HOU5: Education and Health Care Facilities which states that facilities need to be *"... well related to public transport infrastructure and directed to a Centre appropriate in role and scale to the proposed development and its intended catchment area. Proposals located outside Centres must be justified in terms of relevant national policy."* Furthermore the AAP recognises that Challenge Block is a suitable location for community facilities *"given its location close to public offices and public transport"* (section 8.3.1 of the AAP).

The reference to personal alarms is not a material planning consideration.

Taking into account the concerns of the patients from an existing GP surgeries, and whilst the site is not allocated for a Class D1 medical use, it is a town centre use defined by saved UDP Policy S1. The consolidation of four local medical centres into one accessible and sustainable town centre location is appropriate to ensure the long term accessibility of health care facilities for a wide patient catchment area improving the range and quality of health care facilities available is in accordance with the aims and objectives of local and national planning policy.

Character/ Appearance and Design

The proposed medical centre's design approach, is to deliver a modern interpretation of the Challenge Building, with a similar street frontage, enclosure and footprint, reflecting the historic built form, with its car park set to the rear.

The former petrol forecourt concave curve at the junction of Hatherton Street and Hatherton Road, would be reflected by a proposed three storey glazed main patient entrance accessed from the street and car park via the central core of the proposed building. The concave curve is considered an important design feature in the Conservation Area adding a focus to the building and the street scene, providing way finding for pedestrians walking from the centre of the town towards the Challenge Building.

This can also be enhanced with a night time lighting scheme for the concave curve, which can be secured by a condition meeting the Governments 6 tests.

The overall appearance is a simple, modern design with a stepped roofline fronting both Hatherton Street and Hatherton Road to reduce the scale and massing of this building whilst providing an appropriate scale to enclose the street.

The proposed materials include blue/red contrasting facing brickwork, stone textured panels, metallic effect panels, brise soleil louvres, PPC aluminium doors and windows with clear glazing generally and one way glass for ground floor windows for patient privacy and internal roller shutters. The installation of brise soleil features are included to ensure that the new building has high environmental standards, and forms part of a funding requirement that the scheme is awarded a BREEAM excellent rating. A condition regarding materials can be imposed meeting the Governments 6 tests.

Given the proposed medical centre use, the building has been designed to assist in securing it. Conditions would be included on any permission regarding site security and safety including internal lighting, fire service requirements, CCTV (BS EN 50132-7), boundary treatment including powder coated 2 metre high weld mesh fencing around the car park and western boundaries with powder coated 1 metre high round top railing fences to the frontages to define the public and private spaces (to meet BS1722 or LPS1175 standards), the car park should endeavour to gain ParkMark award to ensure users of the car parks safety, landscaping including defensible planting (subject to not conflicting with CCTV and lighting), intruder alarms, internal punched roller shutters for windows and doors, windows to meet PAS24-16 and laminated to BS EN 356:2000, doors as a minimum meet 3 star anti-snap TS007 locks, anti-ram bollards (PAS 68-1:2013) to the frontage, external lighting to BS5489-1:2013 and secure illuminated cycle and motorbike storage.

West Midlands Police provided pre-application advice and are satisfied that their requirements have been incorporated into the scheme. They have made the additional comments that the inclusion of motion detection lighting should be used internally in line with the current Secure by Design Advice.

Highway Safety and Parking

The proposal includes 112 parking spaces broken down to 10 disabled, 12 for electric charging points, 4 reserved car share spaces with the rest providing general car parking, plus covered cycle racks for 10 bicycles.

It is recognised the existing car park which straddles the application site and adjacent land, is owned by the Council and accommodates 127 staff permit holders in total. There are 52 spaces on the application site and 75 spaces on the wider site to the north. The sale of the land displaces 52 permit holders to other town centre car parks.

The Highway Authority explains that Saved UDP policy T13 would require 238 spaces based on the 52 consulting rooms at 4 spaces per consulting room, inclusive of 10% disabled provision and other ancillary uses such as optician, pharmacy etc. within the development.

The applicant proposes the car park will be managed by an automatic number plate recognition (ANPR) and ticket system to control the length of stay to minimise longer stays by patients' who may wish to visit the town centre for other purposes.

It is recommended that significant development should be focused in town centre locations, which are sustainable aiming to limit the need to travel whilst offering a choice of transport modes. This helps reduce congestion, emissions, and improve air quality and public health. This is in accordance with NPPF para 104 which recommends support for *"an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities"*.

The proposed town centre location for the health care facility, provides opportunities to promote walking, cycling and public transport use (173 metres from the bus station); whilst the 112 proposed parking spaces, provide a reasonable planning balance between the Highway Authorities wish to provide maximum UDP standards and the town centre location. The reduced parking standards can contribute to reducing the environmental impacts on traffic and transport infrastructure in the locality of the proposed development. *NPPF Para. 106 states that; "Maximum parking standards for... non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport"*. Whilst the Highway Authority encourages maximum UDP parking standards, a clear and compelling justification for managing the local road network has not been made in this instance to secure maximum parking standards. There is a policy need to optimise the density of development, which is well served by public transport, as is the case for the location of this development. There is the potential the development will generate significant amounts of movement of people and vehicles, consequently, a full travel plan is required. In this instance, the reduced parking provision within the town centre location coupled with securing a Full Travel Plan (includes a five year period of monitoring and review) to assist in moving the modal shift to more sustainable modes of travel, is considered to be acceptable in weighing the planning balance.

NPPF para 109 advises *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*. On balance the Highway Authority has confirmed they accept the findings of the Travel Assessment subject to the obligation of a full travel plan secured through a Section 106 agreement. It considers the development will not have severe road safety or transportation implications and is in accordance with NPPF para. 109

.The full travel plan would be secured via a Section 106 Agreement. In addition via a planning condition(s) to provide; 10% of parking spaces with electric charging points, covered cycle racks and reserved car share spaces to be marked out within the proposed car park. The requirements for the laying out of the car park, electric charging points and cycle shelter conditions meet the Governments 6 tests for imposing conditions.

Amenity of Neighbouring Residents

There are residential flats at 11 Hatherton Road, which are located to the west of the application site and on the opposite side of Ford Brook to the Challenge Building. There is an existing separation distance of 10.2 metres between the two properties. It is considered that the impacts on neighbours' amenity would not significantly worsen as a result of the proposed new development, as the proposed new building would step down in height towards 11 Hatherton Road to a similar scale as the existing Challenge Building. There would be an element of betterment as the proposed new building which would have a reduced depth compared to the existing building.

Flood Risk

The application site is located within Ford Brook Flood Zone 1 and Flood Zones 2 and 3. Ford Brook at this location is classified as an Ordinary Watercourse.

The Flood Risk Assessment and Drainage Strategy provided by Baynham Meikle Partnership Ltd on behalf of the applicant says that the proposed development drainage schemes will be designed such that there is no increase to the potential of any flooding occurring at the site. This is mainly due to the set proposed ground levels at the site and adoption of recommended SUDS design techniques in line with the EA and CIRIA guidance.

Their report summarises that the site is identified to be low to medium risk from fluvial flooding. Whilst it does lie within a recognised floodplain, the proposed development will not generate any extra flow and will not exacerbate any flooding that may already occur within the vicinity of the site. Surface water runoff from the development site will be limited to Greenfield runoff rates. This is to be achieved through flow attenuation and the use of SuDS techniques in the new design.

The Lead Local Flood Authority (LLFA) considers there is a surface water flood risk based on the updated Flood Map Surface Water with significant ponding. The LLFA considers that the proposed development would only be acceptable if the SuDs measures detailed in the Flood Risk Assessment and Drainage Strategy submitted with the planning application are implemented and secured by way of a planning condition meeting the Governments 6 tests if approved.

The Environment Agency (EA) have objected to the proposal seeking further information to address their concerns. There is an on-going dialogue between the applicant and the EA. Should the Council receive further comments, this information and any planning conditions can be updated at planning committee.

Sustainability

In assessing the location of the application site, earlier in the report, it is considered this town centre location is in a sustainable location. In addition, the applicants' delivery of this project aims to use products with a BREEAM A rating and, if possible, will recycle the demolished materials as hard core on site with an aim to have 90% of the demolition waste diverted away from landfill. The proposals aim is for the crushed demolition material to be used in making up the ground for sub base and levelling of the site. This is

dependent on the quality of material arising. This is linked to the BREEAM requirements for improving the wider environment and is an NHS funding requirement for the proposed scheme to be awarded a BREEAM excellent rating.

The building will also generate some of its power requirements via photovoltaic panels and solar thermal units on the roof. In addition there are to be ventilation grilles with heat recovery units fitted above ceiling level, sun tubes to maximise natural light in the building and brise soleil to minimise the building over-heating. Walls will have high levels of insulation, water efficient toilets and showers will be installed and pre-sized materials will be used to avoid wastage on site. Delivering a BREEAM excellent building within the town centre is considered to be a positive contribution to the wider townscape and the town's environment. This coupled with electric charging points, cycle shelter, access to public transport, town centre facilities and a Travel Plan are considered would all have a positive contribution to improving air quality, the local environment and being considered overall as a sustainable development.

Ecology

Bats

The Ecological Appraisal report by Guma Ltd dated September 2018 identifies that the building has almost negligible potential for roosting bats during the day or for use at night or feeding roosts. There were features that had physical properties to allow bat roosting but the habitat conditions made this unlikely.

Whilst no further surveys or restrictions on the demolition are required, a safeguarding condition, which meets the Governments 6 tests, is recommended that specific procedures are followed in the unlikely event a bat or bats are discovered. To encourage and conserve local bat populations and enhance opportunities for roosting bats a suitably worded condition can be imposed to require the installation of bat boxes.

Birds

The applicants ecology appraisal suggests the site provides no nesting and foraging opportunities for urban bird species on the application site, whilst recognising birds may nest on this site in future. Consideration has been given to the incorporation of new nesting sites for birds on/in the new buildings. Nest boxes for swifts could be installed under the eaves or on a north facing wall at a height of at least 6 metres. Colony type boxes could also be installed at a height of at least 2 metres to provide nesting sites for birds such as House Sparrows and Starlings and are known to be present in the area. A suitably worded planning condition can be imposed to secure nesting boxes which meets the Governments 6 tests.

Badgers

The applicant's ecology appraisal confirms the area containing Japanese Knotweed, the potential for badger setts is considered low. Based on the investigation works already carried out on site by the Council as land owner, there is no evidence of badgers being present. The Ecologist recommends any deep excavations are fitted with a mammal ladder (scaffold plank etc.), to provide an exit route for any animals that may become trapped. This matter can be dealt with by planning condition meeting the Governments 6 tests.

Other Ecology Matters

Japanese Knotweed

There is a legal requirement for landowners to control, remove and treat Japanese knotweed and as the Council is selling this site the contract will require this to be dealt with by the Council before sale. A substantial amount of knotweed has been found on the site and is located around the existing scrub/trees near Ford Brook which will require removal, potentially by dig and dump. This will be dealt with via the S106

The unprotected existing trees on site are largely located along the boundary with Ford Brook. Given the levels of Japanese Knotweed found in this location, the trees and shrubs will require removal as part of the removal and controlled safe disposal of this invasive weed under the Environmental Protection Act 1990.

Tree officers have no objections to the proposal, subject to the inclusion of planning conditions in respect of the replacement tree species to be planted and the allowance of sufficient growing space for the root systems. This can be secured via the landscape condition. Whilst the Tree Officer commented that they do not support the proposed landscaping layout in its present form, a safeguarding condition, meeting the Governments 6 tests, can be imposed to secure amendments to the layout, whilst balancing landscaping against the Highway Authority's need for parking spaces.

Strategic Planning Policy welcome the inclusion of a roof terrace as this provides an opportunity to deliver some green infrastructure on the site (AAP Policy AAPLV8). They also welcome the inclusion of renewable energy technologies on the flat roof (AAP Policy AAPLV8). These additions are related to the NHS BREEAM linked funding requirements for improving the environment and can contribute to improving air quality and the environment.

The Council's Ecologist considers the Challenge Building demolition impacts and subsequent development of the site have been adequately assessed regarding the potential ecology of the application site. The recommendations regarding biodiversity nets gains presented within the Ecological Appraisal and the Design and Access Statement are considered to comply with NPPF para's. 170 (d) and 175 (d) plus UDP saved policy ENV23 Nature Conservation and New Development.

Archaeology

The Archaeologist has commented, whilst there is potential for archaeological deposits and structures relating to the previous tannery and Malthouse in the northern part of the site, this area is proposed to comprise the car parking area. Unless there is substantial ground reduction here that would truncate/remove any surviving archaeology, it is considered there would be no archaeological implications for this area. A safeguarding condition meeting the Governments 6 tests requiring an archaeological watching brief, to identify and record any remains during the ground works phase of the development would be appropriate mitigation against the loss of any heritage assets. In the southern part of the site, within the footprint of the current building/new building, there is negligible archaeological potential. Nonetheless the proposed safeguarding condition can cover the whole site.

Pollution Control

There are two distinct phases of work, demolition and remediation of the site to provide a building platform followed by the construction of the new medical facility. The Council will implement the first phase of work if approved and the second phase will be implemented by the developer.

The Demolition Statement sets out arrangements for management and supervision of the activities including control of dust, noise, debris drag-out and Waste management etc., which Pollution Control accept, requiring compliance with this document if approved by a safeguarding condition meeting the Governments 6 tests.

Whilst the proposals includes car parking, the potential impact on air quality is not considered significant given the existing traffic volumes in the area. The requirements of the 'Black Country Air Quality Supplementary Planning Document (SPD)', in particular the installation of Low NOx boilers and the provision for electric vehicle charging facilities. A safeguarding condition that meets the Governments 6 tests, requiring submission and agreement of details to demonstrate compliance with the SPD is recommended.

No detail has been submitted on the nature of building services equipment such as heating and ventilation equipment that may have an impact on adjacent residential property or the wider environment. Working details of this type of equipment may not be available at this time, so planning conditions requiring the submission of these details and their approval can be included, that meets the Governments 6 tests.

To enable a fully informed remediation proposal to be formulated some additional ground investigation and assessment will be required following demolition of the building and grubbing out of the foundations etc. Once the building has been demolished and prior to remediation of the site ground investigation works will be required to inform the method and extent of remediation. A condition would fail to meet the Governments 6 tests, so this will be delivered as part of the S111 and S106. The reclamation and remediation requirement is also to be a condition of the land sale.

This does add a degree of complexity to the implementation of the planning approval, if granted, as the Council cannot impose a requirement via the S106 on itself. Consequently, the obligation will be placed upon the developer but, the Council will carry out the works on the developer's behalf once the S111 Agreement is completed and planning permission is issued. There will be a period of 6 weeks after the grant of planning permission in which the decision may be challenged. The planning permission will not therefore be implemented until after that date.

Conclusions and Reasons for Decision

The Council has weighed and considered the planning merits of the effect of this application on the loss of this non-designated heritage asset and impact on the character and appearance of the Conservation Area, weighing the scale of any harm or loss.

The proposed design is considered would reflect the design and built form of the existing building which is in a poor state of repair.

In weighing the overall planning balance, the public benefit of delivering a new health care facility for the current and future needs of patients in a sustainable town centre location, plus the potential economic and social benefits to Walsall are considered to outweigh the loss of the non-designated heritage asset whilst preserving and enhancing the conservation area and creating less than substantial harm to the wider designated heritage asset.

The proposal is considered to be a town centre use (saved UDP Policy S1) and a suitable use to be located within the town centre at this site, particularly as the Council has previously approved parts of the building for medical based uses as part of the overall buildings existing use. In addition the scheme is considered to be in accordance with the Councils aspirations and vision of a high quality attractive environment by encouraging further investment in the town centre.

Overall it is considered that the consolidation of four local medical centres into one accessible and sustainable town centre location would ensure the long term accessibility of health care facilities for a wide catchment area along with improving the range and quality of health care facilities available, is in accordance with the aims and objectives of local and national planning policy.

The Highway Authority has confirmed they accept the findings of the Travel Assessment subject to the obligation of a full travel plan secured through a Section 106 agreement. It considers the development will not have severe road safety or transportation implications and is in accordance with NPPF para. 109. The full travel plan would be secured via a Section 106 Agreement. In addition via a planning condition(s) to provide; 10% of parking spaces with electric charging points, covered cycle racks and reserved car share spaces to be marked out within the proposed car park. The requirements for the laying out of the car park, electric charging points and cycle shelter conditions meet the Governments 6 tests for imposing conditions.

Delivering a BREEAM excellent building within the town centre is considered to be a positive addition to the townscape and additionally would have a positive contribution to improving air quality, the local environment and being considered overall as a sustainable development.

The recommendations regarding biodiversity nets gains presented within the Ecological Appraisal and the Design and Access Statement are considered to comply with NPPF para's. 170 (d) and 175 (d) plus UDP saved policy ENV23 Nature Conservation and New Development.

Additional ground investigation and assessment following demolition will be required prior to any construction works commencing. The Council cannot impose a requirement via the S106 on itself nor can it draft a safeguarding condition that would meet the Governments 6 tests for imposing a condition to deal with this requirement. Consequently, the Council will implement the planning approval once the S111 is signed and the decision issued, accepting there is a potential risk to challenge for the overall project.

In weighing the material planning considerations, taking into account the local and national planning guidance and residents' comments, it is considered the proposed development would bring public benefits to outweigh any potential harm as set out for the reasons given

above. The use of safeguarding conditions has been considered to meet 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.

As such the development is considered to meet the aims and objectives of the National Planning Policy Framework including paragraphs 104, 106, 109, 170 (d), 175 (d), 195, 196, 197 and 198, Policies CSP4, CSP5, HOU5, CEN4, CEN5, CEN6, ENV1, ENV2, ENV3, ENV5 and ENV8 of the Black Country Core Strategy and saved policies 3.13 to 3.15, GP2, GP3, GP5, GP6, ENV10, ENV14, ENV18, ENV23, ENV25, ENV27, ENV32, ENV33, S4, S6, S7, T7, T8, T9, S1, T10, T11, T12, T13 of Walsall's Unitary Development Plan. Walsall Site Allocation Document 2019 (SAD) policies include EN5, T2, T4 and T5 and Walsall Town Centre Area Action Plan 2019 (AAP) policies AAP1, AAPS2, AAPB1, AAPLV3, AAPLV5, AAPLV6, AAPLV8, AAPT1, AAPT2, AAPT5, AAPINV3 and TC41. Supplementary planning documents Conserving Walsall's Natural Environment, Designing Walsall and Air Quality

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

Positive and Proactive Working with the Applicant

The Local Planning Authority has worked with the applicant's agent during the application process and full support is given to the scheme subject to the inclusion of safeguarding conditions and a legal agreement.

Recommendation

Planning Committee resolve to delegate to the Head of Planning, Engineering & Transportation to grant planning permission subject to

- (i) resolving the Environment Agency objection (including by way of safeguarding conditions or addition to the legal agreements, as required);
- (ii) the completion of a Section 111 legal agreement and a Section 106 planning obligation to:
 - a) confirm certainty of funding to address the requirement that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred,
 - b) confirm that the planning permission is satisfactory to the developer
 - c) secure demolition and ground investigations, to submit and agree a full remediation strategy and to carry out the agreed remediation and construct a development platform
 - d) to secure a full travel plan to cover 5 years from first occupation with an annual review
 - e) to treat and remove Japanese knotweed.

Conditions and Reasons

Given the development is clearly defined in two phases, the Council implementing phase one; demolition, ground investigation, submission of remediation strategy and carrying out of approved strategy, removal of Japanese Knotweed, and construction of a development platform, then the developer implementing phase two; building construction and on-going requirements. The planning conditions will be separated out into the two phases for clarity except for the overall timing of commencement and the plans/documents conditions;

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: -

- Location Plan, drawing no. 18-1703, deposited 18/12/18
- Block Plan as Existing, drawing no. 18-1703/B, deposited 18/12/18
- Block Plan as Proposed, drawing 18-1703/13, deposited 18/12/18
- Proposed Site Plan, drawing no. 18-1703/15A, deposited 18/12/18
- Existing Elevations and Street Scene, dated 3/12/18, deposited 18/12/18
- Existing Site Sections, drawing no. 18-1703/006, deposited 18/12/18
- Site Plan as Existing, drawing no. 0218-ARC-11239 Rev 1 and 18-1703/10 (two references on drawing), deposited 18/12/18
- Existing Floor Plans, drawing no. 18-1703/11, deposited 18/12/18
- Proposed Ground Floor Plan, drawing no. 18-1703/16, deposited 18/12/18
- Proposed First Floor Plan, drawing no. 18-1703/17, deposited 18/12/18
- Proposed Second Floor Plan, drawing no. 18-1703/18, deposited 18/12/18
- Proposed Roof Plan, drawing no. 18-1703/19, deposited 18/12/18
- Amended Proposed Elevations, drawing no. 1703/20a, deposited 11/02/19
- Proposed Sections and Street Scene, drawing no. 18-1703/21, deposited 18/12/18
- Topographic Survey, drawing no 0218-ARC-11239, deposited 18/12/18
- Proposed External Finishes and Kerbing Plan, drawing no. 105 Rev B, deposited 12/03/19
- Level 2 Historic Building Recording by Cotswold Archaeology, dated/approved January 2019
- Heritage Statement by Asset Heritage Consulting, dated December 2018
- West Midlands Police Site Survey by Design Out Crime Officer dated 03/12/18 and deposited 18/12/18
- Design and Access Statement, document no. 18-1703-600 Rev 0, deposited 18/12/18
- Demolition Works Challenge Building Walsall Demolition Statement, deposited 18/12/18
- Proposed Access Works Plan, drawing no. 109, deposited 12/03/19

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).

Phase One Conditions – Demolition, Ground Investigation and Remediation

3: Demolition, reclamation and remediation works shall be undertaken in accordance with the document '*Demolition Works, Challenge Building, Walsall. Demolition Statement*', submitted in support of this planning application.

Reason: to ensure the amenity of the surrounding area and reduce adverse environmental impact

4: (a) Prior to the commencement of any demolition or site clearance, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries, material stockpiles, facilities for on-site crushing and where vehicles will be loaded when removing waste from the site will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

4: (b) This provision shall be retained throughout the demolition and site clearance phase of the development in accordance with the approved details.

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

5: Prior to commencement of any part of the demolition or site clearance the historic blue plaque referring to "*General William Booth. 1829-1912, founder of the Salvation Army, formerly lived here*", shall be carefully removed from the existing building, cleaned and stored safely off-site in readiness for its installation on exterior wall of the new medical centre when completed.

Reason: To preserve the historic character of the area.

6: Prior to commencement of any part of the demolition or site clearance the "1935" date tile located on the front curved entrance of the existing Challenge Building shall be carefully removed, cleaned and stored safely off-site in readiness for its installation on exterior wall of the new medical centre when completed.

Reason: To preserve the historic character of the area.

7a: The following measures to ensure precautionary mitigation in relation to terrestrial mammals for the life of the site clearance and demolition works;

7b: Mammal ladders (such as a plank) or earth ramps should be placed in any open excavations at the end of each day.

7c: Any open pipework should be capped overnight to prevent mammals from accessing pipework and becoming trapped.

Reason: To mitigate harm to terrestrial mammals

8: (a) Notwithstanding the information provided and prior to the need to reduce any land levels further than currently proposed, details for an archaeological watching brief to monitor ground works and to record any archaeological evidence revealed shall have been submitted to and approved in writing by the Local Planning Authority, prior to any further excavation works proceeding. The written submission shall include details of the suitably qualified investigating body who will be responsible for supervising and recording any archaeological finds on site

8: (b) The development shall only take place in accordance with the watching brief proposals agreed pursuant to this condition and shall be carried out by the approved suitably qualified investigating body.

8: (c) Any findings shall have been recorded and submitted to the Local Planning Authority in writing, including any photographic evidence to be recorded at a publically available historic repository

Reason: To ensure that any archaeological evidence discovered during ground works is adequately recorded.

Phase Two Conditions- Construction and on-going requirements

9: (a) Prior to the commencement of any site preparation and construction phase of the development, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

9: (b) This provision shall be retained during any site preparation and construction phase of the development in accordance with the approved details.

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

10: (a). Notwithstanding the information provided and prior to the need to reduce any land levels further than currently proposed, details for an archaeological watching brief to monitor ground works and to record any archaeological evidence revealed shall have been submitted to and approved in writing by the Local Planning Authority, prior to any further excavation works proceeding. The written submission shall include details of the suitably qualified investigating body who will be responsible for supervising and recording any archaeological finds on site

10: (b). Any findings shall have been recorded and submitted to the Local Planning Authority in writing, including any photographic evidence to be recorded at a publically available historic repository

Reason: To ensure that any archaeological evidence discovered during ground works is adequately recorded.

11: a) Notwithstanding the information included on the deposited plans and the application form no development above damp proof course shall commence until a schedule of facing materials to be used in the development has been submitted to and agreed in writing by the Local Planning Authority.

11: (b) The development shall be implemented in accordance with the approved schedule of materials and retained thereafter.

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

12: (a) Prior to any construction above the damp proof course of the development, details shall have been submitted to the local planning authority for approval in writing for an Air Quality Low Emission Scheme to install electric-vehicle charging points and Ultra-Low NOx boilers.

12: (b). Prior to the first occupation of any part of the building hereby approved the agreed scheme shall be implemented, in accordance with the approved details and retained for the life of the development.

12: (c). Prior to the first occupation of any part of the building hereby approved, the Applicant shall provide a written Low Emission Scheme Validation Statement to the Local Planning Authority that demonstrates scheme has been installed as agreed.

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

13: (a) Prior to any built development above the damp course, full details of the proposed secure and illuminated cycle shelter provision for at least 10 bicycles, for the use of staff /visitors/ patients, shall have been submitted to and approved in writing by the Local Planning Authority.

13: (b) Prior to the first occupation of any part of the building the agreed cycle shelter facility shall be implemented and available for use in accordance with the approved details and thereafter be retained for the life of the development and used for no other purpose.

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

14: (a) Prior to any built development above the damp course, full details of the bin store including lockable clinical waste storage provision shall be submitted to and approved in writing by the Local Planning Authority.

14: (b) Prior to the first occupation of any part of the building the agreed bin store provision shall be implemented and available for use in accordance with the approved details and thereafter be retained for the life of the development and used for no other purpose.

Reason: To ensure the satisfactory appearance of the development, ensure the safe operation of the facility and to keep the bins clear of the highway.

