



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 8th January 2015

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Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 08/01/2015

Plans list item no: 1.

Reason for bringing to committee: Major Application

Application Number: 14/1345/FL

Application Type: Full application

Applicant: G C Rickards Ltd

Proposal: Erection of 12 no. 1 bedroom apartments in a three storey block

Location: SITE OF FORMER COALPOOL CLINIC, ROSS ROAD, RYECROFT, WALSALL

Ward: Blakenall

Case Officer: Alison Ives

Telephone Number: 01922 652604

Email: planningservices@walsall.gov.uk

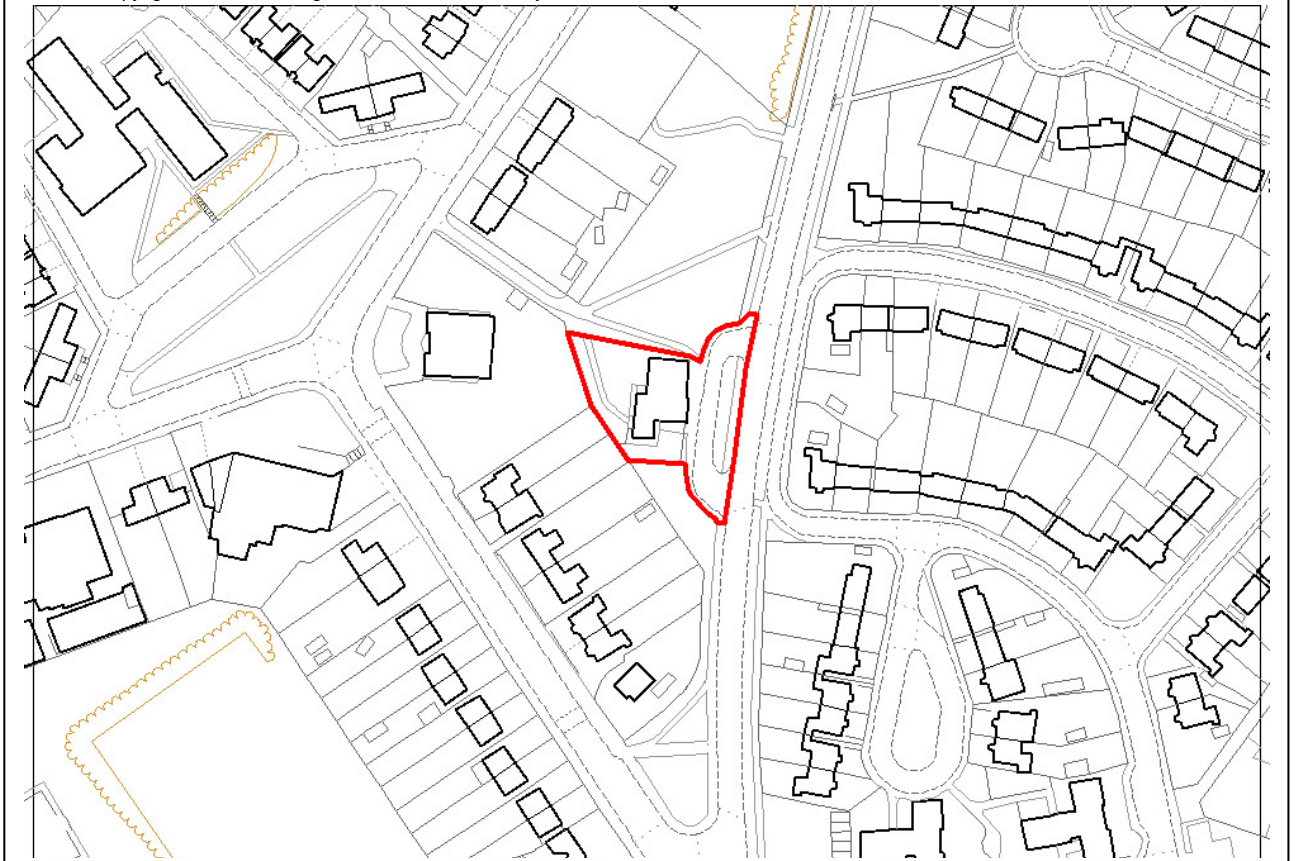
Agent: BBLB Corstorphine + Wright Ltd

Expired Date: 06/02/2015

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions and a Planning Obligation

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Application and Site Details

The proposal is for the erection of 12 x 1 bedroom apartments in a three storey building with associated parking on the site of a former clinic in Ross Road. This is within Coalpool Local Centre. There is a lay by in front of the site with a mature tree within the verge and another mature tree towards the front of the site. The land to the north is open space which rises steeply upwards towards Coalpool Lane. There are footpaths throughout the open space which converge adjacent to the site and connect with Coalpool Lane and the remainder of the local centre. There is a retaining wall at the rear of the site. Two storey housing in Coalpool lane backs on to the site and two storey housing in Deans Place and Whateley Place on the opposite side of Ross Road at a lower ground level.

The proposed apartment building is 15m wide, 12.5m deep and 11m high. There are four flats on each floor accessed from a central staircase at the front of the building which faces the lay-by in Ross Road. The building elevations comprise brick and tile with terracotta brick panels and a rendered section to emphasise the entrance to the building.

There are 11 car parking spaces proposed, 8 within a parking court to the south of the building and three parallel spaces within the lay by. A bin store is located adjacent to the parking court. To the rear of the building the proposal includes approximately 170 square metres of private amenity maintaining the existing retaining wall. The boundary of the site will be a mix of railings and close boarded fence.

The proposal maintains the access to the garage of surrounding occupiers at 8 Coalpool Lane.

The site area is 0.14 hectares giving a density of 85 dwellings per hectare.

The proposal seeks to renew an earlier permission in 2008 which was extended in 2011 but has since lapsed.

The Design & Access Statement

This describes the surrounding context, the development proposals and means of access. It concludes that the proposals seek to renew the lapsed permission which has not been implemented due to the harsh recession.

Relevant Planning History

07/0142/FL/E10 – Demolition of existing building and erection of 12 no. 1 bedroom apartments – GSC and a Section 106 Agreement - 22/05/08. The S106 Agreement was to secure a contribution towards urban open space provision in the area.

11/0397/TE – Time extension of 07/0142/FL/E10 for erection of 12 no. 1 bedroom apartments – GSC and a variation to the S106 Agreement 31/08/11. The S106 Agreement was to secure a contribution towards urban open space provision in the area. This expired on 31st August 2014.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring good design
- Conserving and enhancing the natural environment

Key provisions of the NPPF relevant in this case:

The NPPF confirms that a plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate,

Paragraph 50 seeks to deliver a wide choice of quality homes and states local planning authorities should plan for a mix of housing.

Paragraph 56 attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 states it is important to plan positively for the achievement of high quality and inclusive design.

Paragraph 58 states planning policies and decision should aim to ensure that development meet criteria including:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Are visually attractive as a result of good architecture and appropriate landscaping

Paragraph 61 considers planning decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 111 encourages effective use of land by re-using land that has been previously developed (brownfield land) provided it is not of high environmental value.

Paragraph 118 states planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats...and the loss of aged or veteran trees...unless the benefits of the development clearly outweigh the loss.

Paragraph 120 seeks to prevent unacceptable risks from pollution and land stability.

Paragraph 123 aims to mitigate and minimise adverse impacts on health and quality of life from noise.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

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

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "decision-takers may continue to give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

- 1. Sustainable Communities** - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.
- 2. Environmental Transformation** - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.
- 3. Economic Prosperity** Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The Spatial Objectives include

1. Focussed investment and development in comparison shopping, office employment, leisure, tourism and culture within Walsall, to retain and increase their share of economic activity and meet the increasing aspirations of their catchment areas.
2. A restructured sub-regional economy which provides sufficient strategic high quality employment land in the best locations within Regeneration Corridors to attract new high technology and logistics businesses and also recognises the value of local employment land.
5. A network of vibrant and attractive town, district and local centres
6. A high quality environment
7. A first-class transport network providing rapid, convenient and sustainable links between the Strategic Centres, existing and new communities, and employment sites

The above are supported by the following policies:

CSP1: A network of Regeneration Corridors will provide new homes in sustainable communities built on brownfield sites close to existing public transport routes.

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided.

CSP3: Development proposals will need to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded at every opportunity.

CSP4: A high quality of design of the built and natural environment is required.

DEL1: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport. Residential development will be expected to meet the accessibility standards set out in Policy HOU2.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

TRAN5: Identifies priorities for traffic management including maximum parking standards and promoting measures to reduce the need to travel and facilitate a shift towards using sustainable modes of transport such as walking, cycling, public transport etc.

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character.

ENV3: Seeks to deliver urban renaissance through high quality design that stimulates economic, social and environmental benefits.