15: (a) Prior to construction above damp proof course of the building a car park management plan for the medical centre car park shall be submitted to and approved in writing by the local planning authority. It shall include the following detail;

- A secure barrier system on entry and exit
- Automatic Number Plate Recognition camera system on entry and exit, that includes a camera(s) able to read all number plates entering and leaving the site and also the times of entering and leaving.
- Details of a ticket machine capable of dispensing tickets with car registration included, plus how the patient/visitor/staff, is able to validate the ticket prior to departure within the Health Centre that then allows patients/visitors/staff to leave the car park.
- Confirmation of car park barriers being locked when the health centre is not operating or details of how the car park cannot be accessed outside the hours of the medical centres use
- Details of a segregated pedestrian route is provided through the car park
- Details of a drop-off point close to the main entrance doors for ambulances, visitors and taxi's including how this will be managed

15: (b) Prior to first occupation of the building hereby permitted the agreed car park management plan shall be implemented and retained for the life of the development

Reason: To ensure the car park operates to serve the medical centre site only and is not utilised as part of the general town centre car parking provision, in accordance with UDP Policy GP2, T7 and T13, the free flow of traffic along the public highway and highway safety.

16: (a) Prior to any construction above the damp proof course of the development, until details shall have been submitted to the local planning authority for approval in writing of Schegler-type roosting bat boxes and potential locations shall be provided to and confirmed in writing by the Local Planning Authority.

16: (b) The approved scheme shall be incorporated into the development before any part is brought into use and retained thereafter ensuring the bat boxes are not within the glare of external lighting and the entrances are not obstructed.

Reason: To conserve local bat populations

17: (a) Notwithstanding the information provided and prior to any built development above the damp course an amended landscaping plan will be required to provide details of hard and soft landscaping and include replacement tree and shrub species with root protection zones has been submitted to and agreed in writing by the Local Planning Authority.

17: (b) The approved scheme shall be carried out in the first planting season following the completion of construction phase of the development.

17: (c) Any trees shrubs or plants that die within a period of 5 years from the completion of landscaping being installed or are removed and or become seriously damaged or diseased in that period shall be replaced and if necessary continue to be replaced in the first available planting season with others of similar size and species.

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.

18: (a) Prior to any construction above the damp proof course of the development an external lighting scheme including details of a night-time lighting proposal for the front curved entrance feature shall be submitted to and approved in writing by the Local Planning Authority.

18: (b) Prior to the first occupation of the building the approved details shall be implemented and retained for the life of the development.

Reason: To ensure the satisfactory appearance of the development and contribute towards the security of the overall scheme without impacting on any protected species

19: During the life of the construction period the following measures will be followed to ensure precautionary mitigation is followed in relation to terrestrial mammals;

19: (a) Mammal ladders (such as a plank) or earth ramps should be placed in any open excavations at the end of each day.

19: (b) Any open pipework should be capped overnight to prevent mammals from accessing pipework and becoming trapped.

Reason: To mitigate harm to terrestrial mammals

20: (a) Notwithstanding the information provided and prior to any installation of heating and ventilation equipment full details including the equipment's manufacturer's specification (including noise ratings) shall be submitted to and approved in writing by the Local Planning Authority.

20: (b) Prior to the first occupation of the building hereby approved, the agreed heating and ventilation details shall be implemented and retained for the life of the development.

Reason: To safeguard the amenity of the adjacent residential property and the wider environment.

21: (a) Prior to the first occupation of the development hereby approved, all access ways, car parking and vehicle manoeuvring areas shall be consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or any highway drain and all parking bays shall clearly demarcated on the ground.

21: (b) These areas shall thereafter be retained for the life of the development and used for no other purpose.

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

22: (a) Prior to the first occupation of the development hereby approved, the construction and modification of the retained development access point including a tactile pedestrian crossing provision shall be implemented in accordance with drawings Proposed Access Plan, drawing no. 109 and Proposed External Finishes & Kerbing Plan, drawing no. 105 Rev. B both deposited with the Council on 12/03/19.

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

23: (a) Prior to the first occupation of the development hereby approved, the crime prevention advice provided by West Midlands Police Design Out Crime Officer dated 3/12/18 and including requirements in respect of car park security, external, boundary, shell and perimeter area security, internal areas, access control and pharmacy security shall be implemented within the application boundary without encroaching on the public highway in accordance with the crime prevention site survey and retained thereafter.

Reason: To ensure the safety and security of the development and its occupiers in compliance with saved UDP Policy ENV32.

24: (a) Prior to the first occupation of the development hereby approved, full details of the design and manufacture of the proposed electric vehicle charging units shall be submitted to and approved in writing by the Local Planning Authority. (Please refer to the informative note)

24: (b) The approved details shall be implemented and retained for the life of the development.

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

25: Prior to the first occupation of the new medical centre the historic blue plaque referring to *“General William Booth. 1829-1912, founder of the Salvation Army, formerly lived here”*, shall be carefully installed on the exterior wall of the new medical centre and in the same position as its previous location and retained as such thereafter.

Reason: To preserve the historic character of the area.

26: Prior to the first occupation of the new medical centre the “1935” date tile shall be re-located on the front curved exterior entrance of the existing Challenge Building and retained as such thereafter.

Reason: To preserve the historic character of the area.

27: Prior to the first occupation of any part of the medical centre hereby approved, new nesting sites as set out on page no. 26 of Guma Ltd report dated September 2018 shall have been installed and available for nesting birds to use and retained thereafter with access openings maintained free of obstructions at all times.

Reason: To conserve local bat populations

28: Machinery and equipment, either individually or cumulatively, shall be operated or designed not to give rise to noise levels that will result in:

- a) All external plant, equipment, machinery associated with the development shall not give rise to a Noise Rating exceeding NR45 as determined 1 metre from the facade of any occupied residential premises.
- b) The applicant shall demonstrate compliance with the above acoustic conditions at the written request of the Local Planning Authority. For the purpose of clarity, this shall be determined by measurement and/or calculation.

Reason: To safeguard the amenity of neighbours

29: Notwithstanding the information provided the approved planning Use Class A1 Pharmacy shall remain ancillary to the medical centre at all times and not available to customers/patients outside the opening times of the medical centre.

Reason: To define the permission

30: Notwithstanding the information provided 10% of all parking spaces will have electric charging points, 5 motorcycle racks and 4 reserved car share spaces shall be provided at all times.

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

Notes for Applicant

Phase One Note:

1. During demolition and site clearance, a precautionary approach should be taken for bats on site. If a bat roost is located during demolition within the structure, not previously identified and bats are not injured, stop work and contact a licensed bat ecologist or Natural England, as a license may be required for the works to continue. If help is not available, allow bats to fly out of harm's way.

- If material containing a roost has been removed, the roost is not exposed and the bats are not injured, temporarily seal and isolate the roost, stop work and seek advice from a licensed ecologist. If advice is not readily available, re-open it and allow bats to relocate of their own accord.
- If the roost has been exposed, and especially if bats have been injured, stop work, collect bats in a secure box or bag (using a glove) and contact a licensed ecologist.

Phase Two Notes

1. Water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK: <https://www.dropbox.com/s/5s5i45fxr3m3hrt/national-guidance-document-on-water-for-ffg-final.pdf?dl=0> For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net . Vehicle access route to meet the requirements of ADB Volume 2, Table 20, noting that WMFS appliances require a carrying capacity of 15 tonnes. The approval of Building Control will be required with regard to Part B of the Building Regulations 2010.
2. The proposed anti-ram bollards around the building entrance at the junction of Hatherton Road and Hatherton Street shall be located on the site forecourt area and not the public highway.
3. The works to the highway shall be to the specification of and implemented to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements
4. 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.
5. The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.
6. The Full Travel Plan will incorporate the Department for Transport Good Practice Guidelines for Delivering Travel Plans through the Planning Process, and include Appendix B, Measures for Travel Plans, and Appendix C, Planning Obligations and Conditions.
7. Severn Trent Water advises 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.
8. Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our Development Services Team (Tel: 0800 707 6600).
9. 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 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.

10. 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.

11. Public Health Officers recommend the inclusion of the following facilities within the surgery to accommodate any future changes:-

- 1) A dedicated minor surgery unit
- 2) An isolation room *
- 3) Ample storage
- 4) Clinical waste outside storage (lockable)
- 5) "Clean" cleaner's cupboard
- 6) "Dirty" cleaner's cupboard
- 7) Steam cleaners (for soft furnishings)
- 8) Low hand gel at disabled entrance

Inside all clinical rooms include;

- Clinical hand sink
- Paper towel Holders
- Clinical waste bin
- General waste bin
- Personal Protective Equipment holders (enclosed not open style)
- Goggles and masks
- Disposable privacy curtains
- Frosted glass (no blinds or as a minimum wipeable blinds)
- Lockable cupboard storage
- Wipeable surfaces
- Spill Kit
- Vaccination fridge should be hardwired directly to mains so that it cannot be accidentally switched off

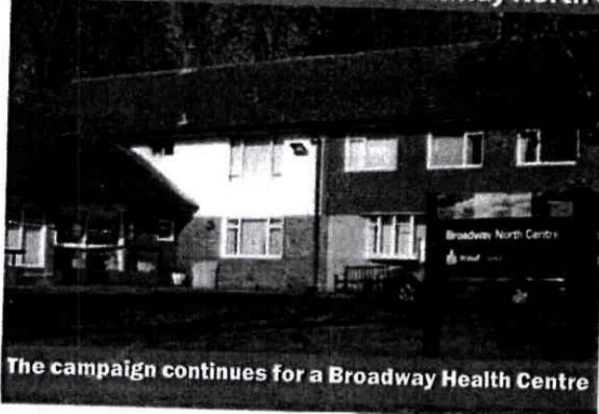
*Isolation room – Guidelines state that a room must be available for isolation purposes. This room should contain all the above elements (except vaccination fridge). All surfaces / equipment including chairs/couch should be able to withstand chlorine cleaning. Basic disposable assessment equipment should be kept in the room, and a telephone. This room should be easily accessible and have clear signage from the entrance to avoid contaminated personnel passing by waiters. Below is a link to all relevant guidelines and Public Health will be pleased to address any further questions.

<https://www.gov.uk/government/collections/health-building-notes-core-elements>

No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and no such works or operations shall take place outside the hours of 07.00 to 19.00 Monday to Fridays and 08.00 to 14.00 on Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.
**Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and Summer Bank Holiday Monday.*

Please Sign our Petition - Keep Surgeries in Paddock

The campaign continues for a Broadway North Centre



The campaign continues for a Broadway Health Centre

"Here we go again. Local residents have contacted us to help stop the Hatherton Street Health Centre proposal. Please support our campaign so we can help deliver a Broadway North Health Centre".

1285

Dear Resident / Patient

Consultation to build a health facility on the site of the former garage site on Hatherton Street, Walsall has started which will amalgamate Lichfield Street Surgery, Sycamore House Surgery, The Limes Surgery & Saddlers Medical Centre on this site just off the ring road. It is too far from community with no direct bus route on other side of a very congested polluted ring road.

At this point the CCG, NHS, and importantly the Doctors are abandoning the Broadway North site but we are still committed to delivering a health facility on the Broadway North. It is closer to patients and the community, a site that has good transport links and ample room for parking. We have to oppose yet another proposal that is not the Broadway North. The Labour Party have made clear their opposition to delivering a health facility on the Broadway North by voting to put the site up for sale to the highest bidder. Labour were also in power when talks began on the Hatherton Street site, which they kept very quiet about during the election.

We are supporting local people to make it clear that patients and local residents want to see Health Services delivered at a locality level here in the heart of the Community. Please complete this petition and return it to the address given below, email or call us and we will collect it from you. It is also essential that you make your views known through your own Doctors Surgery consultation process. Yours sincerely,

Cllr Waheed Rasab
07831 74 83 83

Cllr Gurmeet Singh Sohal
07966 23 17 81

Cllr Rose Martin
07931 20 4615

We the undersigned Patients / Residents (plz circle) oppose the development of a Health facility at the site on Hatherton Street, Walsall. We believe Health facilities should be in the Heart of the Community, accessible to all patients and residents. The Hatherton Street Site is not Central for all local patients and residents, lacks direct public transport links and is located in highly congested area of the town centre with already high air pollution. The additional traffic will create even more congestion on the Ring Road and more air pollution. We believe a Health Facility should be built on the site of Broadway North in the heart of our community that is accessible to all with adequate parking and green healthy environment.

Name(s)	Address	Postcode	Email
	41 PARK Rd. WALSALL	WS53JU	

How we use your information. The data you provide will be retained by Walsall Conservatives, the Conservative Party, its Candidates and its MPs ("the data holders") in accordance with the provisions of the Data Protection Act 1998 and related legislation. By providing your data to us, you are consenting to the data holders making contact with you in the future by telephone, or other means, even though you may be registered with the Telephone Preference Service. Your data will not be sold or given to anyone not connected to the Conservative Party. If you do not want the information you give to us to be used in this way, or for us to contact you, please indicate by ticking the relevant boxes: ☐ Post ☐ Email ☐ Phone ☐

Promoted by Gurmeet Singh Sohal, 77 Skip Lane, Walsall, WS5 3LP. E: soha.gurmeet@yahoo.co.uk and Waheed Rasab, 26 Brookhouse Road, Walsall, WS5 3AD. E: waheedrasab@gmail.com
Printed by: Hiltex Design & Print, 237 Stafford Street, Walsall, WS5 3AD.

We the undersigned as patients of Sycamore House, Lichfield Street, The Limes and Saddlers Health Centre, and residents in Paddock Ward and surrounding areas call on NHS England and Walsall Council to scrap plans for a Health Centre on the site of the Challenge Building, Hatherton St, Walsall.

We call On NHS England and Walsall Council to work with the EXISTING GP Practices on the Ward, local residents and Community Groups to deliver a Health and Community Facility At the Broadway North Centre, Broadway North, Walsall. A site that is in the heart of our community and has excellent transport links and parking.
A CONSULTATION HAS BEGUN AT YOUR DOCTORS SURGERY. PLEASE FILL IN RETURN TO THEM BY 18TH NOVEMBER 2018.

**KEEP our Doctors
Surgeries in Paddock
and deliver a Health
and Community Centre
at Broadway North.**

40, Bell Road WSS 3JW	
40 Bell Road WSS 3JW	
17 Helston WSS 3HT	
17 HELSTON RD WSS 3HT	
397 BIRMINGHAM Rd	
397 BIRMINGHAM Rd	
10 ELIZABETH HOUSE TETBYAMON Rd	
30 Helston Rd.	
108 PARKSALL ROAD	
349 B Lam Rd	

Petition organised by: Walsall South Residents, Patients and Community Association Users. Send or deliver petition to Cllr Waheed Rasheed, 612 Broadhouse Road, Walsall or Email to Cllr.Waheed.Rasheed@walsall.gov.uk



Planning Committee

Report of Head of Planning, Engineering and Transportation on 21-Mar-2019

Plans List Item Number: 2.

Reason for bringing to committee: Major application

Location: WILLENHALL LANE INDUSTRIAL ESTATE, WILLENHALL LANE, BLOXWICH

Proposal: REDEVELOPMENT OF SITE WITH THE ERECTION OF 6 INDUSTRIAL UNITS (USE CLASS B1C, B2 AND B8), ANCILLARY SERVICE AREAS, CAR PARKING AND CYCLE PARKING.

Application Number: 18/1559

Applicant: British Airways Pension Trustees Limited

Agent: Hale Architecture Limited

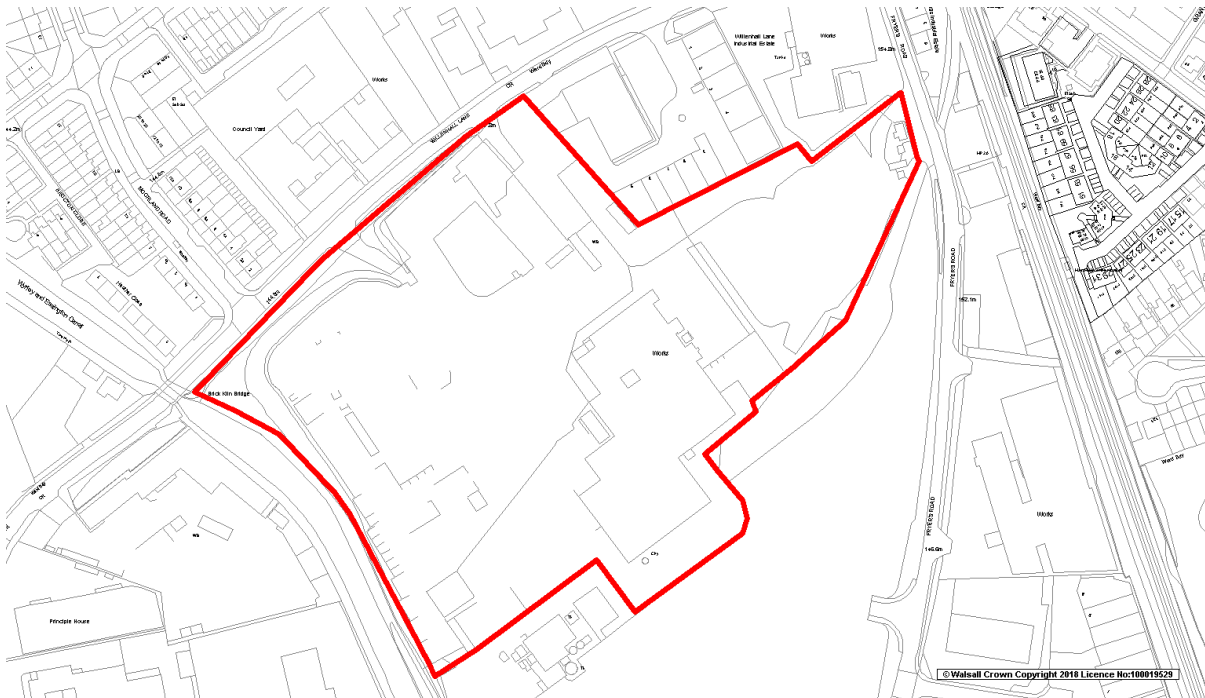
Application Type: Full Application: Major Use Class B2 (General Industrial)

Case Officer: Devinder Matharu

Ward: Birchills Leamore

Expired Date: 11-Mar-2019

Time Extension Expiry:



Recommendation Summary

1. Planning Committee resolve to delegate to Head of Planning, Engineering & Transportation to grant planning permission subject to conditions and section 106 agreement to secure a travel plan and landscape management plan and subject to:
 - i. No new material considerations being received within the consultation period;
 - ii. The amendment and finalising of conditions;
 - iii. No further comments from a statutory consultee raising material planning considerations not previously addressed

Proposal

Redevelopment of site with the erection of 6 Industrial units (Use Class B1c, B2 and B8), ancillary service areas, car parking and cycle parking.

The development would be constructed in two phases, with units 1 to 5 being constructed under phase 1 and unit 6 being constructed under phase 2. Units 1, 2, 3, 4, and 6 would be two storeys high with unit 5 being three storeys high. Each unit would have warehouse space and office space.

Units 2, 3 and 4 would be located to the southern part of the site adjacent the canal. Unit 1 to the western side of the site fronting Willenhall Lane. Unit 5 to the eastern part of the site and unit 6 to the northern part of the site. Access for units 1 to 5 would be from Willenhall Lane with access for unit 6 being from Fryer's Road.

Unit 1 would be 67.8m in length, 45.2m wide, 10.6m to the eaves and 13.4m to the pitch. The office part of the development would be 8.2m wide and 28.4m in length. In total, the unit would have a floor area of 3,524.7 square metres of floor space.

Unit 2 would be 77.2m in length, 48.8m wide, 10m to the eaves and 14m to the pitch. The office part of the development would be 'L' shaped and wrap around the building measuring 8.2m wide and 28.4m and 10m in length. In total, the unit would have a floor area of 4,430.1 square metres of floor space.

Unit 3 would be 51.8m in length, 41m wide, 10.8m to the eaves and 13.8m to the pitch. The office part of the development would be 8.2m wide and 19m in length with a mono pitch roof 9m at the highest point and 8.2m at the lowest point. In total, the unit would have a floor area of 2,428.3 square metres of floor space.

Unit 4 would be 61.2m in length, 49m wide, 10.8m to the eaves and 14.2m to the pitch. The office part of the development would be 8.2m wide and 23m in length with a mono pitch roof 9m at the highest point and 8.2m at the lowest point. In total, the unit would have a floor area of 3,378.1 square metres of floor space.

Unit 5 is an irregular shaped building measuring 111m in length, 80.29m wide at the widest point and 64m wide at the shortest point, 12.8m to the eaves and 17.6m to the pitch. In total, the unit would have a floor area of 8,585.2 square metres of floor space.

Unit 6 would be 69.4m in length, 48m wide, 10.8m to the eaves and 14.2m to the pitch. The office part of the development would 8.8m wide and 29m in length. In total, the unit would have a floor area of 3,791 square metres of floor space.

A landscape plan has been submitted identifying areas of soft and hard landscaping. No specific planting details have been provided.

The applicant has specified the following facing and roofing materials:

- Wall cladding tata steel colour coat prisma, colour orion
- Wall cladding tata steel colour coat prisma, colour zeus
- Wall cladding tata steel colour coat prisma, colour Sirius
- Roof cladding tata steel colour coat HSP200, colour goosewing grey BS10A05/RAL 7038
- Level loading doors tata steel colour coat HSP200 grey
- Metal personnel door to match cladding
- Curtain wall windows PPC aluminium frame, colour Anthracite grey
- PPC metal feature channels horizontal and vertical, colour zeus

The following documents have been submitted with the application:

- Ecological and Impact Assessment which concludes there would be little impact upon foraging bats and lighting would be minimal to avoid impacting on foraging bats. It also concludes the proposal will result in adverse impacts upon a number of ecological receptors ranging from site to local impacts. However, proposed planting will act as a mitigation for the loss of suitable foraging and nesting habitat and nesting birds and provide enhances shelter and habitats for a range of species.
- Factual summary of investigation findings identifies the soil types on site
- Coal mining risk assessment which identifies the site being within a high risk coal mining area.
- Geo environmental desk study report which identifies and addresses contaminated land and ground gas on site
- Enabling works specification which identifies the working practices on site.
- Design and Access Statement which identifies the site as being in a local retained industrial site
- Energy assessment report which states the proposed development incorporates a fabric first design approach, energy efficient and renewable energy can achieve 10% reduction in regulated energy as required by Policy EN7 of the SAD and policy ENV7 of the BCCS.
- Phase I/II geo environmental site assessment report which outlines the ground investigation of the site.
- Draft travel plan which identifies alternative modes of transport for employees.
- Tree survey identifying trees on site to be retained and removed and root protection areas.
- Flood risk assessment which identifies surface water drainage on site to prevent flooding.
- Transport statement identifying traffic movements to and from the site.

Site and Surroundings

The application site is an irregular parcel of land that is approximately 220m wide and 355m in length. The site fronts both part of Willenhall Lane, the Wryley and Essington Canal and Fryers Road. The eastern part of the site follows the railway sidings in part.

Current vehicular access to the site is from Willenhall Lane.

There are a number of buildings dotted around the whole site that are to be demolished. The majority of the site is hardsurfaced and used for industrial/commercial purposes.

East and south of the site is a triangular parcel of land that fronts Fryers Lane. The land is overgrown and part of it contains the railways sidings.

To the north west of the site are industrial premises that front Willenhall Lane.

On the opposite side of Willenhall Lane there are residential properties facing the canal and the south western part of the site and industrial /commercial premises fronting the remainder of the site.

To the south of the site is the Wryley and Essington Canal and along the canal is the Wryley and Essington Site of Local of Importance Nature Conservation.

Along the Willenhall Lane frontage there are a number of trees.

The site is also within the 50m bat buffer zone.

Relevant Planning History

13/0725/WA. Land off Fryers Road, Walsall. Development of a Resource Recovery and Renewable Energy Production Facility together with the construction of an additional site entrance from Fryers Road, associated infrastructure, parking and landscaping. Application is accompanied by an Environment Statement. GSC 06/09/2013

15/0787 Land north west adjacent Fryers Road. Environmental Impact Assessment Scoping Opinion for a proposed resource recovery and renewable energy production facility. Scoping opinion response issued, permission refused 02/07/2015

15/1157 Land off Fryers Road, Application to vary details of permission 13/0725/WA for the development of a resource recovery and renewable energy production facility together with an additional site entrance from Fryers Road, associated infrastructure, parking and landscaping. Application accompanied by an Environmental Statement. Amendments relate to: site layout and access, increased stack heights and changes to building shape and elevations. GSC 13/11/2015.

17/1023 Land off Fryers Road, Lawful development certificate for confirmation that a technical solution of either 'gasification' or 'combustion' is lawful within extant planning permission 15/1157 for a resource recovery and renewable energy production facility. Grant certificate of lawful proposed use 06/10/2017

18/0183 Land adjacent former Trident Alloys Ltd, Willenhall Lane. Change of use of land for open storage of motor vehicles (use class b8), 5 single storey ancillary buildings and 7 x 10 metre lighting columns. GSC 06/10/2017

Land to the east and south of application site, Land off Fryer's Road.

17/1023 Lawful development certificate for confirmation that a technical solution of either 'gasification' or 'combustion' is lawful within extant planning permission 15/1157 for a resource recovery and renewable energy production facility. Grant Certificate of Lawful proposed use or Development 06-10-17.

15/1157 Application to vary details of permission 13/0725/WA for the development of a resource recovery and renewable energy production facility together with an additional site entrance from Fryers Road, associated infrastructure, parking and landscaping. GSC 13-11-2013.

13/0725/WA. Land off Fryers Road, Walsall. Development of a Resource Recovery and Renewable Energy Production Facility together with the construction of an additional site entrance from Fryers Road, associated infrastructure, parking and landscaping. Application is accompanied by an Environment Statement. GSC 06/09/2013

Plus older applications relating to requests for screening opinions and previous permissions on the site.

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 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**

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
- GP3: Planning Obligations
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV26: Industrial Archaeology
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- JP8: Bad Neighbour Industrial Uses
- T1 - Helping People to Get Around
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- DEL1: Infrastructure Provision

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- EMP3: Local Quality Employment Areas
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy

Walsall Site Allocation Document 2019

IND3: Retained Local Quality Industry
 EN1: Natural Environment Protection, Management and Enhancement
 EN3: Flood Risk
 EN4: Canals
 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

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 – No objection subject to conditions relating to existing, proposed trees and landscaping details being submitted.

Archaeology- No objection

Cadent Gas – No objection but identifies operational gas apparatus within the site and advises of note for applicant.

Canal and River Trust –Awaiting formal comments, as they have requested to review the ecology and geo environmental surveys submitted with the application. To be updated at planning committee.

Coal Authority – No objection

Fire Officer – No objection but makes comments on fire regulations for buildings and carriageways and water supplies.

Flood Risk Officer – No objection subject to drainage condition.

Highways England – No objection

Historic England- No objection

Public Health – No objection but makes comments on potential employment land, car parking, electric vehicle charging points and landscaping.