ENV7: All residential developments of 10 units or more gross (whether new build or conversion) must incorporate generation of energy from renewable sources sufficient to offset at least 10% of the estimated residual energy demand of the development on completion.

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

GP2: Seeks to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

H3: Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV32: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: Adequate foul and surface water drainage infrastructure should be provided.

LC1: Residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

T1: Seeks to improve access and help people get around

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

T11: Seeks to improve access for pedestrians, cyclists and wheelchair users.

T13: Parking Provision

Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character -design to respect and enhance local identity;
DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;
DW 10 – new development should make a positive contribution to creating a sustainable environment.

Conserving Walsall's Natural Environment SPD

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

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

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

It is considered in this case that the relevant provisions of SPD Conserving Walsall's Natural Environment are consistent with the NPPF.

Supplementary Planning Document Urban Open Space

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

Consultations

Transportation – No objections subject to securing implementation of the access and parking. Taking into account the nature of the development for 1 bedroom flats with relatively low car ownership levels (census data across Walsall shows only 40% of flats have a car) and location within the local centre, the reduced level of parking is acceptable.

Pollution Control – No objections. The proposed development site is adjacent to a busy highway with both bedroom and habitable rooms fronting onto it. In order to protect future residents of this development enhanced acoustic measures to glazing and venting of these rooms should be included in any finished development. Also, to protect the amenity of existing residents in the vicinity it is recommended that an 'hours of work' restriction is applied to the construction phase of the development. Conditions are recommended to address these matters.

Environmental Health – No comments.

Housing Strategy – No objections.

Landscape – No objections subject to securing details of landscaping and boundary treatment by condition.

Local Access Forum (Walsall Ramblers) – The existing footpath between Ross Road and Coalpool Lane should be protected during construction. There may be increased vehicle movements from the parking area next to the footpath which needs to be designed to protect pedestrian safety. Provision of a cycle store is recommended.

Police – The site is in Blakenall Ward where there is a high proportion of crime (1201 recorded crimes in the last 12 months). The site should achieve Secure by Design standards.

Security measures for doors, windows and locks and access control measures are recommended plus lighting and security fencing.

Severn Trent Water – No objections subject to securing details of drainage.

Western Power Distribution – There is underground apparatus in the vicinity of the site which will need to be protected or removed. There is also a distribution substation to the rear of the site so it may be advantageous to bring new connections into the site from this direction.

Public Participation Response

One letter of objection has been received and are summarised as follows:

- Overlooking
- Loss of daylight
- Noise and disturbance during construction
- Additional traffic
- What is happening with the lay-by

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

Determining Issues

- Principle of residential development
- Layout and design
- Relationship to surrounding properties
- Access and parking
- Provision for Urban open Space
- Local Finance Considerations

Observations

Principle of residential development

Planning permission for the same development was granted in 2008 under application reference 07/0142/FL/E10 and extended in 2011 under application reference 11/0397/TE. As such the principle of new residential development on the site is established. Redevelopment for new flats on this previously developed site in a sustainable urban location is also in accordance with the NPPF and BCCS and local development plan policies.

There is a vacant site in the local centre (former library) but the proposed development does not prejudice the development of this site which is at a much higher ground level.

Layout and design

The layout shows the proposed building located within 2m of the back of footway on the lay-by facing Ross Road with the amenity space at the rear of the building shielded from the adjacent footpath by the existing retaining wall. A combination of railings and fencing is proposed to secure the private areas of site. The main pedestrian entrance to the building faces the street and there are windows in all elevations to provide surveillance of the parking and amenity areas and public footpath that lies to the north.

The design of the building which is three storeys high is taller than surrounding housing but given the difference in levels between Ross Road and Coalpool Lane will not appear over-dominant. There is a dense hedge along the rear boundary to gardens in Coalpool Lane which screens the site to some extent. The design of the building and use of different facing materials will help break up the massing of the building and highlight the entrance.

The density of the proposal is 85 dwellings per hectare. Whilst this appears high flatted development is typically higher density than housing and consideration is given to the space around the building and impact on the character of the area. There is a mix of densities in the surrounding area ranging from 31 dwellings per hectare in Deans Place to 69 dwellings per hectare for Ryecroft Place. The density of the proposal is considered to be acceptable as there is ample space around the building to accommodate sufficient amenity and parking and this is a sustainable location in an urban area where higher densities that make better use of land are supported.

The layout allows for retention of the street tree within the verge near the lay-by and conditions are recommended to ensure its protection during development. The other mature tree on site is to be removed to allow for the access to be created. A condition requiring landscaping will secure appropriate replacement planting.

Relationship to surrounding properties

The proposed apartment block is 34m away from the nearest housing at 14/16 Coalpool Lane which backs on to the site and over 30m away from Deans Place properties which are on the opposite side of Ross Road separated by the lay-by, highway and footways. The separation distance between the proposed apartment block and existing housing exceeds the recommended guidelines in SPD: Designing Walsall (24m) and existing residents are protected from significant overlooking or loss of daylight.

In terms of potential noise and disturbance from construction it is recommended that a condition is imposed to restrict operating hours in order to protect residential amenities. This addresses the neighbour concern. A condition to require details of any lighting in order to protect residential amenities of adjoining properties is recommended.

Western Power comments that there is underground equipment in the vicinity of the site. A note for applicant is recommended to highlight this to the developer.

There are no other dwellings in the vicinity on this side of Ross Road so the location of the proposed apartment block is considered not to harm the residential or visual amenities of the area.

Access and parking

The access to the car park is from the existing lay-by so does not significantly disrupt the flow of traffic on the main road.

The proposal accommodates 11 parking spaces for 12 apartments, a ratio of 91% which is below the 150% parking required by Policy T13 of the UDP. Nevertheless the Transportation officer has no objections to the proposal and level of car parking which is considered acceptable given that the proposed units are one bedroom only and the sustainability of the site within the local centre and close to nearby bus stops.

The objector is concerned about the potential for additional traffic to the site. This site was previously a clinic which would have had frequent visitors attracting a number of trips by car. The proposal is for 12 apartments only and given that the access and parking are adequate

it is considered that any additional traffic is catered for and will not have a significant impact on the highway network.

The layout retains access to the garage for the neighbouring house 8 Coalpool Lane.

All of the apartments provide direct pedestrian access to the street which will add to the level of surveillance and activity on the street providing additional security to the vicinity and offer easy access to public transport.

Provision for Urban open Space

Under the requirements of policies DEL1 of the BCCS, GP3 and LC1 of the UDP and the SPD: Urban Open Space a contribution of £8,220.00 is required towards provision of urban open space. The applicants have confirmed they are prepared to secure this provision by entering into a S106 Agreement. A similar Section 106 Agreement was completed for the two previous permissions.

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 12 new homes.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 411 new homes during 2011-2012 the award to the Council was £576,927. Taking into account the delivery of homes in previous years, the total amount awarded this year was £2,583,252. This figure (which included a premium for affordable housing) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards may be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Positive and Proactive working with the applicant

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

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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.

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

- Site Location Plan (P01) received 07/11/14

- Site Plan & Context Plan (P41) received 08/09/14
- Proposed Floor Plans, Site Plan & Elevations (P02 Rev A) received 18/12/14
- Site Sections & Key Plan (P60) received 08/09/14
- Design & Access Statement prepared by BBLB Corstophine & Wright Architects (14285/DA001(B)) received 07/11/14

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

3a. Prior to the development first coming into use:-

- i. The car parking area shall be fully consolidated, hard surfaced and drained and the parking bays clearly demarcated on the ground and a dropped kerb footway crossing installed at the car park entrance.
- ii. Two pairs of tactile pedestrian dropped crossings shall be installed across the existing bellmouth access points to the service road off Ross Road and constructed to a specification to be agreed in writing with the Local Planning Authority and to the satisfaction of the Highway Authority.

3b. The parking areas shall thereafter be retained and used for no other purpose.

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

4a. Prior to the first occupation of any of the flats full details of a secure, covered cycle shelter facility for the use of residents and visitors, shall be submitted to and approved in writing by the Local Planning Authority.

4b. The approved cycle shelter facility shall be fully implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: To promote sustainable modes of travel and in accordance with BCCS policy TRAN4.

5a. Drainage details for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

5b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage

6a. Full details of external facing and roofing materials shall be submitted to and approved in writing by the local planning authority.

6b. The development shall be completed in accordance with the approved facing materials.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

7a. Full details of hard & soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority to include the following:

- Measures to be taken to protect existing trees during construction of the
- Topsoil specification. – If existing soils are to be used, details of its retention, improvement, cultivation or safe storage for re-use should be specified.
- Correct botanical names
- Further details of proposed tree/plant species, number of plants/shrubs, size at time of planting, density, ground surface treatment, tree support and tree pit details, root barriers and mulching. full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.
- details of proposed turf / seeded areas
- Tree planting and staking details which should be ideally shown as standard detail(s)
- Details of the future management of the landscape scheme
- Detailed boundary treatments, showing existing boundaries and how proposals relate to them.