Natural England – No objection

Network Rail – No objection

Police – No objection subject to secure by design.

Pollution Control –awaiting comments to be updated at planning committee.

Public rights of way – No objection.

Severn Trent Water – No objection

Sport England – No objection provided the proposal does not result in the loss of sports facilities.

Strategic Policy- No objection

Transportation – No objection subject to planning conditions relating to access, parking, cycle shelter details, construction methodology statement

Wildlife Trust – Awaiting further comments on the submitted ecology assessment. To be updated at planning committee.

Representations

None

Determining Issues

- Principle of development
- Land stability, contaminated land and archaeology
- Layout, Design and Character of the area
- Drainage and flooding
- Ecology, trees and landscaping
- Impact upon the canal and SLINC
- Impact upon neighbouring commercial and residential occupiers
- Access and parking

Assessment of the Proposal

Principle of development

This site comprises site IN17.1 and part of site IN17.3 which are allocated by SAD Policy IND3 as local quality industry. This policy states that the provisions of BCCS policy EMP3 and UDP saved policy JP8 will apply. Proposals for high quality industrial investment will be acceptable and supported on this land.

This proposal for B1(c), B2 and B8 development is supported by planning policy.

Land stability, contaminated land and archaeology

The Coal Authority identify that the site falls within the defined Development High Risk Area and Coal Authority records indicate that there are twenty recorded mine entries (shafts) within, or within 20m of the site. Records also indicate that the site has been subject to historic recorded underground coal mining at shallow depth and is likely to have been subject to historic unrecorded underground coal mining at shallow depth.

The Enabling Works Specification by Bradbrook Consulting confirms coal workings on the site, the need for their consolidation, recommendations to investigate the mine entries and carrying out any required remediation, essentially without revising the layout. The information considerations the design of appropriate foundation solutions to take account of the mine entries, which would sit beneath the buildings. Building over or within the influencing distance of a mine entry will only be permissible when expert advice allows a suitable engineering design to be developed and agreed to take account of all the relevant safety and environmental risk factors including gas and mine-water. On the basis of this and discussions with the agent the Coal Authority has withdrawn its original objection subject to planning conditions regarding mineshafts and mine workings.

The agent has sought the amendment to the planning condition required by the Coal Authority to change the trigger from prior to commencement of above ground works of development rather than prior to commencement of development. Consultation with the Coal Authority has been undertaken and their formal response will be updated at planning

committee, or delegation sought to the head of planning, engineering and transportation to grant permission subject to no new material matters being raised by them.

Pollution Control are yet to make formal comments regarding the submitted environmental and ground work surveys. Their formal response will be updated at planning committee, or delegation sought to the head of planning, engineering and transportation to grant permission subject to no new material matters being raised by them.

The Archaeologist has no objection to the proposal as the original brickworks dating from 1886 and the zinc smelting works from the 1930's have since been removed from the site in 1991. Whilst the site is of historic interest no historic buildings survive above ground, and the likelihood of anything earlier than the below ground remains of the zinc works surviving is minimal.

Subject to appropriate conditions the land stability, contaminated land and archaeology can be adequately addressed in accordance with policies GP2, ENV10, ENV11 ENV14, ENV26 of the UDP.

Layout, Design and Character of the area

The layout of the proposed industrial units is similar to a courtyard style where the industrial units face each other, apart from unit 6, which is set alone to the northern part of the site. The units are set back into the site to accommodate for parking and vehicular access to the front of the units. Unit 6 whilst a standalone to the northern part of the site, is adjacent other commercial units, in particular premises operating by Piquant to the north of the site. The layout of the industrial units is considered acceptable.

The submitted cross section drawings show that the proposed buildings would be taller than neighbouring commercial premises. However, the site is in a core employment area where the heights of commercial/industrial buildings vary. The design of the proposed units with windows to offices, roller shutter doors at ground floor and the inclusion of wall and roof cladding would be similar in appearance to other commercial/industrial buildings within the core employment area. The design of the proposed industrial units are considered acceptable.

The submitted plans specify the material and colour finished of both the wall and roof cladding, which are typical of industrial units. As such the proposed industrial units would not unduly detract from the character or appearance of the existing core employment area to warrant refusal of the proposed scheme.

The Fire Officer has made comments regarding the height of the buildings for fire mains access; this is a matter for building regulations.

Drainage and flooding

Severn Trent Water have no objection subject to drainage details having been submitted and approved by the LPA to prevent water pollution. The Flood Risk Officer has advised the scheme would only be acceptable if the measures in the Flood Risk Assessment are incorporated into an acceptable surface water drainage scheme to prevent flooding and water pollution details of which would be secured by way of planning condition. This accords with policy ENV40 of the UDP, policy ENV5 of the BCCS and EN3 of the SAD.

Ecology, trees and landscaping

Natural England have no objection to the proposal, as the proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

A landscaping plan has been submitted showing areas of planting within the site. The submitted plan does not specify all planting details, as such planting details will be secured by way of a planning conditions. The Arboricultural Officer has no objection to the proposal subject to planting details being submitted. Public Health has questioned whether there are further opportunities for landscaping/ green infrastructure within the development to provide outdoor space from employees. From the submitted plans, the proposed planting within the site is limited; there is some planting and space along the canal boundary which the employees of these units could utilise. However, given the site constraints and the size of the proposed units, there is little space for any other open space within the site. Furthermore, the site is surrounded by other industrial/commercial uses which would provide little amenity for proposed employees.

The Wildlife Trust are yet to make formal comments regarding the submitted ecological surveys. Their formal response will be updated at planning committee, or delegation sought to the head of planning, engineering and transportation to grant permission subject to no new material matters being raised by them.

Impact upon the canal and SLINC

The Wyrley and Essington Canal lies beyond the southern boundary of the site. The Wyrley and Essington Site of Local Importance for Nature Conservation (SLINC) also runs alongside the canal.

Canal and River Trust are yet to make formal comments regarding the submitted ecological surveys. Their formal response will be updated at planning committee, or delegation sought to the head of planning, engineering and transportation to grant permission subject to no new material matters being raised by them.

With regards to the impact upon the SLINC and any habitats along the canal, landscaping and mitigation measures could be sought to protect and enhance existing habitats along the canal and within the existing SLINC. To safeguard habitats and any foraging bats across the site, any proposed lighting adjacent the canal and within the site would be sought by planning condition.

Impact upon neighbouring commercial and residential occupiers

To the north east of the site is a vacant parcel of land. On this parcel of land, there is an extant planning permission for premises to convert waste to energy. The permission includes a new building to be located close to the western boundary of the site, adjacent the application site.

The proposed development would have no greater or adverse impact upon this neighbouring commercial use, as it would be no different to the relationship between other commercial uses within the core employment area.

Access and parking The proposal seeks to construct six B1(c), B2 and B8 use units totalling 25,500sqm ground floor area with phase 1 access of Willenhall Lane and phase 2 (Unit 6) off Fryers Road.

Policy T13 of the UDP requires a maximum of 310 parking spaces for the total floor area of the proposed B2 and B8 uses. The application proposes 228 spaces across the development as a whole, which equates to 75% of the maximum requirement. The B1(c) Light Industry use highlighted in Policy T13 is intensive and requires the same parking standards as for B1 offices at 1 space per 30sqm gross floor area. If all the units were used solely for this use then the development as a whole would require a maximum of 935 parking spaces. Clearly, this is unlikely scenario. In this case, it is considered that it is more realistic to consider B1(c) Light Industry use more similar to B2 General Industry use in parking terms. Furthermore, a Travel Plan is proposed to reduce car borne trips. The main site access will utilise the existing access points on Willenhall Lane and Fryers Road with modifications. Taking into account the above factors, on balance the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF 2018 para 109.

The Fire Officer has made comments regarding the width of the carriageway for fire access; this is a matter to be addressed under Building Regulations.

Public Health have raised concerns regarding electric charging points and travel options identified in the travel plan. These issues are addressed by Pollution Control as the Council has an adopted Air Quality SPD and the Highway Officer who takes travel plans into consideration when making formal comments.

Conclusions and Reasons for Decision

The proposal for B1(c), B2 and B8 development is supported by the Development Plan and the SAD.

Planning conditions have been included regarding mineshafts and mine workings in accordance with Saved Policy ENV14 of the UDP. The site is of historic interest no historic buildings survive above ground, and the likelihood of anything earlier than the below ground remains of the zinc works surviving is minimal.

The layout and design of the industrial units is considered acceptable. The proposed industrial units would not unduly detract from the character or appearance of the existing core employment area to warrant refusal of the proposed scheme.

Planning conditions have been attached to secure drainage details in accordance with Policy ENV40 of the UDP.

Landscaping has been proposed within the site, details of planting to be secured by way of planning condition to safeguard the visual amenities of the area enhance and retain habitats along the Wryley and Essington Canal SLINC.

The proposed development would have no greater or adverse impact upon this neighbouring commercial use, as it would be no different to the relationship between other commercial uses within the core employment area.

The development will not have severe transportation implications and as such considered acceptable.

The proposal complies with the NPPF, Saved policies GP2, ENV10, ENV11, ENV14, ENV17, ENV23, ENV26, ENV32, ENV33, ENV35, ENV40, JP8, T7 and T13 of the UDP, Policies DEL1, EMP3, ENV1, ENV2, ENV3, ENV4 and ENV5 of the BCCS, Policies IND3, EN1, EN3, EN4 and T4 of the SAD, Policies NE1 to NE10 of Conserving Walsall's Natural Environment, Policy DW3 of Designing Walsall SPD and the Air Quality SPD.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Planning Committee resolve to delegate to Head of Planning, Engineering & Transportation to grant planning permission subject to conditions and section 106 agreement to secure a travel plan and landscape management plan and subject to:

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

Conditions and Reasons

1. The development must be begun not later than 3 years after the date of this decision. Reason; Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.

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

- Site location plan drawing number PL-1000/02 submitted 27-02-19
- Proposed site plan drawing number PL-1002/03 submitted 27-02-19
- Proposed site block plan drawing number PL-1003/03 submitted 27-02-19
- Unit 1 ground floor GA plan drawing number PL-1100-00 submitted 16-11-18
- Unit 1 first floor office GA plan drawing number PL-1101-00 submitted 16-11-18
- Unit 1 roof plan drawing number PL-1102-00 submitted 16-11-18
- Unit 1 proposed elevations drawing number PL-1103-00 submitted 16-11-18
- Unit 2 ground floor GA plan drawing number PL-1200-00 submitted 16-11-18
- Unit 2 first floor office GA plan drawing number PL-1201-00 submitted 16-11-18
- Unit 2 roof plan drawing number PL-1202-00 submitted 16-11-18
- Unit 2 proposed elevations drawing number PL-1203-00 submitted 16-11-18
- Unit 3 ground floor GA plan drawing number PL-1300-00 submitted 16-11-18
- Unit 3 first floor office GA plan drawing number PL-1301-00 submitted 16-11-18

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- Unit 3 roof plan drawing number PL-1302-00 submitted 16-11-18
- Unit 3 proposed elevations drawing number PL-1303-00 submitted 16-11-18
- Unit 4 ground floor GA plan drawing number PL-1400-00 submitted 16-11-18
- Unit 4 first floor office GA plan drawing number PL-1401-00 submitted 16-11-18
- Unit 4 roof plan drawing number PL-1402-00 submitted 16-11-18
- Unit 4 proposed elevations drawing number PL-1403-00 submitted 16-11-18
- Unit 5 ground floor GA plan drawing number PL-1500-00 submitted 16-11-18
- Unit 5 first floor office GA plan drawing number PL-1501-00 submitted 16-11-18
- Unit 5 second floor office GA plan drawing number PL-1502-00 submitted 16-11-18
- Unit 5 roof plan drawing number PL-1503-00 submitted 16-11-18
- Unit 5 proposed elevations drawing number PL-1504-00 submitted 16-11-18
- Unit 6 ground floor GA plan drawing number PL-1600-00 submitted 16-11-18
- Unit 6 first floor office GA plan drawing number PL-1601-00 submitted 16-11-18
- Unit 6 roof plan drawing number PL-1602-00 submitted 16-11-18
- Unit 6 proposed elevations drawing number PL-1603-00 submitted 16-11-18
- Proposed street scene sections 01 drawing number PL-1005/00 submitted 18-02-19
- Proposed street scene sections 02 drawing number PL-1006/00 submitted 18-02-19

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

3a. Prior to the commencement of this development, (excluding demolition) a scheme of remedial works and a programme of implementation of those remedial works shall be submitted to and approved in writing by the local planning authority in conjunction with the Coal Authority.

3b. The development shall not be carried out otherwise than in accordance with the remedial works approved under part a of this condition.

Reason: Necessary to ensure the structural stability of the site in accordance with Policy ENV14 of the UDP.

4a. Prior to the commencement of this development, (excluding demolition) the following shall be undertaken:

- undertake an appropriate scheme of intrusive site to include locating and assessing the mine entries;
- submit a report of findings arising from the intrusive site investigations to the local planning authority in conjunction with the Coal Authority;
- submit a scheme of remedial works for approval by the local planning authority in conjunction with the Coal Authority; to include a remediation strategy for the mine entries, including any foundation designs which may be required for building over the mine entries;
- implementation of the remedial works to be agreed with the local planning authority in conjunction with the Coal Authority.

4b. The development shall not be carried out otherwise than in accordance with the works approved under part a of this condition.

Reason: Necessary to ensure the structural stability of the site in accordance with Policy ENV14 of the UDP.

5a. Prior to the commencement of this development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority in consultation with both the Lead Local Flood Authority and Severn Trent Water. The scheme to be submitted shall demonstrate:

- •Limiting the surface water run-off generated by the 100yr + 30% climate change event so that it will not exceed the Greenfield the run-off rate and not increase the risk of flooding off-site.
- •Provision of attenuation flood storage on the site to 100yr + 30%.
- •Confirm which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule and that is achievable.
- •Provision at the boundary of the site to ensure there is no discharge of surface water to the Public Highway.
- •Evidence to show the management of overland flow routes in the event of exceedance or blockage to the drainage system.
- •Provision of pollution control of the run-off from car parking and loading bay areas.

5b. The scheme approved under part a of this condition shall be implemented in accordance with the approved details before the development is first brought into use and completed.

Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues, to minimise the risk of pollution and ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy ENV40 of the UDP.

6a. Prior to the commencement of this development, a Construction Methodology Statement detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction shall be submitted to and approved by the Local Planning Authority.

6b. This provision shall be retained during construction in accordance with the approved details under part a of this condition.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety in accordance with Policy GP2 of the UDP and Policy T4 of the SAD.

7a. Prior to the commencement of phase 2(Unit6) of this development, full engineering details of the proposed alterations to the access arrangements on Fryers Road as shown on Vectos indicative drawing no. 184206/A/03 Rev A within the Transport Statement on 16-11-18 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include appropriate physical measures to prevent indiscriminate parking on the highway land immediately to the south of the access point.

7b. The works shall be fully implemented in accordance with the approved details under part a of this condition.

Reason: To ensure the safe and satisfactory completion and operation of the intensified access, to prevent indiscriminate parking with the southern visibility splay, in accordance with UDP policy GP2 and in the interests of highway safety.

8a. Prior to the commencement of this development, full details of:

- i. the existing dropped kerb footway crossing on Willenhall Lane utilised to serve the new access showing the modification to a radii kerbed bellmouth incorporating an appropriately positioned tactile pedestrian crossing - as shown on Vectos indicative drawing no. 184206/A/02 within the Transport Statement submitted 16-11-18 shall be submitted to and approved in writing by the Local Planning Authority
- ii. the existing northern dropped kerb access point, made redundant as a result of the development, shall be reinstated back to full kerb height, details of which shall be submitted to and approved in writing by the Local Planning Authority.

8b. The development shall be completed in accordance with the details approved under part a of this condition prior to the main access road first coming into use.

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

9a. Prior to the commencement of this development, details of earthworks including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform shall be submitted to and approved in writing by the Local Planning Authority.

9b. The development shall be carried out in accordance with the approved details under part a of this condition.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Saved Policy ENV18 of the Walsall UDP 2005.

10a. Prior to the commencement of this development:

- i. details of protective fencing and ground protection such as geomembrane or scaffold boards to be installed around all retained trees shall be submitted to and approved in writing by the Local Planning Authority.
- ii. One month's written notice from the approval of the details under part a of this condition shall be given to the Local Planning Authority to allow the Council's Arboricultural Officer to fully inspect the protection measures.

10b. The details approved under part a of this condition shall be implemented prior to any equipment, materials or machinery are first brought onto the site in connection with the development and maintained until all equipment, machinery and surplus materials have been removed from the site.

10c. Nothing shall neither be stored or placed in any area fenced area in accordance with part a of this condition nor any fires started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those fenced areas shall not be altered, nor shall any excavation or vehicular access be made.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Saved Policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

11a. Prior to the commencement of development, above damp proof level details full details a cycle shelter for the use of staff/visitors of that unit and which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

11b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

12a. Prior to the commencement of development, above damp proof level details, details of all boundary treatments around the site perimeter and within the site shall be submitted shall be submitted to and approved in writing by the Local Planning Authority. The details shall include elevation drawings of the boundaries, position of the boundaries, the type of boundaries, materials to be used in the construction of the boundary and the external finish of the boundary treatments.

12b. The development shall be carried out in accordance with the approved details and retained and maintained at all times.

Reason: Necessary in the visual amenities of the area and in accordance with Saved Policies GP2 and ENV32 of the UDP.

13a. Prior to the commencement of development, above damp proof level details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority including:

- (i) the type of lighting to be installed including the type of lamps,
- (ii) the exact location of the lighting to be installed on the proposed development,
- (iii) details of any lighting columns including height and external finishes of any lighting columns,
- (iv) the level of illumination and a light spillage plan showing the light spillage from any external lighting to be installed around or within the development

13b. The development shall be completed in accordance with the approved details and retained and maintained at all times.

Reason: Necessary to prevent light pollution and to protect the amenity of surrounding residential occupiers in accordance with Saved Policies GP2, ENV11 and ENV32 of the UDP.

14a. Prior to the commencement of development, above damp proof course, and notwithstanding the submitted landscape plan, drawing number PL-1004/02 submitted 27-02-19 and the concept landscape proposals plan drawing number 18-087-07/B submitted

on 06-02-19, a detailed landscaping scheme illustrating planting within the site shall including:

- detailing planting densities
- planting numbers
- Size of plants to be planted
- Ground surface treatment
- Tree support and tree pit details
- Root barriers and mulching
- soil depth and specification (shrub/hedgerow planting areas should be at least 450mm : grass seeded / turfed areas should be at least 150mm.)
- Hard surfaces
- Existing trees and hedges to be retained
- Details of the measures to be taken to protect existing features during the construction of the development

14b. The approved landscaping scheme shall be implemented within 12 months of any part of the development being brought into use.

14c. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within the first 5 years shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: In the visual amenities of the area, to ensure the site is secured with appropriate landscaping and to enhance and safeguard habitats along the Wryley and Essington SLINC in accordance with Saved Policies GP2, ENV17, ENV23 ENV28 and ENV33 and Conserving Walsall's Natural Environment SPD.

15a. Prior to the commencement of development, above damp proof course, details of the exact location of bird and bat boxes, including details of the type of bat and bird boxes to be installed on the rear elevation of units 2, 3 and 4 shall be submitted to and approved in writing by the local planning authority.

15b. The development shall be completed in accordance with the details approved under part a of this condition. The bat and bird boxes shall be installed prior to the first use of the site.

Reason: To enhance and retain existing habitats along the canal corridor and within the Wryley and Essington Canal SLINC in accordance with Policy ENV23 of the UDP and Conserving Walsall's Natural Environment SPD.

16. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Saved Policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

17a. Prior to the first occupation of any unit of the development, the access road, all parking and vehicle manoeuvring areas serving that unit shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge

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onto the highway or into any highway drain. All parking spaces shall be clearly demarcated on the ground.

17b. These areas shall thereafter be retained and used for no other purpose.

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

18. The development shall be carried out in accordance with the following

- Wall cladding tata steel colour coat prisma, colour orion
- Wall cladding tata steel colour coat prisma, colour zeus
- Wall cladding tata steel colour coat prisma, colour Sirius
- Roof cladding tata steel colour coat HSP200, colour goosewing grey BS10A05/RAL 7038
- Level loading doors tata steel colour coat HSP200 grey
- Metal personnel door to match cladding
- Curtain wall windows PPC aluminium frame, colour Anthracite grey
- PPC metal feature channels horizontal and vertical, colour zeus

Reason: In the visual amenities of the area in accordance in accordance with Policies GP2, ENV32 and ENV35 of the UDP.

Notes for Applicant

Cadent:

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land, which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

Fire Officer

For buildings not fitted with fire mains access is required to the building perimeter for fire and rescue service vehicles, dependant on total floor area and height to top storey above ground, in accordance with Table 19 p. 108, Vol 2 ADB

If the vehicle access provisions of 16.2 and 16.3 of Vol 2 ADB cannot be met, fire main should be provided in accordance with paragraph 15.3 and vehicle access should meet paragraph 16.6

Carriageway width should be a minimum of 5.5 metres (Manual of Streets Fig 3.12), minimum requirement for fire service vehicles is 3.7m between kerbs (ADB Vol 2 Table 20), a minimum carrying capacity for WMFS vehicles of 15 tonnes and 4.1m minimum height clearance.

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

WaterUK:<https://dl.dropboxusercontent.com/u/299993612/Publications/Guidance/Firefighting/national-guidance-document-on-water-for-ffg-final.pdf> For further information please contact the WMFS Water Office at the address given above or by email onWater.Officer@wmfs.net

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

Highways:

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

The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

Police:

Roads and Footpaths

Vehicles and pedestrian routes are designed in a way that ensures they are visually open, direct and well used. Where it is desirable to limit access/use to employers, employees and legitimate visitors features such as rumble strips, change of road surface (by colour or texture) This will help to define a defensible space, Psychologically giving the impression that the area beyond is private.

Routes for pedestrians, cyclists and vehicles should run alongside one another and not be segregated.

Footpaths should not run to rear of, and provide access to industrial units, rear yards or neighbouring buildings, as these have been proven to generate crime. Private footpaths that serve as emergency exit routes at the rear of industrial premises should be secured with steel gates.

Where necessary and where space permits, segregated footpaths should be at least 3 metres wide (to allow people to pass without infringing each other's personal space) with a two-metre verge on either side.

Lighting in public places should conform to BS 5489 – 2013.

Perimeter security and site access

Secure by Design supports single and multiply unit commercial developments that are contained within secure perimeters with access controlled entrances. SBD recommend the use of one main entrance into an enclosed commercial development serving both vehicles and pedestrians or separate entrances that are located next to one another to aid mutual supervision. In some cases an additional entrance may be required to service emergency access/egress. In these circumstances it may be prudent to provide additional electronic access control with CCTV.

For an extensive site and/or where there are higher risk security considerations, a staffed gatehouse may be required at the entrance. Such arrangements will invariably include the use of powered vehicular and pedestrian access gates.

When the building is closed and unoccupied, it must be possible to lock all entrance gates onto the site. During partial occupation, whether by employee, cleaners or security staff perimeter gates should be operable by appropriate means of secure access control.

The design, height and construction of any gates within a perimeter fencing system should match that of the adjoining fence and not compromise the overall security of the boundary.

Security fencing materials may include welded mesh and expanded metal available in numerous coloured coatings, which are sometimes used in conjunction with timber. Railings of various designs can be used to good effect and all fencing types can be fitted with topping to deter climbing.

It is important that there are no structures close to or over the fence that will aid climbing, e.g. trees, lamp columns or buildings.

The height of security fencing will generally start at 1.8m and above.

The fencing should be of at least LPS 1175 SR2 standard.

Vehicle Parking and Access

It is good practice to ensure that commercial buildings are designed to allow secure deliveries and collections of material and goods. This will dictate the height of the bay delivery floor and its overall dimensions/design. Depending on risk, monitoring by CCTV may be necessary together with other security measures such as the provision of a secure delivery compound.

It is recommended to provide a parking space for emergency vehicles, such as an ambulance, close to entrance of the building.

Identifiable parking for staff should be provided in view of occupied offices and, where possible, identified visitor parking should be similarly located.

All parking bays are well marked and if needed pedestrian crossing be placed.

Lighting in public places should conform to BS 5489 – 2013.

The securing of cycles left unattended must be considered within the design of any new commercial premises. The stand must facilitate the locking of both wheels and crossbar. The minimum requirements for such equipment are

Galvanised steel bar construction (min thickness 3mm) filled with concrete.
Minimum foundation depth of 300mm with welded “anchor bar”.

Cycle stores are best located close to supervised areas of the main building.

External containers specifically designed for the secure store of 2 or 3 cycles should be certificated to LPS 1175: ISSUE 7, SR1/2 or sold secure SS314 Bronze.

Ventilated, cycle stores within the main building must either have no windows or windows with security grilles and be fitted with a secure doorset that meets the required standard. The locking system must be operable from the inner face by use of a thumb turn to ensure that persons are not accidentally locked in by another user. The lighting in such a building must be activated by a device, such as a passive infra-red detector.

Landscaping

All new planting of shrubs when mature should not exceed 1 metre in height and trees when mature should be pruned so that there are no branches or foliage hanging below 2 metres. This will ensure that natural surveillance is maintained and the field of vision is not obstructed. All planting should have a structured maintenance plan to ensure good surveillance is maintained to clearly signal that the area is well cared for.

One of the most vulnerable area's for this development is the boundary where it meets the canal, make sure no trees are overhanging which can be used to gain entry into the site. Consider defensive planting by planting thorny or spiny shrubs along the fence line on the inside of the perimeter. If the canal side is left to run wild, let it do so as this is a good deterrent.

Defensive planting “thorny or spiky shrubs” under ground floor windows which lead into offices.

If planting trees remember to make sure they do not obstruct the view of any CCTV, keep this in mind if planting in the winter when most trees are not in bloom, also the same goes for lighting (trees do not block any street or security lighting).

External furniture and litter bins

Litterbins can be used to assist climbing and the contents to be used to start fires. Litterbins should be of a type that can be locked onto a fixed base and located away from any buildings. Under no circumstances should bins be wall mounted or placed under windows.

Natural surveillance and recessed doorways

It is good practise that each building overlooks another building, this is called natural surveillance.

Avoid recesses where a person could hide or be out of view from another building or room.

Recesses also collect rubbish blown by the wind and then become a fire hazard.

Where units are separated by pathways designed for emergency exits, it is important to place gates at the entrances to these pathways level with the building line. During the times the building is occupied it must be possible to exit through these gates without the use of a key.