7b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such.

7c. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the area.

8a. Prior to the installation of any lighting throughout the site full details of a lighting scheme including details of how the lighting minimises light pollution for the neighbouring residential properties shall be submitted to and agreed in writing by the Local Planning Authority.

8b. Any approved lighting shall be installed in accordance with the approved details prior to first occupation of the dwellings and retained as such.

Reason: To ensure the satisfactory development of the site

9. Details of approved guards or fencing shall be submitted to and agreed in writing with the Local Planning Authority and then erected around the street tree before development commences, and shall be retained until the development is entirely complete. The land so enclosed shall be kept clear of all contractor's material and machinery at all times.

Reason: To safeguard the street tree included on the site.

10. None of the existing trees on the site shall be lopped, felled or root pruned without the prior consent in writing of the Local Planning Authority.

Reason: To safeguard the trees and or hedges on the site.

11. During site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

Reason: To safeguard the trees and or hedges on the site.

12. No digging of trenches or changes in ground level shall be undertaken within the canopy of any tree to be retained on the site without the written approval of the Local Planning Authority.

Reason: To safeguard the street tree included on the site.

13a. Acoustic glazing with a minimum sound reduction property of Rw 38 dB shall be installed to all habitable rooms with a facade onto Ross Road.

13b. Acoustic ventilation with a minimum sound reduction property of Rw 38 dB in the open position shall be installed to all habitable rooms with a facade onto Ross Road.

13c. Glazing and ventilation required by parts a & b of this condition shall be installed prior to occupancy.

Pollution Control cannot verify that the actual glazing/ventilation has been or will be installed as per manufacturer's instructions. It is recommended that such confirmation be obtained from a suitable third party, such as a Building Control Inspector or the acoustic performance verified by a person or organisation certified for the purposes of sound insulation testing by either by the Association of Noise Consultant (ANC) or the United Kingdom Accreditation Service (UKAS).

Reason: To protect the residential amenities of future occupiers.

14. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 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 August Bank Holiday Monday).*

Reason: To protect the amenities of surrounding properties.

Note for applicant – Western Power Distribution

There is underground apparatus in the vicinity of the site which will need to be protected or removed. There is also a distribution substation to the rear of the site so it may be advantageous to bring new connections into the site from this direction.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 08/01/2015

Plans list item no: 2.

Reason for bringing to committee: Departure from the Development Plan

Application Number: 14/1574/FL
Application Type: Full application

Case Officer: Barbara Toy
Telephone Number: 01922 652615
Email: planningservices@walsall.gov.uk
Agent: Brophy Riaz & Partners

Applicant: Mr Kris Hindley

Proposal: Erection of a 4 bed detached house with associated car parking and provision of freestanding solar panels and framework in rear garden.