All exterior security lighting on all buildings should be white LED dusk to dawn lighting, as Per SBD standards as set out in Lighting against Crime 2011.

Internal layout issues

The space on the outside and inside of the entrance doors should be well illuminated during dark hours.

Reception staff should have a clear view of the approaches to the entrance point.

For high risk commercial premises public access to commercial units should be restricted to the main public /visitor entrance and should be electronically access controlled from the reception.

Reception desks must be high and deep enough to afford protection for the receptionist, but also take into account wheelchair users.

If this is a high risk area a panic alarm should be placed on or under the reception desk with a sounder alarm in a nearby occupied office.

Internal security lighting for offices should be BS EN 12464-1-2011 standard, the lighting should be operated by detection devices which will pick up movement.

CCTV/Intruder Alarm

CCTV system must be in a format that is acceptable to the local Police.

The CCTV must have a recording capability.

The design of a CCTV system should be co-ordinated with the lighting plan for the buildings and external grounds.

Main areas for CCTV to cover are entrance/exit points onto the site, all doorway and windows on the 6 units and also the car park. Due to the canal being at the rear of the site I would cover that area as well.

CCTV must be installed to a BS EN 50132-7-2012 standard.

The developer to contact the information commissioner's office (ICO) to see if they need to be registered with them.

If the site is left unoccupied for any period of time a monitored intruder alarm with a Police response be installed to a BS EN 50131 standard.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 21-Mar-2019

Plans List Item Number: 3.

Reason for bringing to committee: Major Application and consultee objection

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

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

Application Number: 18/0715

Applicant: Bradford Street Developments Limited

Agent: Louise Leyland

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

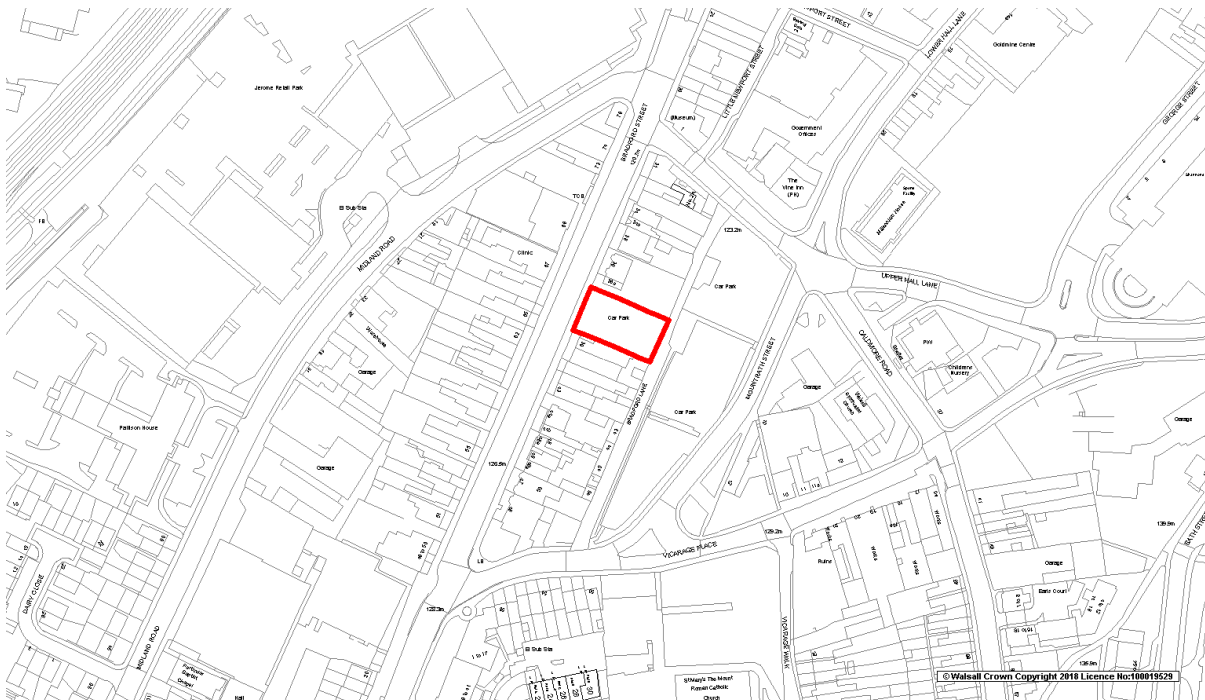
Case Officer: Karon Hulse

Ward: St Matthews

Expired Date: 19-Nov-2018

Time Extension Expiry:

Recommendation Summary: Grant permission subject to conditions



Current Status

The 3rd January, 2019 planning committee deferred determination of this application for the applicant to consider options on how the proposed development would be serviced in terms of waste collections and refuse, and car parking provision. The following additional information and amended plans have now been submitted in order to address the above and for your consideration.

Waste Collections and Refuse

Previously it was proposed to utilise Bradford Lane to access a rear bin storage area. However, the councils Clean and Green Services stated that whilst they collect 4 trade bins from along Bradford Lane the access is very limited due to the width of the road and parked cars, due to it being an unadopted highway the Council has no control over parking along this road. Consequently, Clean and Green expects bins from any residential development to be presented on Bradford Street as is the case for other flats along this location.

The applicant has now provided a bin store located within the ground floor of the proposed building which can accommodate 4 euro bins. Access to this will be along a 2 metre wide pedestrian access in between the application site and the side elevation of number 39 Bradford Street. The amended plan demonstrates that the bins can be adequately manoeuvred in and out of the bin store and placed on the highway on collection days. The applicant has confirmed that this will be carried out by a management company on collection days only, thereby reducing any potential impact on the conservation area or creating substantial harm to the nearby heritage assets and the street scene. In order to ensure the above, a safeguarding condition requiring the submission of details of the management company and details relating to the collection of waste should be required to be submitted to and agreed in writing by the Local Planning Authority prior to any occupation.

Car Parking

The agent for the application has submitted supplementary information regarding the provision of car parking. It gives examples where the Council has approved apartment developments in the last year without any car parking provision. Such locations have been assessed as sustainable (31, Bradford Street, 74-75, Stafford Street, Willenhall and 1 Woodside Close).

The information also includes appeal decisions where the planning inspector has determined that car parking is not required in sustainable locations. In conclusion the submitted information has identified that:

- The application site is in a highly sustainable location;
- The proposals are likely to be less attractive to car users and more attractive to residents who wish to take advantage of sustainable modes of travel;
- For any car-owning residents, there are parking options available locally, including a large car park directly to the rear of the site; and
- There are numerous examples, including appeal decisions, where car parking provision has been deemed unnecessary in sustainable locations.

In view of the above information it is considered the proposed development is in line with the NPPF's core principle of sustainable development and in its encouragement of sustainable modes of transport.

Policy Update

Since the 3/1/19 planning committee report, the Walsall Site Allocation Document (SAD) and the Area Action Plan for the town Centre (AAP) were adopted 7 January 2019. The Walsall (SAD) does not cover the Walsall town centre. The saved UDP policies detailed below have not been replaced by the SAD and full weight can be given to these policies.

The UDP Town Centre Inset Map, and the UDP town centre policies have been replaced by the Area Action Plan (AAP).

The Walsall Town centre Area Action Plan seeks to plan positively for new and improved facilities. The policy section of the report has been updated accordingly

TC21 - Bradford Street area... The new building would need to be of an appropriate scale and design to the adjacent Bradford Street Conservation Area and listed buildings.

The remainder of the report is as previously considered. The plans have been amended to reflect the 3rd January planning committee supplementary report; fifth floor set back the front and partially hidden by a parapet, the front and side elevations of the fifth floor being clad in a grey material, Bradford Street front windows grey as a contrast to the white render, ground floor brick element to be dark and mottled finish and Bradford lane elevation to utilise dark coloured bricks.

Planning conditions have also been updated. Recommendations remains grant subject to conditions

Proposal

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

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

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

9 no. 1 bed apartments and

17 no. 2 bed apartments.

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

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

The details of the application are as follows:

- To the rear the building is four-storey.
- Small gaps would be retained along the north and south (side) boundaries of the site.
- The levels slope down towards Bradford Street which results in the ground floor providing 3 apartments positioned towards the front (Bradford Street).
- Floors 1, 2 and 3 would have 6 apartments on each floor with the fourth floor (top) having 5 apartments. The front elevation facing Bradford Street would be finished with smooth render with ashlar feature lines on the ground floor and smooth render to match the local vernacular on the remainder of the front elevation.
- Stuccoed façade, evenly spaced windows, a light rendered finish to its upper storeys, a cornice moulding between 2nd & 3rd floor, 2nd floor windows include stone sills and architrave to cap the perimeter of the ground floor just below 1st floor sill height
- Dummy sash windows will be included where necessary across the frontage to mimic and ensure the formal character of the proposed development is consistent with the character of the conservation area and the style, pattern and layout of Georgian buildings.
- The main entrance to the building has been placed centrally, with dummy doors located on either side, to provide consistency to the street frontage
- On the fourth floor, vertical cladding would be used on the front elevation together with full height casement windows. At street level, steel railings with Fleur-de-lys finials in black would be sited around the small hard surfaced frontage yard area.
- The rear of the proposed building faces Bradford Lane, there are no windows at ground floor level. The elevation would be finished in facing brick. The upper section of the rear elevation would also be finished in vertical cladding being zinc grey in colour. Smooth render is proposed on the edge of the elevation to match that on the front elevation facing Bradford Street.
- All windows to the rear elevation would be casement windows in white.
- The proposed building would be a 'U' shape with windows inwardly facing and a small secure courtyard in the centre for use by residents as informal out door space.
- The building would be accessed primarily off Bradford Street, on the site's western boundary. Further access points are provided to the rear and on the side elevation into the courtyard.
- The density of the site would be 285 dwellings per hectare.

The application has been accompanied by the following documents:

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

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

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

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

Site and Surroundings

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

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

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

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

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

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

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

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

Relevant Planning History

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

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

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

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

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

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

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

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

03/0633/FL/W5 – Outline: Proposed formation of 10 no. self-contained flats. Withdrawn. 07th January 2005.

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

Other relevant planning history is as follows:

Permission was granted in 1994 for the refurbishment of the building to create 6 no. flats and a restaurant (ref: BC42148P) - this included the refurbishment of the single storey

building along the southern boundary, and the provision of 8 car parking spaces to the rear of the main building.

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

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

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

Relevant Policies

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

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

Key provisions of the NPPF relevant in this case:

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

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

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

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

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

Reducing Inequalities

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

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

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

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

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

Local Policy

Black Country Core Strategy

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

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

- GP2: Environmental Protection
- GP6: Disabled People
- ENV10: Pollution
- ENV27: Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S4: The Town and District Centres: General Principles
- S8: Housing in Town Centres
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Walsall Town Centre Area Action Plan 2019

AAPLV1: Residential Developments

AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness

AAPLV6: Securing Good Design

AAPINV6: Secondary Development Sites

Supplementary Planning Document

Designing Walsall

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

Open space, sport and recreation

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

Affordable Housing

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

Air Quality SPD

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

Walsall Area Action Plan

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

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

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

With specific regard to residential development, this policy requires that schemes for this sole use will need to support and not prejudice the centre's retail, commercial and leisure function. The TC21 allocation identifies the location within the Bradford Street Conservation Area, and that there are listed and locally listed buildings present. Furthermore, the allocation is identified as 'high sensitivity' in the Characterisation Study.

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

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

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

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

Other Policy:

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

Legislation:

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

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regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- **Section 72(1) General duty as respects conservation areas in exercise of planning functions:** In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

Consultation Replies

Transportation – objects on the grounds of no off street parking

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

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

Archaeology Officer – no objections

Police Architectural Liaison Officer – recommends Secure by Design initiatives

Fire Officer – no objections subject to note for applicant

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

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

Representations

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

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

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- number of apartments significant for small plot of land
- out of character for conservation area.

Determining Issues

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

Assessment of the Proposal

Heritage / Conservation area

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

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

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

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

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

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

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

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

Development Opportunity and Principle

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

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

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

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

This proposal would be in accordance with NPPF and saved policies GP2, ENV27, ENV35, ENV29, ENV32, S1, S8, H3, T7, T8, T9, T10, T11, T12 and T13 of the Unitary Development Plan in so far as the proposal would support and promote an emerging character within this area and on balance is to be encouraged.

Character/Appearance and Design

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

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

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

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

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

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

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

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

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

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

Residential amenity

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

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

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

Finally, conditions to prevent or minimise environmental impact during the course of building works can also be required by way of appropriate safeguarding conditions.

Highway safety

Car parking and Access

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

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

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

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

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

Electric vehicle charging points

Pollution control have requested electric vehicle charging points to be installed within the development. There is no provision for off street parking with both Bradford Street and Bradford Lane being traffic controlled with restricted parking close to the development. It would be difficult to provide safe on street parking where a vehicle could be connected to an electric vehicle charging point close to the proposed development site.

Planning obligations

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

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

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

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

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

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

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

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

Secure by Design

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

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

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

- All ground floor windows and any accessible windows should be fitted with BS EN 356 grade P1A glass. This includes French doors and patio doors and should improve the standard of security to the more vulnerable ground floor windows.
- The frontages and accessible windows of the apartments need to have defensible planting under them. This can be created by dense low level shrubbery which should be around 1m in depth.
- The defensible space should overlap the whole length of the window at least. Low level dense shrubbery is the preferred method to create this barrier with a mature height of no more than 1m and should be suitable for the light and soil environment at its location.

- PAS 24:2016 doors are fitted not only on the entrance doors but on each individual apartment.
- Where euro profile cylinder locks are proposed in doors, shutters etc. consideration should be given to the ever increasing trend in lock snapping as a means of forcing entry to a building. To reduce such risk a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification should be used instead of the standard 1 Star cylinder.
- Where thumb turn locks are to be installed considerations should be given to the use of the 'BY Pass' method of entry by offenders. There are thumb locks on the market that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.
- No Lead or metal should be used on the ground floor, where possible lead substitute products should be used.
- All properties should have a suitable intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.
- Any communal entry to the apartments to be fitted with an access control system. This may be a proximity access control system, a door entry phone system and electronic lock release or a combination of these to discourage casual intrusion by non-residents;
- CCTV coverage to the flats.
- Entrance and exit doors and frames to the block should be of a robust vandal resistant material, with vandal resistant viewing panels.
- Entrances should be well lit both internally and externally.
- Communal areas for letterboxes should have DAD UK Ltd DAD009 1.5mm steel letterboxes which can be mounted in rows and are secure and anti-identity theft proof.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 26 new homes.

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

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

Conclusions and Reasons for Decision

The key material planning considerations, neighbour comments and consultee responses have been weighed in assessing the planning application and it is considered that the proposed development accords with the aims and objectives of the National Planning Policy Framework, Black Country Core Strategy policies CSP1, CSP4, CSP5, HOU2,

DEL1, DEL2, CEN1, CEN2, CEN3, CEN8, TRAN1, TRAN2, TRAN4, TRAN5, ENV2, ENV3, ENV5, ENV6 and ENV7, Unitary Development Plan saved policies GP2, ENV10, ENV27, ENV35, ENV29, ENV32, ENV40, S1, S2, S4, S8, H3, T7, T8, T9, T10, T11, T12 and T13 Supplementary Planning Documents Designing Walsall, Open space, sport and recreation, Affordable Housing and Air Quality and on balance is considered to be acceptable.

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

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

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

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

Positive and Proactive Working with the Applicant

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

Recommendation

Grant permission subject to conditions

Conditions and Reasons

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

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

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

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

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

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

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

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

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

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

Reason: To minimise environmental impact during development

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

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

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

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

i) Prior to the commencement of the development hereby approved a ground contamination survey having regard to current best practice shall be undertaken. (see Note for Applicant CL1).

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

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

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

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

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

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

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

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

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

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

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

8b. Prior to first occupation of the hereby approved development, a written independent validation report confirming the low NOx boilers have been installed throughout the development shall be submitted for the written approval of the Council. The low NOx boilers shall thereafter be retained for the life of the development

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

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

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

electronic lock release or a combination of these to discourage casual intrusion by non-residents;

- CCTV coverage to the flats.
- Entrance and exit doors and frames to the block should be of a robust vandal resistant material, with vandal resistant viewing panels.
- Entrances should be well lit both internally and externally.
- Communal areas for letterboxes should have DAD UK Ltd DAD009 1.5mm steel letterboxes which can be mounted in rows and are secure and anti-identity theft proof.

9b. Prior to first occupation of the hereby approved development, a written independent validation report confirming the security measures have been installed throughout the development shall be submitted for the written approval of the Council. The security measures shall thereafter be retained for the life of the development

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

10a. Prior to first occupation of the hereby approved development, details of the management company and details relating to the storage and collection of waste shall be submitted to and agreed in writing by the Local Planning Authority.

10b. The agreed measures shall be implemented prior to occupancy and thereafter retained.

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

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

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

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

Water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK: <https://www.dropbox.com/s/5s5i45fxr3m3hrt/national-guidance-document-on-water-for-ffg-final.pdf?dl=0>

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

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

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

Hours of operation - No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 21-Mar-2019

Plans List Item Number: 4.

Reason for bringing to committee: Councillor Call In: Significant Community Interest

Location: 11, PORTLAND ROAD, ALDRIDGE, WALSALL, WS9 8NS

Proposal: ERECTION OF SINGLE STOREY DETACHED BUILDING TO REAR TO BE USED AS A CHIROPRACTICE CLINIC.

Application Number: 17/1308

Applicant: Portland Chiropractic Clinic Ltd

Agent: Alexander James Associates Limited

Application Type: Full Application

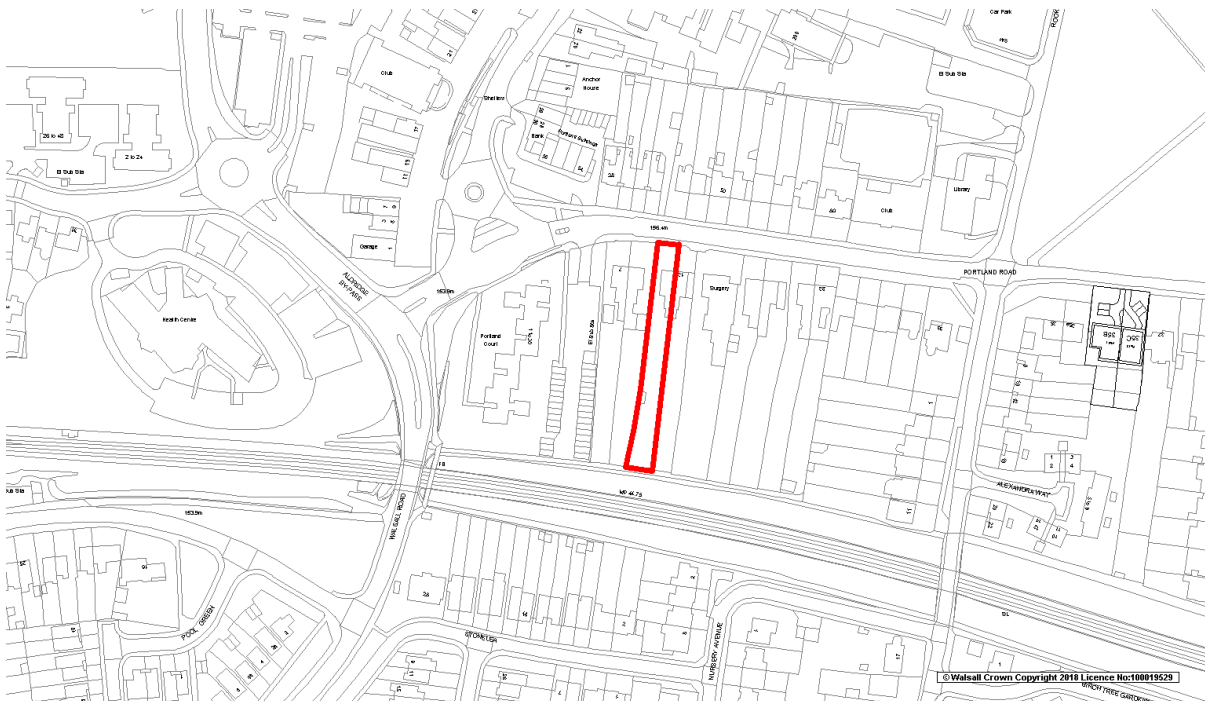
Case Officer: Stuart Crossen

Ward: Aldridge Central And South

Expired Date: 20-Dec-2017

Time Extension Expiry: 02-Mar-2018

Recommendation Summary: Refuse



Proposal

The application proposes a single storey detached building to be used as an extension to the existing chiropractic clinic.

The outbuilding would be flat roofed with wooden clad elevations and high level side windows. The main access would face the rear of the original application property, with additional doors to the rear to the remaining garden. The key measurements are:

7.7 metres wide

27.8 metres deep

2.5 metres high to the eaves

3 metres to the highest point

29 metres from the nearest part of the neighbouring houses.

The building would have a reception area and desk with two spaces, a reception area with 6 waiting seats, there would be a toilet, kitchenette, a large exercise room, an office, x ray room and exam/laser room.

The previous permission to retain the chiropractic use permitted 2 car parking spaces to the front and three to the rear. This application proposes four parking spaces to the front and 9 to the rear, 30 metres from the front access point. The proposed building would be 65 metres away.

The existing site plan illustrates a 9 space parking area to the rear which has already been implemented. The area is entirely hard surfaced with tarmac and there is no sign of drainage. This element of the scheme also requires planning permission.

Notwithstanding the continuing existing use and proposed plans which illustrate two seating areas with work desks, the application proposes no increase in staff from the existing 3 employees.

Site and Surroundings

The site is situated on the southern side of Portland Road just to the east of the junction with Anchor Road. The premises comprises a traditional semi-detached two storey house with a large ground floor bay window to the frontage and two storey and single storey wing to the rear. The property has a front driveway for parking and vehicle access to the side leading into the former rear garden area. The current lawful use of the property is as a chiropractic clinic and residential accommodation.

No 13, the other half of the semi is a house and 7 and 9 to the west are a similar pair of semi detached houses. Opposite are residential properties. No 21 is a semi detached house in use as a dental practice for a number of years.

The property sits just outside the Aldridge district centre and Portland Road itself is part of a bus route.

Relevant Planning History

BC39334P, change of use to day nursery with car parking facilities refused 02-12-93

BC41736P, subdivision of semi detached house into 4 bedsits, refused 01-08-94

BC42759P, subdivision of semi detached house into 2 self contained flats, granted subject to conditions 03-01-95.

15/0207/AD, retention of one post sign on front driveway and 2 small fascia signs on front elevation, undetermined application.

15/0208/FL - Retrospective application for partial change of use of residential property to chiropractic clinic.GSC 30/05/15

The Priory Dental Practice 21 Portland Road:

18/0870 - Part single, part two storey rear extension to dental surgery, single storey detached garage plus additional car parking at rear. Refused 16/10/18 for the following reasons:

1. The proposal fails to demonstrate that customer base of the existing dental practice is local and within a catchment area. It would appear that the increase in the number of surgeries by three and the additional parking spaces proposed that the existing dental practice now would serve more than a local need. There is no evidence to show that the local provision could not be better met by investment in a nearby centre.
2. The proposed rear parking area and vehicle manoeuvring area abutting the side boundary of number 23 Portland Road and in close proximity to number 19 Portland Road would result in vehicle movements' adjacent neighbouring rear gardens and habitable rooms. The use of the car park would result in noise and disturbance including car doors slamming, car radios, people talking, car lights and pollution etc resulting in loss of amenity to these neighbouring occupiers. Furthermore, the hardsurfaced area to provide the car parking area and to serve the detached garage would mean that in its entirety the whole rear garden would in effect be a car park and as such detrimental to the character and setting of the residential nature of Portland Road.
3. The proposed rear parking arrangement, with perpendicular bays would make it difficult for drivers to utilise in practice as there is insufficient reversing aisle width to enable cars to manoeuvre in and out of the parking bays safely and satisfactorily contrary to the safe and satisfactory operation of the development. Furthermore, the proposed parking arrangement requires a total width of 10.8m and only 9.2m is available so adequate space cannot be achieved.
4. The width of the existing access point onto Portland Road is considered to be of insufficient width to accommodate two-way vehicle movements required as a result of the intensification of the access, necessary to minimise the potential of vehicles waiting on the main carriageway of Portland Road, a Local Distributor road, whilst a

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vehicles are exiting the site, contrary to the free flow of traffic along the public highway and to highway safety.

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 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

the Equality Act 2010 are:

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV32: Design and Development Proposals
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S7: Out-of-Centre and Edge-of-Centre Developments
- T7 - Car Parking T13: Parking Provision for Cars, Cycles and Taxis
- AL1: Primary Shopping Area
- AL2: Environmental Improvement

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Black Country Core Strategy

- HOU5: Education and Health Care Facilities
- CEN2: Hierarchy of Centres
- CEN5: District and Local Centres
- CEN6: Meeting Local Needs for Shopping and Services

Walsall Site Allocation Document 2019

T4: The Highway Network

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW5 Ease of Movement
- 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

Consultation Replies

Fire Officer – Objection on fire safety grounds

Transportation – No objection, subject to the inclusion of a turning area.

Environmental Health – No objections

Pollution Control – No objections

Representations

4 objections from 2 households

Out of character

Loss of amenity in residential area

Already more than 2 patients per hour

Noise report fails to include details of likely customer noise, conversations, music from cars etc

Devalue properties

Existing traffic issues from progress children's services at number 17 and the dentists at 21.

A neighbour has reported that the entrance door can be open and shut up to 21 times per hour until 7.30 – 8pm. Gym equipment can also be heard.

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Petition with 8 signatures against the scheme on the following grounds:

Backland development

There is already a Chiropractor business

Out of keeping with surroundings

Would extend beyond the building line of other houses

Single access

Higher than the neighbouring fences

Lighting will be required in winter months creating visual disturbance.

Noise from comings and goings of customers and cars

Requires a commercial planning permission

Residential portion of main building not occupied

Residents see 6/8 cars at any one time with car movements every 10 minutes

Number 15 is not a surgery anymore it is residential.

Photos provided of impact parking has on rear amenity area

Determining Issues

- The Principle of the Use
- Design and Character of the Area
- Impact on the Amenities of the Surrounding Occupiers
- Highway Safety
- Fire

Assessment of the Proposal

The Principle of the Use

Policy S1 of the UDP defines community and health facilities (use class D1) as a town centre use and it is therefore considered that the chiropractic use within this application is a town centre use.

Policy HOU5 of the BCCS states that health care facilities should be directed towards centres and well related to public transport facilities.

Policy CEN6 which supports new small-scale facilities outside of defined centres of up to 200m² provided the scheme meets the requirements set out by the policy. Paragraph 4.53 of the BCCS includes health facilities and explains that the use is subject relevant tests for out of centre development.

The agent has not provided a sequential test to demonstrate a local need and refers to annexe 2 Glossary of the NPPF which identifies a list of town centre uses. These uses are predominantly D1 leisure uses, it is recognised that a Chiropractic is not specifically listed here. However Officers consider that the use is similar to those listed and that the saved policies of the UDP provide a more comprehensive account than the brief list in the NPPF. In addition this approach is also reflected in the Black Country Core Strategy. Following the publication of the Government's National Planning Policy Framework (NPPF), the four Black Country local planning authorities analysed the Core Strategy using a self-assessment produced by the Planning Advisory Service. The conclusions were that there were no issues raised by the NPPF that would require a review of the Core Strategy and

the plan is in conformity with national policy. For these reasons the agents approach is not supported.

The site is a former semi detached house in a predominantly residential street now in a mixed use. There are other lawful none residential uses within the road including a dental practice at No 21, and a social club and library on the opposite side of the road to the east. The site sits just outside the Aldridge district centre (26m) and therefore has good access to public transport and other facilities and services. The development is therefore a town centre use operating in an edge of centre location.

UDP Policy S3 states that development on the edge-of-centre should be:

II) of a scale and nature appropriate to the size and function of the centre concerned and
II) Be sensitively integrated, in functional and visual terms with the Primary Shopping Area (PSA) and other land uses, pedestrian routes, car parking provision, public transport facilities, servicing arrangements, traffic circulation, and the local townscape.

The previous scheme was approved on the basis that the use could be controlled to prevent further expansion to ensure it is of an appropriate scale for the location. The proposal was retrospective and had been operating from this location without complaints from surrounding residents. This application proposes an increase of more than 100% in floor space and there is a lack of evidence to support a development of this scale out of the local centre. The scale of the proposal is also likely to be detrimental to local amenity which is considered below.

The proposal does not visually link to the Primary Shopping Area but is well linked visually to the district centre boundary and there are a number of other centre uses nearby including a dentist, club and library. The site has strong pedestrian links to the centre and public transport links meaning the site is in an accessible location and well located to allow for linked trips. However the application has failed to justify the location and under these circumstances it is considered that the proposal does not meet the requirements of policies S3 and S7 of the UDP and HOU5 of the BCCS.

Design and Character of the Area

The design includes a large single storey building which is to be located in what was the rear garden of a house, although residents could build similar structures under permitted development this is a separate development to the main building and the proposal has its own reception meaning that patients will visit this building separately. For these reasons the design does not reflect the existing pattern of development in this area which have buildings with street frontages.

The large hard surfaced parking area, combined with the further expansion of the Chiropractic use results in a development that is out of character with the predominantly residential setting with domestic rear gardens surrounding which characterises this part of Aldridge.

Impact on the amenities of the surrounding occupiers

The use operates on an appointment basis only, with appointments between 30-45 minutes long, with some home visits also undertaken. The previous permission for the use of just 2 rooms was considered unlikely to have an adverse impact on the amenities of the

adjoining occupiers and a condition was recommended to restrict the use to two consulting rooms to ensure that the use does not expand beyond its existing level.

This application provide a large exercise room with a reception area which provides 6 seats for visitors, a desk with 2 seats for staff, examination room, x-ray room, and includes the provision of a large car park to the rear. This significant increase is likely to cause noise and disturbance to neighbours from the increased comings and goings which would not normally associated with a residential use. The previous application which was retrospective only attracted a single objection however the current application follows complaints to the Council about the intensification of the use at this site and a number of objections have been received in respect of this application.

It is not clear from the submission how the 3 members of staff would manage the two buildings if approved. In either case the building to the rear would be in use by up to two members of staff and the impact on amenity is assessed against this arrangement. The application fails to demonstrate how the two buildings will be managed using the same number of staff.

Residents have reported 6 to 8 cars at any one time with car movements up to every 10 minutes. No other evidence has been provided other than a statement however it is considered that this objection reflects the concerns of the case officer.

Objections relating to the height of the building are noted however being single storey with wood cladding it is considered this would not result in significant loss of amenity to justify refusal in this instance.

Concern raises about lighting required in winter months is noted, however this could be controlled by condition.

Highway safety

The Highways Officer raises no objection to the parking area in principle. The layout as illustrated does not include a turning area, however it is considered that one could be provided by losing 2 or 3 spaces and hatching the area as keep clear which could be resolved through conditions provided the application is acceptable in other respects.

Fire

The proposed scheme has received an objection from the fire officer because the access to the proposed new building is more than 45 metres from a pumping appliance and there is no turning available within the site. The proposed design and layout would raise significant safety concerns for occupants and is not supported.

Other Issues Raised Through Consultation

Concerns relating to property values are not material planning considerations.

The application is for both the use and for the proposed building.

The application relates to development at the rear of the main building whether the residential portion of main building is occupied or not, is not a determining issue of this planning application and is being investigated as part of the planning enforcement case.

The use of number 15 as a surgery or not does not define the character of the area.

The complaints about the existing use at the property is separate to this application, there is already a planning permission and complaints about potential breach of conditions or noise complaints should be reported to Planning Enforcement and Environmental Health respectively.

The Council has no record of a Childrens Services business at number 17, it is not clear if the business is ancillary to the residential use or whether there has been a change of use without permission or if the claims are true. The matter has been raised with Planning Enforcement to investigate.

Positive and Proactive Working with the Applicant

The case officer has shared the concerns with the agent and met with them, unfortunately in this instance the officer cannot support the scheme and no further acceptable amendments could be secured.

Recommendation

Refuse

Reasons for Refusal

1. The application site is outside of the district centre and fails to demonstrate that there would not be an impact on the vitality and viability of the centre through the submission of a sequential test, in addition no evidence has been provided that the demonstrates there is a local need to justify the expansion of the use in this location. For this reason the scheme is contrary to NPPF paragraphs 88 and 89, BCCS policies CEN6, CEN7 and HOU5 and UDP saved policies S1, S3 and S5
2. The provision of a large exercise room with a reception area providing 6 seats for visitors, a desk with 2 seats for staff, examination room, x-ray room, and the provision of a large car park to the rear in close proximity to the neighbouring gardens at numbers 9 and 11 would significantly increase the comings and goings causing noise and disturbance not in keeping with the character of the predominantly residential neighbouring houses with private rear gardens, in particular the use of the car park would result in noise and disturbance including car doors slamming, car radios, people talking, car lights and pollution etc resulting in loss of amenity to these neighbouring occupiers which would cause significant loss of amenity to residents to the NPPF paragraph 127, policies CSP4 and ENV3 of the BCCS and saved policies GP2, ENV32, and ENV10 of the UDP and Policy DW3 of Designing Walsall SPD
3. The design which includes a large single storey building without a street frontage, the large hard surfaced parking area, combined with the expansion of the Chiropractic use would result in a development out of character with the predominantly residential setting and development pattern which characterises this part of Aldridge. For these reasons the application is contrary to the National Planning Policy Framework, the Black Country Core Strategy policies HOU2 and

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ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall.

4. The application fails to demonstrate adequate fire service access due to the following design limitations:
 - i. Access to proposed building not within 45 m from a pumping appliance
 - ii. The dead end is greater than 20 m in length and does not have an appropriate turning facility for a pump appliance
 - iii. The access roadway is not the required minimum of 5.5 m in width and the application does not demonstrate the minimum carrying capacity required of 15 tonnes

For these reasons the application is contrary to the National Planning Policy Framework paragraph 95, Unitary Development Plan, in particular policies GP2 and ENV32.

Development Management
Barbara Toy
Walsall Planning
Civic Centre
Walsall
WS1 1DG

ECONOMY AND
ENVIRONMENT

24 NOV 2017

RECEIVED

13 Portland Road
Aldridge
Walsall
WS9 8NS

21st November 2017

Planning Application No 17/1308

Dear Barbara,

Thank you for the notification of the planning application for No 11 Portland Road.

We, along with our neighbours listed below, wish to object in the strongest possible terms to this planning application. For the reasons set out here....

1. This Commercial building with public access is not suitable for a residential "Back Garden" location. Looking at the drawings on the plans this would be more in keeping on a high street setting.
2. There is already a functioning Chiropractor business within the part residential / part commercial use of property of No. 11 with up to 13 car parking spaces.
3. It is completely out of keeping with the surrounding properties and private houses in the road.
4. This "New Building" would be beyond the building line of all the other houses in Portland Road.
5. Access to the public would only be down the driveway of No.11
6. With the building height of three metres this will be seen right across the gardens of many houses in the road, the fence height around the property are only 168 cm. (66 in)
7. With the opening hours of the practise in the winter months the car park and the building would need to be lit with external lighting, health and safety issues would have to be considered, this would be creating a visual disturbance in the otherwise dark area of the surrounding **residential** gardens.

We now refer to the document of the planning application.

1.0 Introduction

Although the noise levels would not be particularly increased, it does not take into effect the constant disruption of vehicles coming and going, car doors closing, radios, mobile phones and car engines starting up and engine fumes affecting the adjoining properties. With cars taking several attempts to turn and park ready to leave.

Car parking in Portland Road is already a major issue with the children's home, dental practise, office staff and shoppers.
We return to this issue regarding No.11 on 7.0 Car park Assessment.

2.0 Site Description

It is abundantly clear from the aerial photograph that this is a residential road with no other comparable buildings in the area.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 21-Mar-2019

Plans List Item Number: 5.

Reason for bringing to committee: Called in by Councillor Andrew on the grounds of Significant Community Interest

Location: THREE CROWNS INN, SUTTON ROAD, WALSALL, WS5 3AX

Proposal: DEMOLITION OF THE EXISTING 'THE THREE CROWNS PUBLIC HOUSE' AND ERECTION OF 7 NO. DETACHED DWELLINGS (SITE AFFECTS THE SETTING OF PUBLIC RIGHTS OF WAY WAL98) INCLUDING THE FORMATION OF A VEHICLE ACCESS TO THE ADJACENT FIELD.

Application Number: 18/0550

Applicant: c/o agent

Agent: Mike Lapworth

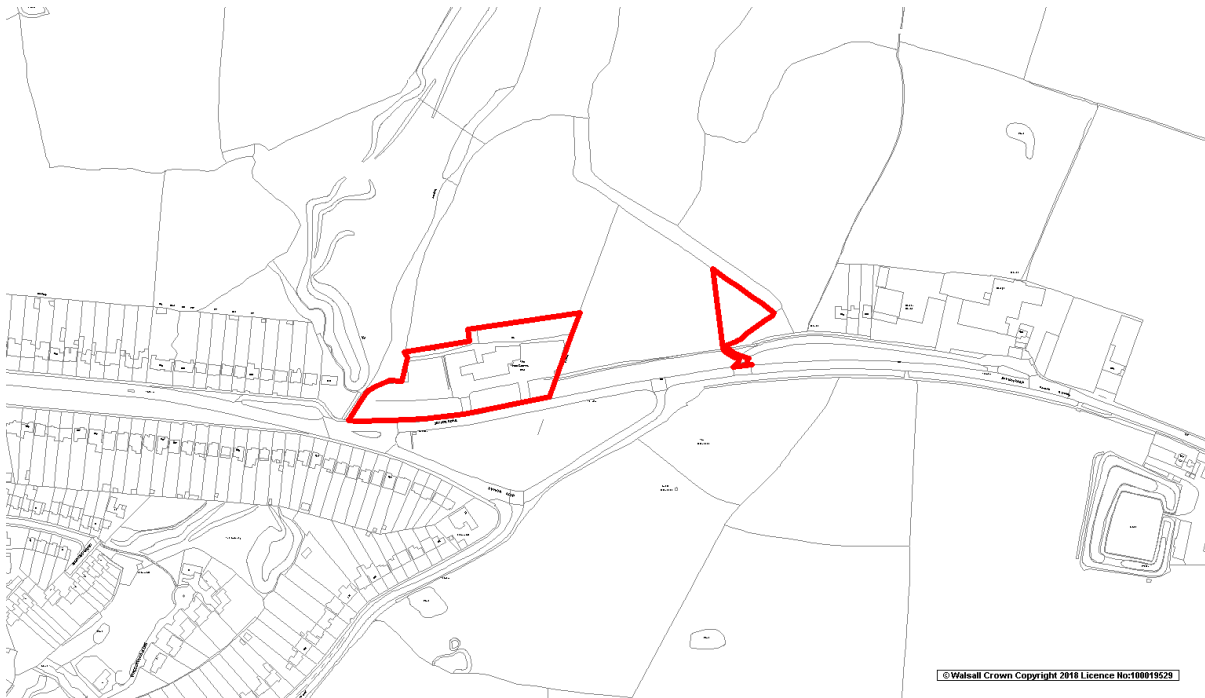
Application Type: Full Application: Minor
Use Class C3 (Dwellinghouses)

Case Officer: Paul Hinton

Ward: Aldridge Central And South,
Pheasey Park Farm

Expired Date: 21-Aug-2018

Time Extension Expiry:



Recommendation Summary

Delegate to the Head of Planning, Engineering and Transportation to refuse planning permission providing no new material planning considerations are raised pending conclusion of current consultation period and ownership notice period

Current Status

At the applicant's request the application was withdrawn from the agenda of the 31st January Planning Committee to give the applicant the opportunity to consider the recommended reasons for refusal in an attempt to address them. In response the following information has been provided:

Amended existing site location plan

Existing stables and field shelters within the pasture land to the north identified.

Amended proposed site location plan

Existing stables and field shelters within the pasture land to the north identified.

Replacement hedgerow now proposed to the rear of plots 2 and 3.

Formation of a vehicle access from the Sutton Road service road for purpose of accessing the SINC field to the rear of the site across an adjacent field.

Amended proposed site plan

Replacement hedgerow now proposed to the rear of plots 2 and 3.

Ecological Appraisal Update Revision A

Identical except for confirming replacement hedgerow planting of 280m, previous report referred to 180m.

*Long Term Maintenance Requirements for the Three Crowns Pasture**

- Pasture will be access via an existing access off Sutton Road with a right of access that has been used regularly for at least 60 years to service the pasture.
- First work required is to removal all of the weeds to return the land to its former manager states.
- Preferred method of maintenance will be to ensure the land is permanently grazed by horses and the stable block and field shelter will be refurbished to help facilitate this.
- Should grazing stop the special grass area will need to be cut once every three months in the summer period using a tractor mower, grass cuttings will need to be fully collected and removed from site.
- Either of these methods will ensure the SINC is maintained in good condition going forward.
- Will technically lead to a loss of around 500sqm or 1.3% of total of the designated SINC, although this has been the pub beer garden and children's play area for decades.
- The pub garden area is no longer even grassland as it now consists of Bramble, Hawthorn and Goat Willow scrub.

- This area and more will become back garden to the new dwellings so there will be net gain of landscape when the loss of existing tarmac surfacing and form public house buildings are taken into account.
- These extensive garden areas will offer a further landscape type and will increase the biodiversity on this part of the site.
- A condition of approval will be that the SINC land will be cleaned up with the encroaching weeds removed to allow quality grassland and wildflowers to regain control of the landscape and this would need to be maintained by re-introducing grazing horses.
- Current application would now include a replacement hedgerow to the rear of all the plots as well as filling a gap in the boundary between the two fields at the rear and further hedge planting to the front gardens of the site.
- Existing spoil heap is to be carefully removed from the SINC land and then the SINC semi-improved grassland will steadily re-establish itself.
- Approval would stop the steady destruction of the SINC landscape and ensure that it will be restored and enhanced into the future.

**It is noted that the Long Term Maintenance Requirements for the Three Crowns Pasture document has no details of the author or their qualifications or any actual trigger times within the document, limiting its weight in the overall planning assessment.*

Response to Council's 31 January 2019 Email

- The existing building has now been unoccupied for a number of years and is in a very poor state and it beyond economical repair and is not readily suitable for conversion as this is cost prohibitive.
- Proposals open up a vista into the SINC and the wider Green Belt through gaps between the proposed dwellings rather than a monolithic block of brickwork that the pub presents to the onlooker along with a huge expanse of tarmac which was the large former car park.
- Gaps between the properties are adequate in planning terms.
- Proposed houses have roof pitches which reflect the existing traditional properties and are thoroughly in keeping with all aspects of the built environment and surrounding area.
- Commercially properties must command a footprint that makes the scheme viable or the site will remain derelict and drift into further decline.
- Detached garage to plot one is an integral part of the viability argument and makes good use of land which is currently tarmac car park and no one would wish to purchase a property of this calibre without a garage.
- When the previous application was approved the Council confirmed that this site was an appropriate location for this type of aspirational dwelling.
- A further condition could be added requiring the existing stables buildings and existing field shelter to be restored to help facilitate grazing horses returning to the site.
- The main access to the SINC has always been via the existing gateway off Sutton Road.
- Prepared to install bat boxes and any other similar ecological requirement.
- 130m of mainly species poor quality hedgerow would be removed and 280m of species rich hedgerow would be planted in its place. Hedging is proposed with mature hedge plants, 1.2m-1.5m tall.

- Small number of trees adjacent to plot 7 are likely to be removed along with the hedge. Applicant happy to plant twice the number of trees and the same species to agreed locations.
- Total area less than was previously agreed by the Council only a few years ago.
- Reiterate special circumstances that apply:
 - Council have no powers to enforce SINC retention or ongoing maintenance
 - SINC is rapidly disappearing. Planning conditions would ensure that the existing encroaching weeds are removed and the special grassland reinstated and maintained saving the currently unprotected SINC.
 - Public house was sold with a covenant preventing alcohol being sold on the premises so can no longer be used as a licensed premises.
 - Council have previously granted two residential Consents.
 - Council were actively encouraging sites that could deliver aspirational housing.
 - Would be a good replacement for the redundant public house and car wash that have been operating from the site.
 - Site would be enhanced by the development and the wide gaps between the houses and will offer a view through to the Green Belt.
 - Deliver a quality development of sympathetically designed aspirational houses.
 - Would occupy the same developed site area as the previously approved application. If that was acceptable to the Council a few years ago then it should be acceptable now.
 - Council has recently granted consent on a former school site close to the application site. If residential development was acceptable there then it should also be acceptable on the Three Crowns PH site.

Application for Stopping Up and Diversion of Highways

Approximately 13m of the frontage from the carriageway to the public house is highways land. The applicant has included this land as part of the application and has submitted an application to the Department for Transport to stop up this part of the highway.

Other than a further 44m of replacement hedgerow the proposed layout remains as explained within the proposal section below.

Re-consultation has been undertaken and the previous report below has been updated. Comments are set out in *italics*.

Proposal

This application seeks planning permission for the demolition of the existing Three Crowns Public house and the erection of no. 7 five bedroom detached dwellings and a detached garage with games room at first floor to plot 1. The buildings would be set back from the road between 18m and 27m where the existing highway verge would be landscaped. There are two existing access points from Sutton Road that would be used as part of the development with properties set behind a proposed boundary hedge and individual gates to each plot.

These two storey houses would have hipped roofs with front gable ends, bay windows and decorative chimneys.

The application has been amended since its original submission reducing the height of the proposed houses by 800mm.

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

Design and Access Statement and Planning Statement

- Existing site area is 4.2 hectares with around 0.5 hectares developed as the Public House.
- The footprint of the existing building is 805sqm, with the area of hardstanding 3530sqm.
- Total footprint of previous approval 1,652sqm
- Total footprint of proposed 7 houses 1,648sqm
- Site has been vacant for 10 years, if way forward is not found it will steadily become derelict and a visual eyesore.
- Would ensure the car wash and unauthorised portacabin is removed.
- Would improve the Green Belt as it will replace over 4000sqm of developed land with 1,648sqm of buildings and extensive gardens.
- Gaps between new buildings will allow views through to the land beyond that is not currently available from the public domain
- The old Three Crowns Special School has been redeveloped with 7 new dwellings.
- Proposed aspirational dwellings would provide a high quality gateway development.
- Without being developed site is vulnerable to unauthorised encampments and vulnerable to arsonists.
- Proposed design is influenced by surrounding housing in Sutton Road, the footprints are larger but plots are generous with adequate private garden space.

Planning Statement

- Site closed in 2007
- Principle of residential use has been established by previous planning permissions, though they have not been implemented.
- The existing boundary to the public house will be moved to the north edge of the SINC.
- Design has been informed by the surroundings, with larger space between dwellings to maintain openness.
- The field to the north (designated SINC) is within the ownership of the applicant and will be subject to a management plan.
- Will decrease the amount of hardstanding at the site and have a net gain of green and permeable surfaces.
- A SINC management plan has been submitted
- There are existing public houses in the local context better related to the residential areas in which they serve; the Three Crowns has been closed since 2007 and no other operator has been attracted to it.
- Not inappropriate development in the Green Belt as it comprises the complete redevelopment of a previously developed site.
- The proposed development would be spread out across the site reducing the impact on the Green Belt. It would have a less concentrated bulk and mass than the current single larger building.
- Would have no impact upon the purposes of including land within the Green Belt than the existing.

- While not inappropriate development, the following in combination amount to very special circumstances:
 - Will provide 7 dwellings that contribute towards housing land supply
 - Will contribute towards the identified need for larger family homes in the Borough
 - Will contribute towards the three pillars of sustainable development
 - Will make efficient use of vacant land
 - Permanently discourage the misuse of the land or the risk of the building becoming derelict
 - Will ensure a good quality long term future of the land and reduce the need to develop on Greenfield sites.
 - Significant net biodiversity gains by improving the SINC

Ecological Appraisal Update (April 2010 and May 2018)

- 500sqm of the SINC will be taken up by the back gardens of some of the new dwellings. This is no longer grassland (the reason why it was designated), the creation of gardens around the new dwellings will more than compensate the loss of this land.
- The hedge along the eastern boundary is species rich, providing cover for nesting birds.
- The whole beer garden is now overgrown.
- The fields to the north had been used for grazing horses in the past and (as identified in a 2010 appraisal) included a sward of semi-improve nature, by 2018 the diversity of the sward had declined significantly.
- No evidence of bat activity within the roof void, no suitable crevices in which a bat could hide.
- Rear gable had been used as a breeding site by House Sparrows, but the site had long been abandoned by the birds.
- There was no signs of badgers, otters, water voles, reptiles or great crested newts
- 16 bird species were observed, but none nesting at the site.
- The loss of 130m of hedgerow will be mitigated by planting 180m of replacement hedgerow along the northern boundary.
- Several of the mature Ash Trees along the northern boundary of the larger field contains holes that are ideal for bats, if they are to be removed a detailed inspection for bats will be required.

Updated Bat Survey (August and September 2010 and June 2018)

- No evidence of bat occupation or activity.
- Low suitability of the building for roosting bats.
- No further surveys or mitigation required.

Arboricultural Report (June 2018)

- Nine B (moderate) category trees.
- Seven C (low) category trees.
- One tree in need of felling.
- Trees 2 (poor condition Hawthorn) and 3 (low category good condition Hawthorn) and hedge H1 (low category, good condition Hawthorn and Hazel) would need to be removed to accommodate plot 7.
- Tree Group G1 (moderate good condition Sycamore and Field Maple would need to be removed to accommodate plot 6.

- Trees 7 (low category, good condition Sycamore), 11 (moderate category, good condition Common Ash), 12 (moderate condition, good condition Silver Birch) and Tree Group G2 (moderate condition, good condition collection of Beech Trees) would need to be removed to accommodate plot 1, its garage and driveway.

Site and Surroundings

The Three Crowns is located on the north side of Sutton Road within the Green Belt and adjacent to the Great Barr Conservation Area. To the rear of the site is the Three Crowns Pasture Site of Importance for Nature Conservation Site of Importance for Nature Conservation ("SINC"). There are large car parking areas within the site, on both sides of the public house building, and a beer garden at the rear of the public house building (currently overgrown). There is a hedge along the rear boundary of the public house (beyond which are the open fields of the SINC), there is a hedge to the eastern boundary, a tall hedge along the front of the site and trees within the site. Also adjoining the north boundary is Cuckoos Nook and The Dingle nature reserve. Hay Head Quarry Site of Special Scientific Importance (SSSI) is to the northwest, with a small part of the SSSI adjoining the western part of the application site. Public footpath WAL98 runs between the SSSI and the application site. There is a significant levels difference between the car park on the west side of the building and the remainder of the site.

The application site is 0.97 hectares. The proposed development would have a density of 7.2 dwellings per hectare (dph) with the prevailing character of the northern side of Sutton Road having a density of 12.6dph.

Relevant Planning History

07/0290/FL/E6 – Change of use and minor extensions to form 12 apartments – refused April 2007 due to (1) lack of a bat survey and (2) lack of provision for education/urban open space

07/2167/FL/E6 – Change of use and minor extensions to form 12 apartments – granted subject to conditions June 2008

09/1329/FL - Conversion of Three Crowns public house into a dwelling & construction of 4 no. detached dwellings – Refused December 2010 for two reasons broadly relating to *(1) inappropriate development in the Green Belt by virtue of the additional footprint and increased height and mass of the new houses which reduces the openness of the site, loss of trees and hedgerows and encroachment of gardens onto pasture land adversely affecting the character of the Green Belt. There is a lack of evidence to demonstrate very special circumstances sufficient to outweigh the harm to the Green Belt and*

(2) failure to demonstrate reasons of overriding regional significance of the Site of Importance for Nature Conservation sufficient to outweigh the significance in favour of development, encroachment of development onto the SINC destruction of important grassland habitats, loss of tree and hedgerows in the site that have wildlife and visual benefits and lack of a bat emergence survey to demonstrate protected species will not be harmed.

11/0675/FL - Conversion of Three Crowns public house into a dwelling & construction of 3 no. detached dwellings. GSC 7/11/11.

The committee minutes explains that the application was granted on the grounds that *the development will bring back into use both an iconic building and redundant land through the delivery of aspirational housing which will maintain open views across the countryside.*

Car Wash

11/1592/FL – Retention of car wash for 1 year temporary period .GSC 27/7/12.

14/0330/FL - Retention of car wash for 3 years temporary permission. GSC 19/5/14

15/1603 - Retention of car wash for 1 year temporary permission. GSC 22/12/15.

16/1925 – Retention of car wash for 2 years temporary permission. Refused 12/5/17.

Appeal dismissed on 5/1/18 on the grounds of harmful implications for the Green Belt in terms of inappropriate development and the erosion of the openness of the Green Belt. Very special circumstances do not exist.

E17/0135 – Enforcement notice issued on 2/10/17 because the landowner had carried out the following works without the benefit of planning approval:

- Use of part of the site for a hand car wash, associated storage and used of the site for the siting of a caravan as living accommodation.
- Removal of significant section of mature hedge to the boundary with the SINC.
- Stripping of soil and vegetation within the SINC; stripping of tarmac and sub base from the public house car park; excavation works and depositing of spoil onto the SINC.

An appeal was lodged and on 26/2/19 was dismissed and the enforcement notice varied requiring:

- Cease the use of the land for a hand car wash, remove all associated car wash equipment.
- Cease to use the site for the siting of a residential caravan and remove the caravan and all associated paraphernalia.
- Back fill excavations
- Remove all deposited spoil and rubble from the SINC and reinstate the levels of the SINC
- Replant the hedgerow

The above works are required to be undertaken by 27/5/19 to overcome the harm identified.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Reducing Inequalities

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

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

- sex
- sexual orientation

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

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM5: Resource Management and New Development

Saved Unitary Development Plan

- GP2: Environmental Protection
- 3.6 and 3.7: Environmental Improvement
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T7 - Car Parking
- T8 – Walking
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- LC8: Local Community Facilities

Site Allocations Document

- HC2 – Development of Other Land for Housing
- GB1 – Green Belt Boundary and Control of Development in the Green Belt
- EN1 – Natural Environmental Protection, Management and Enhancement
- EN3 – Flood Risk
- EN5 – Development in Conservation Areas

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment

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

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

Planning Policy – intensification of development is likely to impact on the openness of the Green Belt.

Highways – no objection to the houses or field access subject to the use of recommended conditions in regard to revised plan extending the footpath, provision of visibility splay, , construction methodology statement, surfacing and drainage. A Highway Stopping up Order will be required before works can commence.

Conservation Officer – building should be considered a heritage asset, consideration should be given to adding the building to Walsall's local list, the construction of the proposed number of houses and garages in this location is likely to harm the setting of the Conservation Area.

Ecology Officer – not possible to fully assess the impact of the proposed development on the SINCE as no mitigation strategy or monitoring has been provided, the hedgerows have not been assessed under the Hedgerow Regulations 1997, no lighting strategy has been provided and it has not been demonstrated that there would be net gains for biodiversity.

Tree Officer – objects to unacceptable loss of existing trees and hedgerows.

Pollution Control – no objection subject use of recommended conditions in regard to ground contamination, demolition and construction working plan, acoustic glazing and ventilation, electric vehicle charging points and low NOx boilers.

Natural England – no objection. Considers will not have significant adverse impacts on designated sites (the Sutton Park and Hay Head Quarry Site of Special Scientific Interest).

CAMRA – objects. The Three Crowns is historically important to the brewing history of the borough, a landmark entrance to the town from the east. An outstanding building in a town which possesses few buildings of architectural merit.

Walsall Civic Society – objects. No justification for development in the Green Belt. Deterioration of the building has been as a result of a lack of maintenance. Previous approval was justified on grounds of retaining the building.

Police Crime Prevention Officer – no objection subject to the use of recommended security measures to doors and windows, boundary treatment, intruder alarm and landscaping.

Community Safety – as the properties are isolated, Secured by Design standards should be applied.

Severn Trent Water – no objection subject to use of recommended drainage condition.

Fire Services – nearest fire hydrant is in excess of 90m away, suitable water supplied should be provided.

Representations

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

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

- Three Crowns is an iconic building of which Walsall has few.
- Three Crowns building should remain and be converted into a single house or flats.
- How can you build 7 dwellings when there is a Grade II Listed Building (*the building is not listed*).
- Why has the car wash not been moved off site (*this is subject to the current Enforcement Notice appeal*).
- Walsall must not lose any more landmark buildings.
- Owner has no intention to carry out further development on the site (*no evidence that development would not take place should planning approval be given*)
- Object to the public right of way being interfered with (*the PROW would not be affected*).
- Nothing additional to the 2011 consent should be granted.
- This is development in the Green Belt.
- Impacts on the adjoining SSSI (*adjoining site is a SINC not SSSI*).
- Outstanding example of a thirties roadhouse and is of historical and social importance.
- No reason why cannot create several homes within the existing structure.
- Would comprise a greater volume and would be spread over a much larger area than the existing public house.
- Failed to justify loss of public house, not gone to any efforts to market the site.

- Has enough space for conversion of four homes.
- Land could be cultivated for locals who want to rent allotments (*application must be considered on the basis of what is being proposed, allotments are not included*).

Four letters have been received, supporting the application for the following reasons:

- If property left for too long it will become a worse state to what it is now and dangerous.
- Fed up with the derelict building and mess of the car wash.
- Must be some kind of time scale to when building starts.
- As existing deteriorates, proposed development may be best we can hope for.
- Important that nature reserves are protected.
- No reference to Public Footpath, will it disappear (*Public Footpath is outside of the application boundary and would not be affected*).
- Have been walking the grass verge in front of the site since 1992.
- Time that the public house be demolished and that there should be a continuation of linear residential development on brownfield land.

Following re-consultation on amended plans and additional information in regard to the management of the SINC and the applicant's response to the Council's previous report (expired 12/3/19):

Six letters have been received objecting to the application and raising the following additional reasons:

- *No reason why the pasture at the rear cannot continue or be reinstated.*
- *Conversion of the building would not affect any form of management of the pasture land.*
- *References the applicant's ownership of other land and buildings in the borough and their condition (not a material planning consideration).*
- *References articles in the local newspaper (not a material planning consideration).*
- *Encroachment into the SINC.*
- *Breach of the Walsall Site Allocation Document and policy CSP2.*
- *Council should remove the illegal car wash (this is subject to the requirements of the enforcement notice as set out above).*
- *No very special circumstances have been demonstrated.*
- *Would represent the first stage in the dilution of green belt principles (each application is considered on its planning merits).*

Two neighbours confirm support of the application:

- *Why can't the building be brought forward a few yards to reduce intrusion (each application is considered based on the details submitted), otherwise would improve existing deterioration of site area.*

**Due to a further amendment extending the redline boundary to include the proposed field access was submitted on the 8/3/19, 21 day re-consultation has been undertaken expiring on the 29/3/19.*

Determining Issues

- Loss of non-designated heritage asset

- Whether the development is appropriate development in the Green Belt
- Very special circumstances
- Ecology
- Loss of community facility
- Impact on the character and appearance of the area
- Layout and design
- Access and Parking
- Local Finance Considerations

Assessment of the Proposal

Loss of non-designated heritage asset

This is a non-designated heritage asset building located 68m to the north of Great Barr Conservation Area. This 1930s building built in the Jacobethan style with three Dutch-gables on the main front elevation (the centre gable includes three decorative crowns) and three tall chimney stacks on the roof. The building is a non-designated heritage asset building with a connection to the local community and with local historical interest. 1930's public houses of this type are a fast-disappearing building type. The Three Crowns has a distinctive architectural style and despite various later additions in the form of additional wings at the back of the building it retains much of its original built fabric. The application proposes the complete demolition of the building.

The Conservation Officer advises that it should be considered as a heritage asset for the assessment and application of policy purposes. The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Conservation Officer explains that due to the architectural interest and quality of the building, it should be added to Walsall's local list with a view to preserving the building as a heritage asset.

Great Barr Conservation Area is 68m to the south of the application site. The NPPF explains that in regard to the setting of a heritage asset its extent is not fixed and may change as the asset and its surroundings evolve. SAD policy EN5 explains developments should preserve or enhance the character and appearance of the Conservation Area. The Conservation Officer considers the construction of seven houses and garages in this location is likely to harm the setting of the Conservation Area.

The NPPF explains that LPAs should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies. In previously granting planning permission for the conversion of the public house plus 3 new-build houses, Planning Committee gave substantial weight to *"bringing back into use...an iconic building"*. Its demolition would be contrary to the Planning Committee's previous justification. Should the Planning Committee be minded to approve the current planning proposal, they would have to justify the inconsistency of decision-making taking into account the LPA is of the view, the building has not deteriorated substantively to justify its loss.

Clarification has been sought from the applicant why the building cannot be retained and brought back into use. *The applicant explains that the existing building has now been unoccupied for a number of years and is in a very poor state and it beyond economical repair. A copy of any documents that support this statement has been requested from the applicant, although nothing has been provided. Consequently, this can only have limited weight in the planning assessment.*

The NPPF explains that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The application has failed to demonstrate that the building cannot be retained and therefore the proposed demolition of this heritage asset is considered to be an unsustainable form of development that would cause harm to the cultural and historical value of the area.

Whether the development is appropriate development in the Green Belt

The application site is part of the West Midlands Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness is commonly taken to mean the absence of built or otherwise urbanising development. However, the Green Belt serves five purposes; a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF explains that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state that the construction of new buildings is inappropriate development in the Green Belt. There are some exceptions to this presumption, with two relevant to this application:

‘The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces’.

The proposal does not meet this exception. The replacement of a vacant public house with seven dwelling-house houses is not a single building, does not retain the same use, and as evidenced in Table 1 is larger than the one it replaces.

‘Complete redevelopment of previously developed land which would not have a greater impact on the openness than the existing development’

The application site falls within the NPPF’s definition of previously developed land. Table 1 shows that the building(s) footprint would increase by 116%, the built volume increased by 193%, there would be more buildings, taller buildings with a greater dispersal of built form across the site. As a matter of fact and degree due to the amount of proposed development it would be materially larger than the existing built form at the site and by definition this would have a greater impact on the openness of the Green Belt than the existing development.

	Current building	Current planning application to demolish existing building and build 7 new houses
Footprint	770sqm	1666sqm
Volume	4656.8 m ³	13,678.2m ³
Ridge height	9.5m	10.5m
Eaves height	3.7m	6m
Amount of buildings	1	8
Gaps between	Between 40m and 85m	Between 4.5m and 6m
Development density	N/A	7.2 dwellings per hectare
Percentage of built form across the plot width	28%	60%

Table 1 – Difference between existing and proposed

Therefore the proposal does not meet the exceptions test of the NPPF and would be inappropriate development in the Green Belt.

‘Very Special Circumstances’ (updated to include the applicant’s further comments)

The applicant has suggested very special circumstances, to outweigh the harm the development would have on the Green Belt and any other harm, are considered below:

- ‘Will provide 7 dwellings that contribute towards housing land supply’

Sufficient housing land supply has been identified within the recently adopted Site Allocations Document (SAD). Walsall has in excess of a 5-year housing supply. There is no requirement or justification to release Green Belt land for housing.

- ‘Will contribute towards the identified need for larger family homes in the Borough’

This is provided for within sustainable sites within the SAD which contributes towards housing land supply.

- ‘Will contribute towards the three pillars of sustainable development’

Although there is a presumption in favour of development, it is a presumption in favour of sustainable development. NPPF paragraph 11 decision making states;

‘i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed’; or

‘ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In addition, NPPF footnote 6 continues to explain; The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change’. Based on

NPPF it is considered there is no requirement to release this Green Belt land for housing and that development in the Green Belt should be restricted.

- 'Will make efficient use of vacant land'

The proposal seeks to demolish an existing building rather than converting it which cannot be considered efficient. *The applicant states the building is not readily suitable for conversion as this is cost prohibitive, but provides no evidence in support of this statement.* It also proposes built form significantly larger than that it replaces, which in Green Belt terms is not an efficient use of land. SAD policy GB1 explains conversion of redundant buildings in the Green Belt will be preferred.

- 'Permanently discourage the misuse of the land or the risk of the building becoming derelict'

This would be addressed by bringing the existing building back into use. In dismissing the planning appeal against the Council's refusal of the car wash the Inspector considered misuse of the land. The Inspector considered little quantified detail on either instances or risk of vandalism at the site and along with the availability of alternative means with which to secure the site, gave this consideration limited weight. Should planning permission be approved, then to address the applicant's concerns in regard to misuse use of the land and to bring forward a timely development, the terms of the planning permission should be for a 2 year period rather than the standard 3 years. *In addition, it has been suggested that when the car wash moves off site and if the Council does not give planning approval for the housing scheme, the building may become a target for arson. Whilst this is noted, it is the responsibility of the landowner to ensure the building is suitably protected against unauthorised access that may make the building a target for arson.*

- 'Will ensure a good quality long term future of the land and reduce the need to develop on Greenfield sites'.

This is a Green Belt site, the proposed development for this scale of dwellings would discourage the recycling of derelict and other urban land in the borough.

- 'Significant net biodiversity gains by improving the SINC'

The deterioration of the SINC is only as a result of lack of management in recent years which has led to its decline. The current proposal lacks the submission of a *detailed* SINC management plan *by a qualified ecologist.*

- *Council have no powers to enforce SINC retention or ongoing maintenance. Planning conditions would ensure that the existing encroaching weeds are removed and the special grassland reinstated and maintained saving the currently unprotected SINC. Planning legislation controls land use. The SINC designation is subject to specific planning policy designation and therefore any changes of use to the land can be controlled. Day-to-day management is not controlled by planning policies and as demonstrated by the applicants supporting ecological report the lack of management by the landowner has led to its decline. Planning conditions would not be suitable to protect the SINC, this would need to be through a detailed management plan from a qualified ecologist secured via a S106 agreement..*

The applicant's lack of SINC management has led to its decline. The offer to now manage this land does not form a very special circumstance to mitigate the overall impacts of the development.

- 'Covenant prohibits alcohol being sold on the premises so cannot be used as a licensed premises'

The covenant does not prevent the retention and reuse of the building.

- "Would be a good replacement for the redundant public house and the car wash currently operating from the site'.

The car wash is unauthorised and subject to an Enforcement Notice *requiring cessation of use by 27/5/19*. No evidence has been provided why the public house *building* cannot be retained as part of a redevelopment scheme as it has previously been promoted for the conversion and reuse as residential.

- 'Site would be enhanced by the development and the wide gaps between the houses will offer a view through to the Greenbelt'

The development by virtue of the amount of proposed buildings and dispersal across the site would impact upon the openness of the Green Belt. There would be less views through the site to the land to the rear than that which currently exists and smaller gaps between the proposed buildings especially when Planning Committee has previously given weight to maintaining open views across the countryside.

- 'Council has recently granted consent on a former school site close to the application site. If residential development was acceptable there then it should also be acceptable on the Three Crowns PH site'.

The planning committee report for the 7 new dwellings at Three Crowns Special School makes it clear that the proposal had a smaller footprint and volume compared to the existing school buildings to ensure it caused no further harm to the openness of the Green Belt.

- 'Deliver a quality development of sympathetically designed aspirational houses. Aspirational housing would not on their own amount to very special circumstances sufficient to outweigh the harm'.

- 'Council have previously granted two residential consents for the site and all parties agree that a residential use on the site would be an appropriate use and in this location. Would occupy the same developed site area as the previously approved application. If that was acceptable to the Council a few years ago then it should be acceptable now'.

In 2008 the Council approved the change of use of the existing public house building to residential. This conversion of the existing and would not have caused any further harm to the openness of the Green Belt.

In 2010 planning permission was refused for the conversion of the Public House into a dwelling and the construction of four detached dwellings on the grounds of being inappropriate development to which no very special circumstances sufficient to outweigh the harm had been provided.

In 2011, contrary to the recommendation, planning committee resolved to grant planning permission for the conversion of the Public House and the construction of three detached dwellings. The planning committee minutes explain, the application was granted on the grounds that 'the development will bring back into use both an iconic building and

redundant land through the delivery of aspirational housing which will maintain open views across the countryside'. This planning approval expired before lawful implementation. National Planning Policy has been revised since that decision, with PPG2 (Green Belts) being replaced by the NPPF and the requirements as set out within this report.

	Current building	Expired planning permission for conversion of public house and construction of 3 houses – 11/0675/FL	Current planning application to demolish existing building and build 7 new houses
Footprint	770sqm	1692sqm including retained public house building. (3 houses = 922sqm)	1666sqm
Volume*	4656.8 m ³	12,705.4 m ³	13,678.2m ³
Ridge height	9.5m	12.2m	10.5m
Eaves height	3.7m	6.8m	6m
Amount of buildings	1	4	8
Gaps between	Between 40m and 85m	Between 7m and 12m	Between 4.5m and 6m
Development density	N/A	4.1 dwelling per hectare	7.2 dwellings per hectare
Percentage of built form across the plot width	28%	51%	60%
Public House retention	Yes	Yes	No

*Above ground calculations

Table 2 – Key development figures

Table 2 sets out a comparison between the current site, the expired 2011 application and the proposed seven houses in place of the existing non-designated heritage asset. *To clarify, the 2011 planning permission while retaining the existing building the three additional houses and extension to the public house would have resulted in an increased footprint on the site of 922sqm and an increased volume of 8,049 cubic metres.*

The current application has a larger volume, a greater amount of buildings, greater dispersal across the site with smaller gaps between buildings *and* seeks to demolish the existing non-designated heritage asset. As explained, planning committee previously accepted very special circumstances on the grounds of “bringing back into use both an iconic building and redundant land ...which will maintain open views across the countryside.” Neither of those very special circumstances are presented as part of the current planning application.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. In regard to the five purposes of the Green Belt, while the proposal

meets two of them (prevent neighbouring towns merging and preserve the setting of historic towns), it is contrary to three purposes. Given the amount of buildings proposed the development would be viewed as a natural extension to the ribbon development of Sutton Road and appears as further sprawl of the built up area. As discussed below, the proposed development boundaries exceed the boundaries of the previously developed land by extending into the countryside; contrary to one of the purposes. The final purpose of the Green Belt is to assist in urban regeneration by encouraging the recycling of derelict and other urban land, seven houses in the Green Belt discourages the development of existing other more sustainable sites.

The refused planning application appeal for the retention of the car wash and static caravan was dismissed on the grounds of harmful implications for the Green Belt in terms of inappropriate development and the erosion of the openness of the Green Belt.

The applicant explains commercially the properties must command a footprint that makes the scheme viable or the site will remain derelict and drift into further decline and the detached garage to plot one is an integral part of the viability argument and makes good use of land which is currently tarmac car park and no one would wish to purchase a property of this calibre without a garage. These statements have not been supported by any viability evidence, so can only have limited weight in the planning assessment.

For the above reasons the proposal is inappropriate development in the Green Belt for which no very special circumstances, sufficient to outweigh the harm to the character, openness and purpose of the Green Belt, and any other harm, have been demonstrated. The proposal would have an urbanising effect by creating urban sprawl on this part of the countryside, which would be contrary to the purpose and character of the Green Belt. Furthermore it would conflict with urban regeneration by developing a Greenfield site rather than recycling previously developed land.

Should Committee be minded to approve the development, due to the amount of floor-space to be created in the Green Belt it would need to be referred to the Secretary of State to consider call in of the application to make the final decision.

Ecology

An Ecological Appraisal Update has been submitted updating a 2010 report and an updated Bat Survey has also been provided in support of the application. At the time the application was submitted *a request to the applicant (10/5/18) for a SINC management plan was made and further requests have also been made during correspondence with the agent (17/7/18, 2/8/18 and 18/9/18). A document titled Long Term Maintenance Requirements for the Three Crowns Pasture was submitted on the 21/2//19 explaining the site would be grazed by horses or cut once every three months in the summer period using a tractors mower. the document does not t provide timings for the SINC restoration, how long is required for the SINC restoration to be established before its on-going maintenance by either horse grazing or mowing.*

The proposed development extends outside of the existing public house curtilage with the gardens to plots 1, 2, 3, 4, 6 and 7 encroaching into the countryside and onto the Three Crowns Site of Importance for Nature Conservation (SINC) at the rear. This would result in destruction of 426sqm of important grassland habitats and removal of a significant hedgerow to the northern boundary. Reduction of this SINC boundary should not be

determined through this planning application, given the Council's specialist Ecologist has confirmed it is still of value and currently dormant due to lack of management by the land owner. Any changes to land use designation should be through the development plan review, tested against the original criteria for designating the SINC.

The NPPF explains that if significant harm to biodiversity resulting from a development cannot be avoided then planning permission should be refused. BCCS Policy ENV1 explains development that harms a SINC will not be permitted. It goes on to say that adequate information must be submitted with an application that may affect such a site to ensure impacts can be fully assessed, without this there will be a presumption against granting permission. Where, exceptionally, the strategic benefits of a development clearly outweigh the importance of a local nature conservation site, loss of area and damage must be mitigated. A mitigation strategy must accompany relevant planning applications. Should a planning application be supported then a mitigation strategy, its implementation and monitoring would need to be secured in perpetuity through a S106 agreement.

The submitted Ecological Appraisal considers the area of SINC to the north, had been used for grazing horses in the past and identified in a 2010 appraisal to include a sward of semi-improved grassland had by 2018 declined significantly. It explains that the former beer garden (this is outside of the SINC boundary) is also overgrown. The report considers that the area of SINC to be taken up by the back gardens of some of the new dwellings is no longer grassland and its loss will be compensated for by the creation of gardens around the new dwellings. Replacement of part of SINC with domestic gardens cannot be considered as appropriate compensation for the loss of part of the SINC.

The Council's Ecologist considers that the ecological value of the site has not been lost, rather it is dormant and botanical diversity could be restored through appropriate future management.

While the long term maintenance report explains the SINC would be cleaned up with encroaching weeds removed, it provides no technical details in regard to how or when. It explains that following weed removal quality grassland and wildflowers will regain control. The report offers no explanation how the grassland would be supported, e.g. a scheme of seeding, how this would be monitored to ensure establishment and what would happen if this does not establish. No time periods for the restoration to be established or initial cutting have been explained. For wildflower traditional tractor mowing would need to be adapted. It is not clear if horses would graze straight away, or allow for grassland establishment. The SINC maintenance document has only limited weight in the planning assessment.

Currently, the SINC is accessible by a gate within the corner of the eastern car park where grazing animals could gain access to support the recovery and restoration of this ecologically valuable land.

The applicant explains the pasture will be accessed via an existing access off Sutton Road with a right of access that has been used regularly for at least 60 years to service the pasture. It is acknowledged that this part of the proposal would provide an arrangement where the SINC would have ongoing access. If members sought to approve this arrangement a Grampian condition requiring the provision of the access prior to

commencement of development would be required. It would also need to be included in a S106 to be tied to the on-going SINC maintenance.

The applicants report explains that approximately 130m of hedgerow to the northern boundary shared with the SINC would be removed to accommodate the proposal and this would be mitigated for with planting of a new 280m of hedgerow. It is considered that the retention of the existing hedgerow between the site and the SINC provides an important contribution to local ecology. In addition the Council's Ecologist explains that the report fails to assess the quality of the Hedgerow and whether this qualifies as important under the Hedgerow Regulations (1997).

The Ecological Appraisal confirms the hedge along the eastern boundary is species rich, providing cover for nesting birds. The Arboricultural Report explains this hedge would also need to be removed to accommodate plot 7. The application makes no provision of mitigation measures in either ecological or visual amenity terms for the loss of this hedge. Again, the retention of the hedgerow is considered to provide an important contribution to local ecology. *The applicant has still not provided an assessment for this hedgerow that would be lost as part of the proposed field access.*

The applicants report explains there were no signs of badgers, otters, water voles, reptiles or great crested newts. A separate bat survey has been provided that identifies no evidence of bat occupation or activity and the existing building has a low suitability for roosting bats. Both the 2010 and 2018 report noted bat flight paths to the northern and western boundaries. A lighting strategy would be necessary to ensure no future adverse impacts on local ecology including bats. Cuckoos Nook and The Dingle nature reserve also adjoin the northern boundary of the application site. While the proposal does not physically encroach into this area artificial light from Plot 1 has the potential to cause harm to local ecology. This would need to be mitigated against through a lighting strategy prior to determination.

The application has failed to demonstrate that the loss of biodiversity cannot be avoided. The development of 7 houses in this location is considered to not be of strategic benefit to outweigh the importance of the SINC in the knowledge that current site continues to have ecological value. In addition the absence of a mitigation strategy means that the development does not meet the requirements of the NPPF or BCCS policy ENV1. The application *continues to fail* to demonstrate that it provides net gains for biodiversity.

Loss of community facility

It is understood that the public house closed in 2007. Since then the Council has accepted the loss of this community facility through previous planning permissions. In addition there are four public houses within a two-kilometre radius of the application site, including The Longhorn, King Arthur, Whitehouse and The Dilke. There are also a range of other services and facilities within easy walking distance of the application site including, St Martin's Church, Co-op Local Store, Cuckoo's Nook and the Dingle Local Nature reserve, a play area at Wood End Road, garden centre, furniture store and Park Hall Infants and Junior Schools. The loss of the Public House can be supported in accordance with the tests of saved UDP policy LC8 as there are other existing community facilities in a convenient location.

Impact on the character and appearance of the area

The NPPF says that developments should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the built environment. Permission should be refused for development of poor design that fails to take the opportunities available to preserve or enhance the character of the area. BCCS Policies CPS4, HOU2, ENV2, ENV3; SAD Policy HC2; saved UDP policies GP2, 3.6 and ENV32 and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements.

The proposals would create a ribbon of housing development that extends beyond the edge of the urban area with buildings that are taller than the existing Public House. This inevitably affects the character and openness of the area. This coupled with the loss of existing hedgerows and extension of the residential gardens into the SINC would further affect the wider character. Although the developer has sought to create a design that reflect the style of housing in the area whilst seeking to maintain the hedge along Sutton Road frontage to screen the new houses this does not outweigh the harm that inappropriate development has upon the character and openness of the Green Belt.

The Tree Officer objects to the application considering the application is insensitive to the existing vegetation on site and several moderate quality trees and large sections of established mixed species hedgerows would need to be removed to accommodate the proposed site layout. Saved UDP policy ENV18 explains that development will not be permitted if it would damage or destroy trees or hedgerows of significant landscape, ecological or historical values unless the removal is in the interests of good arboricultural practice or the desirability of the development significantly outweighs the ecological or amenity value of the trees or hedgerow. The Tree Officer explains that the trees and hedgerows are visually prominent and their loss would have a detrimental impact on the landscape character of the area. *Whilst the applicant has confirmed they are happy to plant twice the number of trees and the same species to agreed locations, no details have been provided that demonstrate this can be achieved in the space available without further encroachment on to the SINC. Given no tree replanting details or details of the size of the proposed trees have been submitted it is difficult to assess what the immediate visual impact would be to mitigate the harm for the loss of the existing trees and the hedgerows. Consequently, this can only have very limited weight in the planning assessment.* The desirability of the development for the reasons previously discussed does not significantly outweigh this impact as per the requirements of saved UDP policy ENV18.

Layout and design

Notwithstanding the principle objection to the loss of the existing building, impact on the Green Belt and SINC the layout and design of the proposed housing is considered acceptable.

The buildings provide sufficient amenity space to meet the needs of future occupiers, albeit at the loss of part of the SINC. The layout design limits impact of overlooking or shadowing between the proposed properties. For existing neighbouring properties the proposal would not result in a loss of amenity.

In architectural terms, with the exception to the harm to the Green Belt, from the buildings scale, height, depth and closeness to each other, the appearance of the buildings frontages are considered acceptable.

Due to the isolated nature of the development the Police and Community Safety recommend the use of Secured by Design security measures which could form part of a necessary condition as part of any approval.

Severn Trent Water raise no objection to the application subject to full drainage details which could form part of a necessary condition as part of any approval. The Fire Services do not object to the application but as the nearest fire hydrant is in excess of 90m away, suitable water supplied should be provided and could be conditioned as part of any approval.

Due to the historic use of the car parking areas a ground contamination report and any necessary mitigation measures will be required prior to implementing any redevelopment. This could form part of a necessary condition as part of any approval. To ensure facades facing Sutton Road are protected from road traffic noise, conditions regarding acoustic glazing and ventilation will be required. To safeguard the local environment and the amenity of local residents a demolition and construction management plan would be required and can be secured by condition as part of any approval.

In accordance with the adopted Air Quality SPD air quality impacts can be mitigated against by use of low NOx boilers and electric vehicle charging points, which could form part of a necessary condition as part of any approval.

Access and Parking

The proposal utilises the existing accesses off Sutton Road. In terms of traffic generation the proposed development will result in significantly less trips than when the site was used as a public house. Use of these existing accesses is therefore acceptable providing adequate visibility is maintained.

Each house is provided with a minimum of three parking spaces, which meet the requirements of saved UDP policy T13. Some plots provide up to seven parking spaces within the garages and drives. As the proposed dwellings have a greater number of bedrooms (five) and are presented as aspirational dwellings it is considered that this level of additional parking is acceptable.

The existing footpath along this side of Sutton Road ends at the first access point which would serve plots 1-3. Highways consider it is necessary to provide pavement between the first and second access point to ensure the other plots have direct access to a public footpath. This can be secured by pre commencement planning condition as part of any approval. A construction methodology statement, surfacing, drainage and arrangements for landscaping/maintenance for the highway verge are necessary and can also be secured by a planning condition of any approval. Full engineering details would fall within the requirements of separate Highways legislation and cannot be requested as a condition.

Highways confirm that the verge to the front has been maintained by the Council for a period likely to be in excess of 20 years and likewise the public will have access to the full extent of the verge over at least the same period and it is likely highway rights have accrued and will need to be stopped up. *Whilst not material to the planning decision, the applicant has submitted a Stopping up Order which the Highway Authority have no objections to in principle providing, as explained above, subject to a pavement being provided. In addition, the applicant will also need to demonstrate they would maintain the stopped up land and purchase the land from the Council.*

Highways have been re-consulted in regard to the proposed field access and raise no objection.

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 7 new homes.

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

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

Conclusions and Reasons for Decision

In weighing the key material considerations and consultee responses against the national and local planning policies and guidance, it is considered that the proposed demolition of this undesignated heritage asset has not been justified and the proposed development would adversely impact upon the setting of the Great Barr Conservation Area.

By virtue of the increased footprint and volume over and above the existing building the proposal is inappropriate development in the Green Belt for which no very special circumstances, sufficient to outweigh the harm to the character, openness and purpose of the Green Belt have been demonstrated. The proposal would have an urbanising effect by creating urban sprawl on this part of the countryside which would be contrary to the purpose and character of the Green Belt. Furthermore it would conflict with urban regeneration by developing a Greenfield site rather than recycling previously developed land. The loss of trees and hedgerows and encroachment of gardens onto the pasture land also alters the appearance of the site and adversely affects the character of the Green Belt.

The development would result in the loss of *part* the Three Crowns Site of Importance for Nature Conservation. There are no strategic benefits to the development that clearly outweigh the importance of protecting this nature conservation site and no *sufficient*

mitigation strategy has been provided to compensate for the loss of this area and demonstrating how the rest of the SINC would be *appropriately* managed. The development would also result in the loss of visually prominent trees and hedgerows that would have a negative impact in both visual amenity and ecological terms. The application would cause significant harm to biodiversity and fails to demonstrate that it provides net gains for biodiversity.

Taking into account the above factors it is considered that the application should be recommended for refusal. The development is considered to be contrary to the aims and objectives of the National Planning Policy Framework, policies CSP2 and ENV1 and ENV2 of the Black Country Core Strategy; policies GB1, ENV1 and EN5 of the Walsall Site Allocation Document.

Positive and Proactive Working with the Applicant

The principle concerns of the proposal have shared with the applicant's agent and suggestions made regarding to an alternative design that may be more suitable. The agent has provided some further supporting information in response to the previous report but as discussed above officers are of the view that the development is contrary to the provisions of the development plan.

Recommendation

Delegate to the Head of Planning, Engineering and Transportation to refuse planning permission providing no new material planning considerations are raised pending conclusion of current consultation period and ownership notice period

Reasons for Refusal

1. The demolition of this non-designated heritage asset has not been justified and its loss would cause harm to the cultural and historical value of the area. The erection of seven detached houses and garage due to their scale would adversely impact upon the setting of the Great Barr Conservation Area and would be detrimental to the overall amenity, aesthetic and landscape character of the area. Accordingly the proposal is contrary to the aims and objectives of the National Planning Policy Framework, Black Country Core Strategy policy ENV2, Walsall Site Allocation Document policy EN5 and saved Walsall Unitary Development Plan policy ENV32.
2. By virtue of the increased footprint and volume over and above the existing building the proposal is inappropriate development in the Green Belt for which no very special circumstances, sufficient to outweigh the harm to the character, openness and purpose of the Green Belt, and any other harm, have not been demonstrated. The proposal would have an urbanising effect by creating urban sprawl on this part of the countryside which would be contrary to the purpose and character of the Green Belt. Furthermore it would conflict with urban regeneration by developing a Greenfield site rather than recycling previously developed land. The loss of trees and hedgerows and encroachment of gardens onto the pasture land also alters the appearance of the site and adversely affects the character of the Green Belt that would be detrimental to the overall amenity, aesthetic and landscape character of the area. Accordingly the proposal is contrary to the aims and objectives of the National Planning Policy

Framework, Black Country Core Strategy policy CSP2, Walsall Site Allocation Document policy GB1, and saved Walsall Unitary Development Plan policy 3.3.

3. The development would result in the loss of part of the Three Crowns Site of Importance for Nature Conservation. The application has failed to demonstrate that the loss of biodiversity cannot be avoided. There are no strategic benefits to the development that clearly outweigh the importance of protecting this nature conservation site and no *sufficient* mitigation strategy has been provided to compensate for the loss of this area or demonstrating how the rest of the SINC would be *appropriately* managed in the future. The development would cause significant harm to biodiversity and fails to demonstrate that it provides net gains for biodiversity that would be detrimental to the overall amenity, aesthetic and landscape character of the area. Accordingly the proposal is contrary to aims and objectives of the National Planning Policy Framework, Black Country Core Strategy policy ENV1, Walsall Site Allocation Document policy EN1, and saved Walsall Unitary Development Plan policies ENV18 and ENV23 plus Supplementary Planning Document Conserving Walsall's Natural Environment policies NE7 and NE8.
4. The development would result in the loss of visually prominent trees and hedgerows that would be detrimental to the overall amenity, aesthetic and landscape character of the area. Accordingly the proposal is contrary to the aims and objectives of the National Planning Policy Framework, Black Country Core Strategy policy ENV3, saved Walsall Unitary Development Plan policies GP2, ENV18, ENV23 and ENV32 plus Supplementary Planning Document Conserving Walsall's Natural Environment policies NE7 and NE8.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 21-Mar-2019

Plans List Item Number: 6.

Reason for bringing to committee: Call in by Councillor Russell

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

Proposal: TWO STOREY SIDE AND REAR EXTENSION, REPLACEMENT ROOF RAISED BY 0.23 METRES INCLUDING THE ADDITION OF REAR DORMERS, PLUS TWO STOREY FRONT GABLE ADDITION, SINGLE STOREY REAR EXTENSION AND GARDEN STRUCTURE.

Application Number: 18/1348

Applicant: Faisal Razaq

Agent: PAUL CLIFTON ASSOCIATES

Application Type: Full Application:
Householder

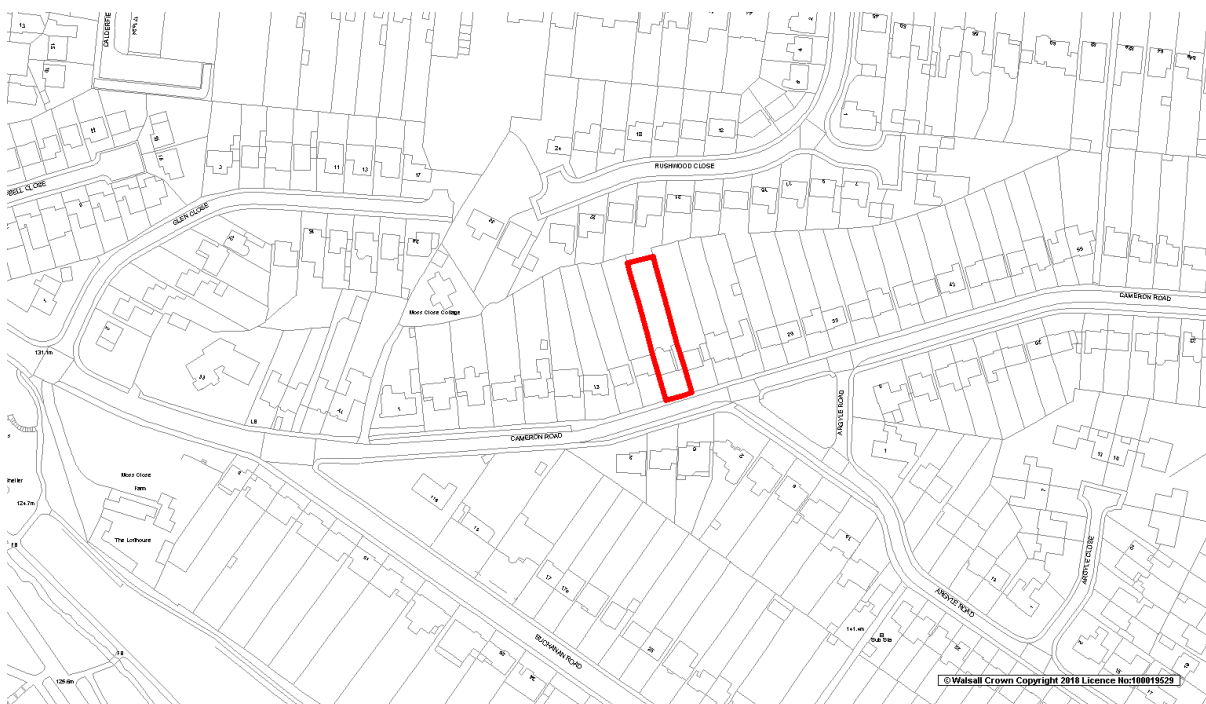
Case Officer: Helen Smith

Ward: St Matthews

Expired Date: 04-Dec-2018

Time Extension Expiry: 28-Mar-2019

Recommendation Summary: Refuse



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Current Status

This planning application was presented to the 3/1/19 planning committee who resolved to the application being; *deferred to enable Officers to negotiate further with the applicant in relation to the ridge height and the removal of the front gable as well as a reduced height for the garden structure. If the negotiations were successful, Officers be delegated authority to grant permission. However, if agreement could not be reached, the application would come back to Committee for determination.*

Amended plans have been provided and neighbours re-notified of the proposed changes and objections received. The proposed main ridge height has been reduced from 8.3 metres for the original proposal to 7.95 metres (existing ridge height is shown as 7.72 metres high). The planning agent has included a street scene drawing and photographs to show the progressive heights of neighbouring houses and has confirmed that these heights have been laser surveyed and all ridge heights are relative to 19 Cameron Road. These drawings indicate that the proposed increase of 0.23 metres would have a reduced impact on the street scene than the original proposal however the height increase combined with the proposed width is considered would disrupt the rhythm of the stepped neighbouring ridge lines. The gradient of Cameron Road increases in a westerly direction and revised proposal is considered would still introduce an incongruous addition to the street scene resulting in the host dwelling appearing overly prominent to the detriment of the character of the area and the amenity of local residents.

The applicant has not removed the proposed front gable feature as requested. They feel this addition to be aesthetically pleasing and not an incongruous addition stating 10 similar properties on Argyle Road, Fernleigh Road and Cameron Road. They provide photographs showing a number of single gables, simple designed two storey front extensions as part of their justification. None of their photographs show two storey double gable features with two storey side extensions as proposed. The suggested examples differ from the proposal currently being considered and each planning application is determined on its own merits taking into account the context of the immediate locality and the different development plan policies which applied at the time. The examples that are provided are considered do not provide a reason to recommend the current proposal for approval.

In this instance it is considered that the double front gable feature would create a bulky and over complicated addition to the property. It is considered; the applicant has not made a planning justification for the proposed double front gable feature to overcome the harm to the street scene and the locality to warrant approving the application.

The proposal for the rear garden structure has been amended to increase the distance to the rear boundary fence from 1 metre to 1.5 metres rather than reduce the height as requested. The height of the rear garden structure would remain at 3.65 metres high. The planning agent states; *they do have the fall-back position to build a garden structure up to 4 metres high if this is positioned more than 2 metres away from all garden boundaries.* Whilst the applicant could construct a 4 metre high garden structure, as long as it is 2 metres away from all garden boundaries, it is unlikely they would as the building construction would impact on the swimming pool. This would be a choice for the applicant

should the application be refused. In this instance, cannot be used to justify the harm the current proposal would have on the adjacent neighbours.

In this instance it is considered that the proposed 0.5 metres increase in separation distance to the rear garden boundary is insufficient to overcome the planning concerns. The orientation and the close proximity of this structure to 23 and 25 Rushwood Close, coupled with their shorter rear gardens of less than 15 metres is considered would have an overbearing and unacceptable impact on neighbours' outlook from rear habitable room windows and the conservatory extension at no. 23.

In this instance, it is considered the applicant has not made substantive changes to allow for the application to now be recommended for approval; consequently, the recommended refusal reasons remain as set out in the original report with an adjustment to reflect the minor roof height change.

The proposed refusal reasons remain as the amendments are considered to have not overcome these. Additional neighbour comments have been added following the recent re-notification of the amended plans and addressed in the report

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

Application and Site Details

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

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

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

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

This proposal includes the following additions;

Two Storey Front Extension

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

Two Storey Side Extension

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

Two Storey Rear Extension

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

Replacement Roof including the addition of Rear Dormers

- The proposed new roof would be 8.3 metres high to the new ridge line
- Increase in roof height by 0.6 metres
- Two front facing roof lights to be added
- New side facing roof light to be installed above the existing front gable
- Two rear facing dormer windows serving habitable room
- Each rear dormer window would be 3.6 metres deep by 2 metres high by 4.1 metres wide

Single Storey Rear Extension

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

Detached Garden Structure

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

The neighbouring houses include;

17 Cameron Road

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

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

21 Cameron Road

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

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

6 Cameron Road

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

2 Argyle Road

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

23 Rushwood Close

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

25 Rushwood Close

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

Relevant Policies

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

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

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

Local Policy

Black Country Core Strategy

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

Saved Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

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

Relevant Planning History

None

Consultation Replies

Transportation - None

Representations

(Officers' comments in italics)

Objections and comments have been received from 16 neighbouring properties to both the initial and amended plans. Further objections have been received in response to the amended plans received following planning committee on 3/1/19 as follows;

Initial Plans

- Due notice of the planning application has not been given and all residents of Cameron Road should be notified of the proposal *(The Governments national planning legislation requires Council's to notify any adjoining owner or occupier to the planning application site. Whilst neighbours' may wish for the Council to notify everyone in Cameron Road, this would be outside the scope of the Governments planning legislation)*
- Wishes to make a formal request under the Freedom of Information Act as to whom was notified of this application between 25/10/18 and 13/11/18 *(details of neighbours notified can be found by searching for the planning application via the planning pages of the Councils website. The request has been passed to the Council's Information Governance Team)*
- Dismayed that only those neighbours immediately opposite and either side were notified *(The Governments national planning legislation requires Council's to notify any adjoining owner or occupier to the planning application site. Whilst neighbours' may wish for the Council to notify everyone in Cameron Road, this would be outside the scope of the Governments planning legislation. Adjoining neighbours' to the rear have also been notified in Rushwood Close)*
- Proposal too large, vast, overwhelming, out of proportion and overbearing for the area
- Out of character and wider and higher than any house on Cameron Road
- Increased shading
- Three levels of rooms overlooking the road and will resemble a block of apartments
- Elevations of the ground levels not evident on the drawings *(a street scene drawing has been provided detailing the levels change)*
- Increased parking requirements and a smaller garage included and increased on-street parking
- Regular bus on Cameron Road and busy traffic mornings
- Large rear detached building may impact on neighbours at the rear and looks like a small bungalow
- Impact on light and sunlight to the rear of 21 Cameron Road

- Changing roof angle by 90 degrees would overshadow and cause a loss of privacy to 4 Cameron Road which is a small bungalow
- Roof line would no longer be in line with the rest of Cameron Road's incline
- Roof size and front dormers a true monstrosity and totally out of keeping
- Properties on Cameron Road are designed in pairs and 19 and 21 Cameron Road are the same and this proposal would impact on this continuity with a negative impact on the area
- Question 4 of the application form doesn't explain the extent of works proposed (*application descriptions are often amended by officers to include the full scope of the proposal before neighbours' are notified as it was in this instance*)
- Question 9 of the application form stating no the site can be seen from a public road, public footpath, bridleway or other public land is incorrect as the proposal will have a massive impact on the street (*this question is included to indicate to the case officer that the site will need to be entered to view the development from the rear when assessing the proposal as not all of the proposal is visible from the highway*)
- Increased roof volume would cause an undesirable bulking and massing effect
- Property surrounded by bungalows and proposal would have an undesirable effect
- Located within one of Walsall's major conservation area (the Arboretum) and will have an adverse effect of the character and appearance of the conservation area (*the application address is not within or adjacent to the Arboretum Conservation Area and this is not a material planning consideration in this instance*)
- Loss of existing views from neighbouring properties (*there is no right to a view in planning legislation*)
- No. 19 and surrounding houses have their front (*pedestrian*) access leading to the rear of the property positioned on the front right of the property and the proposed plan would contradict this specific design and undermine the aesthetic design of the road and surrounding houses
- The proposed extension plans do not show the neighbouring properties 17 and 21 Cameron Road to demonstrate the true adverse impact of the new proposed building (*Case Officer's make site visits to each application site as part of assessing potential impacts from a development*)
- Loss of side access to rear garden (*subject to meeting current planning policy and guidance, the retention of the side access is not a planning requirement*)
- No working or in use swimming pool at the rear. The swimming pool has never been in use and it seems unlikely the building will be used as proposed (*no evidence has been provided to support this statement and the Local Planning Authority (LPA) is required to accept plans at face value*)
- If the garden building is accepted this should be on a conditional basis that the said building should be used in perpetuity to house a functioning swimming pool of the same size and capacity as the current swimming pool if the application is made on this basis (*a planning condition could not be included for the retention of a functioning swimming pool as this would not meet the Governments 6 tests for imposing conditions. The use of the building to be ancillary to the main house may be conditioned, if the proposal is approved*)
- Building property line would impact on the right of light on the neighbouring properties no's 17 and 21 Cameron Road and will be out of line with the continuity of the building line as it runs along the road
- The application would harm the symmetry of that side of the road

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

in the vicinity of the proposed garden structure. This has allowed the applicant to answer this question favourably (*this is a private matter for neighbours*).

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

Amended Plans

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

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

- Resembles a new build rather than extensions (*the proposal is extensive however most of the original house will remain and the existing front gable would be partly visible from the street*)
- Overdevelopment with a two storey front porch, double apex frontage, proposed roof height increase and two rear dormers which would be out of keeping with the area and neighbouring houses (*the application plot is 742 square metres and the proposal is not considered to be overdevelopment when considering the scale of the existing plot*)
- Unacceptable bulking and massing effect of new roof giving a negative visual effect
- Overlooking from substantive rear dormers
- Overshadowing
- Loss of views
- Loss of side access to rear garden (*this design would be a personal decision for the applicant when designing their proposal*)
- Drawings lack key details such as details about materials (*there is considered to be sufficient detail for the application to be determined with certainty and the application form states that the development shall be of facing brick and render with concrete roof tiles all to match the existing building*)
- Plans are inaccurate and do not show the true adverse impact of the proposal. The roof height of no. 17 is lower than shown and should be shown on all drawings (*the roof height of no. 17 is shown to be lower than the application house on the street scene drawing and this difference was noted at the time of the case officer's site visit*)
- The swimming pool is not used and it seems highly unlikely the garden building will be used as proposed (*there is no evidence to suggest the garden building would not be used as stated. A planning condition could be included in relation to the use of this building, if approved*)
- If the garden building is accepted this should be on a conditional basis that the said building should be used in perpetuity to house a functioning swimming pool of the same size and capacity as the current swimming pool if the application is made on this basis (*A planning condition could be included in relation to the use of this building, if approved*)
- Side facing changing room window is unacceptable opposite the garden boundary with 17 Cameron Road and could be replace with a roof light (*side facing windows can be conditioned to be obscurely glazed with opening 1.7 metres higher than the room it serves if approved*)
- The garden building should have a flat roof rather than a four pitch roof to tower over the garden at no. 17
- Building property line would impact on the right of light on the neighbouring properties no's 17 and 21 Cameron Road and will be out of line with the continuity of the building line as it runs along the road
- The application would harm the symmetry of that side of the road
- No objections to a smaller extension (*the LPA is required to determine plans as presented*)
- No shortage of larger homes for sale locally without the need for this development (*the LPA is required to determine plans as presented*)
- The applicant's wife is alleged to be the niece of a serving member of Walsall Council and this has not been disclosed (*the applicant has confirmed that his wife has no family members working for Walsall Council*)

Amended Plans Received after Planning Committee of 3/1/19

Objections and comments received from 10 neighbours following re-notification of amended plans;

- Porch extension is the same size as before and is out of proportion with other houses in the street
- Roof height of the house has only altered slightly
- Overall height and width would be out of keeping and overwhelming of other properties on Cameron Road
- Will dominate bungalows opposite
- Design would not comply with the intentions of the original builders who may need to be informed by the applicant under the deed of covenant for approval of the plans (*in determining a planning application regard should not be given to land law issues including covenants*).
- Garden building would be an eyesore dominating the outlook for residents of properties backing onto it
- There are sympathetic outbuildings in a number of gardens in the area and little of them can be seen above 6ft high fences and this would not be true of this proposed building
- Moving the garden building 0.5 metres towards the applicant's own house will have no significant benefit for all neighbouring home owners
- Garden building would be a carbuncle amid the current arboreal vista
- Noise from filtration systems serving the swimming pool (*this aspect could be addressed by planning condition requiring all equipment to be enclosed within the building if approved*)
- Still concerned there are male and female toilets for the swimming pool and does this mean it will be used as a business which would mean extra cars (*no evidence has been provided that suggests this would be the case*)
- Loss of light, enjoyment and amenity to 17 Cameron Road
- As part of the established design and build of 17 Cameron Road it has a side and rear sunroom designed to capture natural light and would be detrimentally affected by severe overcasting rendering it unusable
- Any extension to no. 19 should be limited to utilizing the space above and behind the garage of no. 19 (*planning applications are determined as presented in accordance with the development plan and national planning policy*)
- Height measurements are incorrect and the proposed new roof design would have a much greater effect than what is shown in the proposed drawing (*The Council has to take the plans on face value, combined with a site visit and no evidence to support this statement has been provided*)
- 19 Cameron Road can build over its garage which is in keeping with what other residents have done. The roof angle and shape should not change or it will have a massive impact on their skyline (*planning applications are determined as presented*)
- No change as it still has the front gable and increase in ridge height
- Still a rear facing window in the garden building overlooking the patio at 23 Rushwood Close

- Move the gym nearer to 19 Cameron Road as the garden is long (*planning applications are determined as presented*)
- The swimming pool has been out of use for at least 22 years and it will take a lot of effort to make it useable and surely it would be cost effective to build another one nearer to the dwelling at 19 Cameron Road (*planning applications are determined as presented and the effort and cost are not material planning considerations*)
- Noise and disturbance
- No provision on plans for evergreen landscaping (*this could form part of a planning condition if approved*)
- Equivalent of the height of a two storey building and why is the highest point is at the rear

Determining Issues

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

Observations

Design of the Extensions and Character of the Area

The proportions of the new roof with an increased height of 0.6 metres would disrupt the rhythm of the stepped neighbouring ridge lines as the gradient of Cameron Road increases in a westerly direction and would introduce an incongruous addition to the street scene resulting in the host dwelling appearing overly prominent to the detriment of the character of the area and the amenity of local residents.

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

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

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

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

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

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

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

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

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

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

Amenity of Nearby Residents

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Trees

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

Parking

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

Conclusions

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

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

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

Recommendation

Refuse

Reasons for Refusal

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

- The proportions of the new roof with an increased height of 0.23 metres, when combined with the increased width, would disrupt the rhythm of the stepped neighbouring ridge lines as the gradient of Cameron Road increases in a westerly direction and would introduce an incongruous addition to the street scene resulting in the host dwelling appearing overly prominent to the detriment of the character of the area and the amenity of local residents.

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

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

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



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 21-Mar-2019

Plans List Item Number: 7.

Reason for bringing to committee: Significant community interest

Location: 166, CLARKES LANE, WILLENHALL, WV13 1HT

Proposal: PARTIAL DEMOLITION AND EXTENSIONS TO CREATE A TWO-STOREY DWELLING WITH SIDE AND REAR EXTENSIONS AND NEW FIRST FLOOR.

Application Number: 18/1641

Applicant: Brahmvir Ltd

Agent: Mr David Weeks

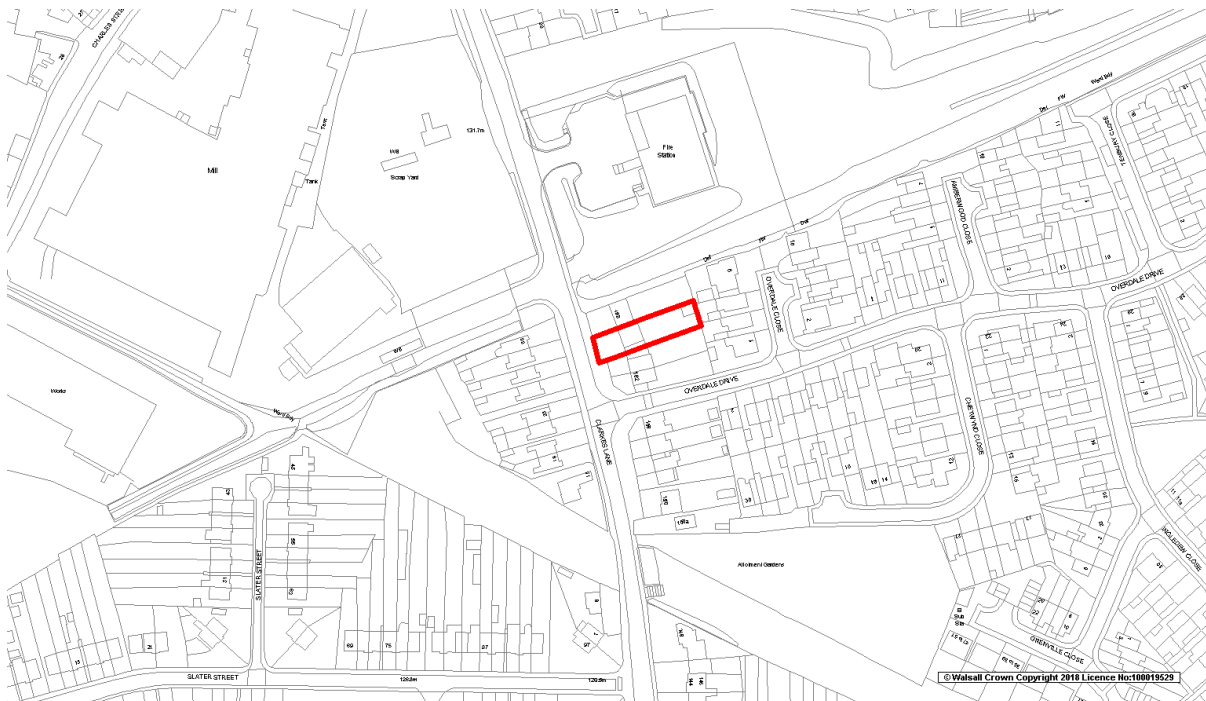
Application Type: Full Application: Minor
Use Class C3 (Dwellinghouses)

Case Officer: Sally Wagstaff

Ward: Willenhall South

Expired Date: 12-Feb-2019

Time Extension Expiry:



Recommendation Summary

Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and subject to no new material considerations being received within the consultation period

Proposal

The proposal relates to the partial demolition of the bungalow and extensions to create a two storey dwelling with side and rear extensions and a new first floor. The proposal will result in removal of a lean to extension on the side elevation and replacement with a two storey side extension with the addition of a part two storey/ single storey rear extension.

The proposed two storey side extension measures:

- 2.3 metres in width
- 8.9 metres in depth
- 5.5 metres to the eaves
- 7.2 metres to the ridge

The proposed rear extension measures:

- 2 metres in depth at the maximum depth
- 7.7 metres in width
- 5.5 metres to the eaves
- 7 metres in total height

The total height to the top of the main ridge is 8.2 metres. The proposal has been amended from the original submission due to officer concerns regarding the roof designs and choice of cladding. The agent has also amended the plans to accurately reflect the height of no. 164 as there was a discrepancy in the total height shown on the original plans.

Site and Surroundings

The property is a red brick bungalow located between a rendered two storey dwelling and rendered bungalow in an area of residential properties with scrap metal premises in close proximity of the site. The property has a hipped roof with a total height of approximately 5.5 metres. The property is set back from the highway by approximately 15 metres with a low level boundary wall to the frontage with an area of lawn and block paving for at least 4 vehicles to be parked off road. The property has a large rear garden approximately 24 metres in length which slopes towards the rear.

The neighbouring property no. 164 is a two storey semi-detached dwelling which has the same building line as the bungalow. The property has a hipped roof with a total height of approximately 8.5 metres, porch with canopy roof to the front elevation with a flat roof garage and side extension abutting the shared boundary which has no windows within the side elevation. The first floor side elevation has a non-habitable landing window. To the rear of the property is a single storey rear extension with a flat roof approximately 2.5 metres in depth with a patio area immediately to the rear of the house, there is also a shed to the boundary with the application site.

The neighbouring property no. 168 is a detached bungalow also with the same building line as the application bungalow. The property has a gable roof approximately 6.5 metres in total height. The property has a flat roof side extension with access into the bungalow through a door in the front elevation of the extension. The property has no windows within the southern side elevation, a habitable room window within the rear elevation closest to the application house and patio doors on the far side. There is a patio area immediately to the rear of the house with steps into the lower garden.

To the rear of the site is Overdale Close, there are three properties which adjoin the boundary of the site no's. 3, 5 and 9. No. 3 and 5 are bungalows with gable roofs and rear conservatory is approximately 3 metres in depth and no. 9 is a two storey dwelling with a gable roof. There is a separation distance of between 33 and 37 metres between the rear of the application house and these properties. The properties sit at a lower level to those on Clarkes Lane.

The area is characterised with a mix of two storey houses and bungalows which vary in design, size and are both brick and render.

Relevant Planning History

None

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 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

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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
- ENV32: Design and Development Proposals

Black Country Core Strategy

- CSP4: Place Making
- ENV3: Design Quality

Supplementary Planning Document Designing Walsall

- DW1 Sustainability
- DW3 Character

Consultation Replies

Design Out crime Officer – Support application subject to conditions to achieve security measures.

Fire officer – Support application

Pollution Control Officer – Support application

Severn Trent – No objections, no drainage condition required

Transportation Officer – Support with a condition recommended for the vehicle and parking to be implemented before development comes into use

Representations

7 objections have been received by 6 neighbouring residents with concerns relating to:

- Discrepancy on plans in relation to height of no. 168 Clarkes Lane
- Proposal leading to overlooking and a loss of privacy of properties on Overdale Close to the rear of the site

- Proposal leading to overlooking and a loss of privacy to adjacent property on. 168 Clarkes Lane
- Proposal leading to overshadowing of no. 168 Clarkes Lane
- Scale, design and materials not in keeping with the surrounding area
- Insufficient parking for the number of bedrooms proposed
- Property value being affected
- Disturbance caused due to construction
- Where the scaffolding would be positioned during the build
- Camper vans and caravan on drive being used as habitable accommodation

A further consultation on amended plans ends on 25th March 2019. Any further representations will be reported at Committee but note the recommendation seeks delegation to grant subject to conditions once this period of consultation has ended.

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Parking
- Other matters

Assessment of the Proposal

Design of Extension and Character of Area

The proposal has been amended with the main roof having two half hips to reflect the hipped roofs within the street scene. The second gable also has a hipped roof which will be rendered rather than clad. The height to the ridge has not altered and would be no higher than the adjacent two storey property no. 164.

The property has been designed to take into account the relationship to the two adjacent properties. The catslide roof and staggered rear projection reflects the proportions of no. 168 whereas the full eaves height reflects the eaves of no. 164.

The footprint of the dwelling would not significantly bigger than the existing bungalow with the addition of footprint to the rear of the dwelling. The existing gap between no. 168 will remain and a gap of approximately 400 mm will be created to no. 164. It is considered the proposal would not result in terracing within the street scene.

The property is set back from the highway, it would come no further forward than the existing building line. The property would be visible from Overdale Drive due to its elevated position nevertheless, it is considered the scale and mass of the proposal is not disproportionate to dwellings within the street scene due to the mix of both bungalows and two storey properties.

Properties differ in design and whilst the palette of materials are modern is design which does not reflect the two adjacent properties, the street scene has both brick and rendered properties, it is considered the proposal would not be unacceptable in terms of the impact

upon visual appearance to the street scene and character of the area as to warrant refusal for this reason.

The Design Out Crime Officer for West Midlands Police has recommended security measures including increasing the height of the boundary treatment and a lockable gate to the front of the driveway. This is not considered necessary due to the property being located within the public realm with natural surveillance from Clarkes Lane. Other measures such as lockable rear gate to the rear garden and robust windows and doors fitted with appropriate hardware will be added as a note to the applicant.

Amenity of Nearby Residents

The property would extend approximately 3 metres at ground floor beyond the nearest rear habitable room window within no. 168 with a separation distance of approximately 2.5 metres. The nearest part of the first floor to this window is no deeper than the existing house. The proposal complies with the 45 degree code measured from the quarter-point of the rear elevation habitable room window within no. 168. This code is used to assess the impact on light and outlook. It is acknowledged that the outlook would alter from the rear window due to the increase in depth nevertheless the proposal is considered to be located at a sufficient distance to allow for an adequate outlook from this habitable room and would not be unduly dominant as to limit the enjoyment of this rear habitable room.

The proposal would result in habitable room windows at first floor level which extend beyond the rear of no. 168. Whilst it is acknowledged that the addition of windows at first floor would lead to an element of overlooking the rear garden of no. 168 nevertheless this relationship between first floor windows and rear gardens is found elsewhere within the immediate street scene. To add, the bungalow could erect a rear dormer with living accommodate within the roof space without requiring planning permission which would result in a similar situation with regards to the potential for overlooking the rear garden.

The window within the side elevation of the existing property to the pantry will serve the dining room. There are no windows within the side elevation of no. 168 the window would not result in any overlooking habitable rooms. It is considered that the proposal would not result in undue loss of privacy as to limit the enjoyment of rear garden for the occupants of no. 168.

The property has a western orientation, it is acknowledged that there would be an element of shading to the rear garden, it is considered the shadowing to the rear garden would be limited due to the depth of the rear extensions.

It is considered the proposal would not result in an unacceptable loss of light outlook and privacy enjoyed by the occupants of no. 168 Clarkes Lane.

The nearest habitable room window within no. 164 Clarkes lane is approximately 4 metres from the side of the proposed two storey rear extension. The proposal would not extend beyond the rear of this window. The window within the first floor side elevation of the property is to a landing, it is acknowledged that the proposal would result in built form within 3 metres of the landing window nevertheless it is not a habitable room and does not have the same protection as a habitable room.

It is considered the proposal would not result in a loss of light nor outlook to habitable rooms within no. 164 Clarkes Lane and would not result in an unacceptable loss of light outlook and privacy enjoyed by the occupants of no. 164 Clarkes Lane.

Properties 3, 5 and 9 Overdale Close are located to the rear of the site and would be at separation distances of between approximately 32 metres and 35 metres. The proposal exceeds the Council's separation distance requirements of 24 metres between habitable room windows. It is considered that whilst the property is elevated above Overdale Close the significant separation distance would mean that overlooking rear habitable rooms would be limited.

The introduction of first floor windows would result in an element of overlooking the rear gardens of Overdale Close. The relationship between no. 9 Overdale Close and no. 168 Clarkes Lane would be very similar to that of the application site and no. 5 Overdale Close in terms of separation distances and proximity to habitable room windows. It is considered the proposal would not result in undue overlooking as to lead to a loss of privacy.

There will be an element of noise and disturbance to the occupiers of Overdale Close, it is considered to be within the normal levels for residential development and would not lead to an impact upon the amenity of these properties.

Parking

The property currently has a lawn two parking spaces to the front elevation. The development seeks to extend the property increasing the number of bedrooms from 3 to 4. UDP parking policy T13 requires 3 parking spaces for 4 bedroom dwellings. The Highway Officer has no objections to the scheme as adequate parking provision can be provided on site to meet the policy and considers the development will not have severe road safety or transportation implications and is acceptable in accordance with NPPF 2018 para 109. A condition is recommended for the parking area to hard surfaced and drained before the development comes into use and shall be retained for no other purpose.

Other matters

With regards to comments received by neighbouring residents in relation to the height of no. 168 and 164 Clarkes Lane as shown on the existing and proposed elevation being inaccurate, amended plans have been received that accurately show the heights. No amendments have been made to the height of no. 168.

With regards to concerns raised by the neighbouring property about the position of scaffolding when the side extension is being constructed, this is a civil matter and is not a material consideration in the determination of the application.

Two comments have been received by a resident in Overdale Close with regards to not being consulted on the application. The site does not immediately adjoin the application site, nevertheless this property has been added to the consultation list and has been consulted on the amended plans.

With regards to the potential for the proposal to devalue property, this is not a material consideration in the determination of the application.

In response to the allegation that the two camper vans and the caravan to the front of the site being used as habitable accommodation there is now only one vehicle on the drive. In addition the Planning Enforcement Team has carried out investigations and confirms this is not being occupied as habitable accommodation. It is not necessary to ask the agent for details as to where this will be stored when the build is under way.

Conclusions and Reasons for Decision

On balance, the amended design of proposal is considered to be acceptable in terms of size, height and materials and on balance would not harm the character of the area. The proposal complies with saved policies GP2 and ENV32 of Walsall's UDP and Designing Walsall SPD DW3 Character.

The development has a limited impact upon the amenity of neighbouring properties in terms of light, outlook and privacy. The proposal complies with saved policies GP2 and ENV32 of Walsall's UDP and Designing Walsall SPD Appendix D.

There is sufficient parking to accord with saved policies T7 and T13 of Walsall's UDP. Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding the design of the proposal amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and subject to no new material considerations being received within the consultation period

Conditions and Reasons

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

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

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

Location and Block Plan, drawing no. V8254 PL 01, submitted 06/12/18.

Proposed Site Plan, drawing no. V8254 PL 03, submitted 19/12/19.

Proposed Plans, drawing no. V8254 PL 04, submitted 06/12/19.

Proposed Elevations, submitted 01/03/19.

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: a. Prior to the first occupation of the development hereby approved, the parking area to accommodate two cars shall be fully consolidated, hard surfaced and drained so that surface water from the area does not discharge onto the public highway or into any highway drain.

b. The parking area shall thereafter be retained for the purposes of parking cars and shall not be used for any other purpose for the life of the development.

Reason: To ensure the safe and satisfactory operation of the development and in accordance with saved Walsall's Unitary Development Plan policy GP2, T7 and T13.

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

Notes for Applicant

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. Accessible doors and windows to be certified to PAS 24:2016 standard.
3. The gate to the rear garden should be 1.8 metres in height and lockable with a key. It should not be constructed as to make it a climbing aid



Planning Committee

Report of Head of Planning, Engineering and Transportation on 21-Mar-2019

Plans List Item Number: 8.

Reason for bringing to committee: Contrary to Planning Policy

Location: 35, WEST BROMWICH STREET, WALSALL, WS1 4BP

Proposal: CHANGE OF USE FROM 4 BED DWELLING HOUSE (C3) TO RETAIL SHOP AT GROUND FLOOR AND 2 FIRST FLOOR FLATS. INSTALLATION OF NEW SHOP FRONT AND REAR STEPPED ACCESS TO FIRST FLOOR FLATS.

Application Number: 18/1574

Applicant: Sanam Younas

Agent: Maurice Cotton

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

Case Officer: Helen Smith

Ward: St Matthews

Expired Date: 16-Jan-2019

Time Extension Expiry: 27-Mar-2019

Recommendation Summary: Grant Permission Subject to Conditions



Proposal

This application seeks consent for a change of use from a 4 bed dwelling house (C3) to retail shop at ground floor (A1) and two first floor flats. The installation of a new shop front and rear stepped access to first floor flats. Amended plans were provided to address concerns.

The proposed change of use will comprise of:

Shop floor area – 34.96 m²
Stock room area – 15.86 m²
Lobby and W.C. facilities – 6.62 m²
2 bedroom flat – 38.94 m²
Studio Flat – 15.86 m²

Hours of opening;

Monday to Friday – 08:30 – 19:00 hours
Saturday – 08:30 – 18:00 hours
Sundays and Bank Holidays - 09:00 – 15:00 hours

Provide employment for 2 full time staff

The applicant has provided a sequential approach statement. This statement sets out the location of the site in relation to Caldmore Local Centre and Walsall Town Centre. The report identifies little opportunities within the Caldmore Local Centre for businesses of this size and this premises is within walking distance of its local customer base accessible by sustainable transport.

The present business owner at 33 West Bromwich Street is looking to expand their existing traditional clothing business due to increased demand and limited space in the existing unit along with the limited availability of vacant units. This is combined with the limited demand from families to rent the property and increasing requests from small businesses and people wanting smaller residential units.

The proposed residential accommodation would divide the first floor into a two bedroom flat and a separate studio flat both of which would be accessed via a steel staircase to the rear. Fire escape windows would be installed to the front and rear elevations at first floor. An existing first floor landing window would become a kitchen window facing the side elevation of 33 West Bromwich Street.

Site and Surroundings

35 West Bromwich Street is located to the east (21.5 metres) of Caldmore Local Centre and is a semi-detached residential property. The adjoining semi, 35 West Bromwich Street is a shop with residential accommodation at first floor.

The opposite side of 35 West Bromwich Street is an access road to Nehemiah Court flats and Caldmore Timber is located on the opposite side of the road to the application

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property. To the rear of 33 West Bromwich Street are four storey supported living units known as Nehemiah Court. The area is mixed in nature with commercial and residential properties. There is on street parking outside the premises.

The proposed shop front would be glazed and would mirror the shop front that is in situ at 33 West Bromwich Street. An existing front boundary wall would be partly removed to allow customer access and enable a view of the proposed shop window.

There is existing first floor residential accommodation at 33 West Bromwich Street facing the proposed first floor flats at the application property across a limited separation distance of 4.9 metres. The proposed steel staircase would be installed in the space between the two rear outrigger extensions serving no's 33 and 35 with a separation distance of 3.8 metres to the rear extension at no. 33.

West Bromwich Street has a bus route to Walsall Town Centre.

Relevant Planning History

None for the application property

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

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

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

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments

that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan (UDP)

- GP2: Environmental Protection
- ENV10: Pollution
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- S6: Meeting Local Needs
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy (BCCS)

- CSP4: Place Making
- EMP3: Local Quality Employment Areas
- CEN5: District and Local Centres
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019 (SAD)

- SLC1: Local Centres

Walsall Town Centre Area Action Plan 2019 (AAP)

AAPT1: Pedestrian Movement, Access and Linkages
AAPT2: Cycling
AAPT3: Public Transport
AAPT5: Car parking

Supplementary Planning Document

Designing Walsall

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

Shopfront SPD

- SF2: Shop Front Proportions
- SF3: Materials to Shop Fronts

- SF5: Access to shops
- SF6: Advertisements
- SF8: Shop Front Security

Consultation Replies

Transport – No objections

Strategic Policy – No objections

Pollution Control – No objections subject to the inclusion of a planning condition requiring the installation of acoustic glazing and ventilation along with acoustic insulation of the ceiling between the retail unit and flats above

Housing Standards – objected to the initial proposal on the grounds that fire escape windows were required, the toilet/shower door in the first floor rear door opens onto a living area and the floor area of the proposed studio flat (*these are not material planning considerations*)

Fire Officer – No objections

Police - No objections and recommend security measures to be implemented

Severn Trent – No objections as the proposal is considered would have minimal impact on the public sewerage system and drainage conditions are not required

Representations

None

Determining Issues

- Principle of development
- Design and Character of the Area
- Amenity of nearby residents
- Highways and parking
- Noise

Assessment of the Proposal

Principle of Development

The site is on the edge of Caldmore Local Centre, approximately 21 metres away. It is considered that the change of use of the premises in a predominately mixed area with residential and commercial properties being located side by side should be supported. The proposal would bring into use a vacant property which would visually enhance and encourage investment into the area.

Planning policy has confirmed that generally they are cautious about the creation of additional retail units given the current market climate for retail. It is recognised, Caldmore local centre is in good health and has a very small number of vacant units available. It is considered in this instance, Caldmore local centre is able to support the additional retail unit. A sequential test has been provided in support of the proposal which demonstrates there is a need for a new unit in this location.

Planning permission was granted in 2012 to convert 33 West Bromwich Street from a ground floor flat to an A1 retail shop.

Given the close proximity to the local centre, it is considered the site would be integrated within the centre and the proposed scheme is of an appropriate scale to the function as part of the centre. The proposed uses are considered to be in accordance with emerging SAD policy SLC1 and BCCS policy CEN5.

Design and Character of the Area

The proposed new shop front would be of aluminium and glazing which would reflect the design of the existing shop front at 33 West Bromwich Street. The proposal does not include the installation of a roller shutter door. A safeguarding condition meeting the Governments tests, can be imposed requiring the roller shutter box to be integrated behind the shop front façade and the shutters to be powder coated open punched type to reflect the Council's shop front SPD.

The proposed unit would have a shop frontage design which would allow active surveillance of the street and the design is considered would be in keeping with the design of similar shop fronts in the local centre. The design of the shop front would respond to the existing commercial area by providing a frontage in keeping with other commercial units along West Bromwich Street.

The proposed steel staircase to the rear of the application property would not be visible from the public realm and is considered would have a limited impact on the character of the area. This can be conditioned to be powder coated black.

The objections raised by Housing Standards have been partly addressed however the issues raised in relation to fire escape windows and the toilet/shower door opening onto a living area are not material planning considerations in this instance.

Housing standards have confirmed that the floor area of the proposed studio flat at 15.86 m² would be 3.6 m² less than Walsall Council's HMO Amenity Standards Guidance, section 2.5. Whilst this is less than recommended this is not a material planning consideration in this instance.

Any new signage will require separate advertisement consent prior to installation as would any security shutters.

Amenity of Nearby Residents

The adjacent property, 33 West Bromwich Street has a mixed, part residential and part retail use and it is considered that the impacts of the current proposal being considered would be similar for existing residents as the existing situation. There is an existing limited separation distance of 4.9 metres between facing habitable room windows in the rear of

no's 33 and 35 which is a characteristic of this late 19th century building style. Whilst an open staircase would be installed between the two rear outrigger extensions it is considered that existing privacy between neighbours would not significantly worsen as a result of this proposal.

The habitable room window to window separation distance between the proposed first floor of the application site and Nehemiah Court would exceed the Council's 24 metres separation distance referred to in Appendix D of Designing Walsall SPD by 2 metres.

Highways and Parking

This site is located in a sustainable location within walking distance from the edge of Caldmore Local Centre which has on street and public car parking facilities on Caldmore Green. There is on street parking outside no's 33 and 35 West Bromwich Street and the existing retail units within the local centre do not have any off street allocated parking facilities and rely on, on-street parking. On balance it is considered that the proposed retail unit would operate similar to existing retail units and customer trips would be linked to other trips in the local centre.

There is no off-street parking provision for the existing dwelling house and it is considered that as the application property is close to the local centre with public transport and public parking the existing situation is considered would not significantly worsen as a result of this development.

Furthermore Highways officers have confirmed that on the basis of the information provided they are content with the development proposed.

Noise

The flats may be affected by noise from the ground floor commercial unit. The sound transmission between the ground floor commercial activity and the upstairs residential will require addressing. For similar commercial/residential developments, Pollution Control has recommended that the ceiling/floor achieve a minimum apparent acoustic sound reduction of R'_w 70 dB, to ensure occupants of the Flat will not be significantly disturbed.

It is recommended that the glazing to the room fronting onto West Bromwich Street have an apparent sound reduction, R'_w, of 38 dB and either mechanical ventilation is installed or acoustic passive ventilation, which has an apparent minimum sound reduction, R'_w, of 38 dB in the open position.

Conclusions and Reasons for Decision

The key material planning considerations 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 Documents Designing Walsall and on balance is considered to be acceptable.

The application has demonstrated sufficiently that the use of the premises will serve a local need and is unlikely to result in any significant additional harm to existing centres to warrant a refusal reason, its use will allow a business to operate, provide employment

opportunities and will not have any additional impact on surrounding residents nearby above those businesses which currently operate in the area.

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

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding local need and design, amended plans and a sequential test assessment have been submitted which enable full support to be given to the scheme.

Recommendation

Grant permission subject to conditions

Conditions and Reasons

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

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

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

- Site Plan, drawing no. A99, Rev. B, deposited 20/11/18
- Existing Floor Plans, drawing A100, deposited 30/1/19
- Proposed Ground Floor Plan, drawing number A200 Rev. A, deposited 30/01/19
- Proposed First Floor, drawing number A201 Rev. A, deposited 30/01/19
- Front Elevations, drawing no. A206, deposited 20/11/18
- Elevations 2, drawing no. A207, deposited 20/11/18

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

3a. Prior to any development taking place the applicant shall agree an acoustic insulation scheme to address noise between the commercial operations and the residential above. As a minimum, the apparent weighted sound reduction index, R_w, between the commercial development and the residential unit shall not be less than 70dB.

3b. Acoustic glazing with a minimum apparent sound reduction property of R'w 38 dB shall be installed to habitable rooms facing West Bromwich Street.

3c. Acoustic ventilation with a minimum apparent sound reduction property of R'w 38 dB in the open position or mechanical ventilation shall be installed to habitable rooms facing West Bromwich Street.

3d. Agreed acoustic insulation, glazing and ventilation shall be installed prior to occupancy and a written Validation Report submitted to the Local Planning Authority prior to occupancy.

Reason: To protect the amenity of the residential occupiers of 35 West Bromwich Street

4. a) Prior to the installation of any shopfront roller shutters or shutter box, details shall be submitted to and agreed in writing with the LPA. The details shall include how the shutter box is positioned internal to the shopfront, the roller shutters to be powder coated, with colours to be included and to be of a punched letter box design.

b) The agreed details shall be implemented in accordance with the agreed details and retained thereafter.

Reason; To ensure the satisfactory appearance of the property.

4. Notwithstanding the information shown on submitted plans, the development hereby approved shall not be converted/constructed or used otherwise than to meet the following minimum security measures and thereafter the security measures shall be retained;

- All doors and accessible windows should meet PAS 24 – 2016.
- It is recommended that all door locks to external doors are to TS007 standard.
- Letter plates should have a maximum aperture of 260mm x 40mm to prevent anyone attempting to remove keys from inside with either their hand or other objects. The Door and Hardware Federation (DHF) technical specification TS 008:2012 have shown to meet these requirements.
- All exterior security lighting on all dwellings should be white LED dusk to dawn lighting, as per SBD standards as set out in Lighting against Crime 2011.
- If intruder alarm systems are to be installed they should meet the requirements of BS EN 50131 (wired and wire free systems).
- The passageway between the property and the adjacent shop should have security lighting.
- The staircase should have dusk to dawn white LED security lighting.

Reason: To ensure the satisfactory security for the premises

5. Notwithstanding the information shown on submitted plans and prior to the installation of the approved steel staircase, it shall be powder coated black and retained as such thereafter.

Reason: To ensure the satisfactory appearance of the development.

6. The premises shall not be open for business outside the following hours;

Monday to Friday – 08:30 – 19:00 hours

Saturday – 08:30 – 18:00 hours

Sundays and Bank Holidays - 09:00 – 15:00 hours

Reason: To safeguard the amenities of the residential occupiers of the application property and neighbouring properties.

7: The ground floor retail unit hereby approved shall only house a retail floor space of 34.96 m², a stock room of 15.86 m² and lobby and W.C. OF 6.62 m².

Reason: To define the planning approval and to safeguard the viability and vitality of Caldmore Local Centre in accordance with BCCS policies CEN5 and CEN7.

Notes for Applicant

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

2. 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.