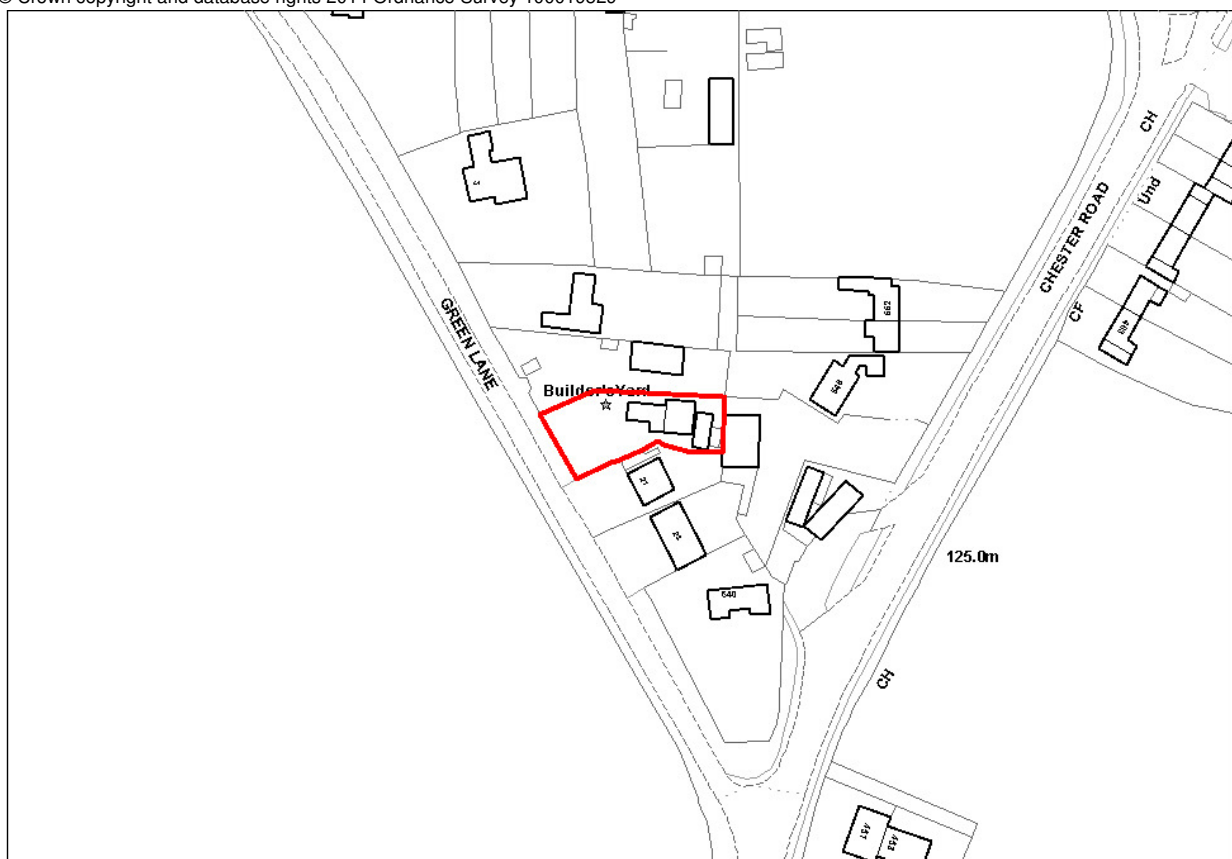
Location: PLOT 2 (FORMER BUILDERS MERCHANT YARD, GREEN LANE, ALDRIDGE, WALSALL, WS9 0LN

Ward: Aldridge Central & South

Expired Date: 11/12/2014
Extension of Time Target Date:
16/01/2015

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The site is situated on the eastern side of Green Lane and forms part of a former builders merchants yard. The site previously had a number of single storey storage buildings and concrete hardstanding over the remainder of the site.

The site sits within the designated Green Belt.

Immediately to the north is the remainder of the builders yard site (plot 1 PA 14/1293/FL) with a two storey house (No 5), set at an angle to the road, with bungalow beyond, to the south a two storey house (No 21), facing the road, and bungalow all fronting Green Lane. To the east a bungalow fronting Chester Road and a storage yard for vehicles with a large storage building set to the rear boundary. To the west open fields with Bliss Sand and Gravel quarry beyond. A mature hedge forms the boundary to the fields. The site sits within a 'triangular island' of development between Green Lane, Little Aston Road and Chester Road.

Green Lane has no formal public footpaths but has a scrub area of land on the frontage of the site adjacent to the road which is highway land. A regular bus service into Walsall and Birmingham runs along Little Aston Road approx 140m to the north of the site. Aldridge District Centre lies approx 1400m to the north west of the site.

This is a full application for Plot 2 only following a previous outline approval in April 2013 for two detached dwellings (access, layout and scale approved). A reserved matters application was not appropriate as the site is now split and the details of the house have been amended. This application now proposes a 4 bed detached house (previously 5 bed) with a very similar footprint as the previous approval, with amendments to the layout and design which include:

- Single storey rear dining extended to 4.5m x 6.1m with an amended roof from a flat roof with a large roof lantern to a mono pitched roof and 6 high level roof lights
- Integral garage retained with an amended roof design and dormer window added
- Extended gable feature over the front door
- Chimney added to the southern elevation
- Gable roof features to the rear first floor windows removed
- 2 roof lights added to the main front gable.

The house would be set in the same position as the previous approval at an angle to the road with a projecting front gable feature parallel to the road and whilst it would appear as two storey the fourth bedroom and en-suite would be situated within the main roof space. A rear garden area exceeding 250sqm would be provided. Hedging and a vehicle access gate would be provided to the front boundary together with landscaping around the front driveway.

The proposals also include the provision of two freestanding framework structures in the rear garden 4m x 4m with a maximum height of 2.6m, The frames would have an angled side facing south which would provide solar panels. New boundary fencing to the eastern elevation and part of the southern elevation has already been installed which comprises a dwarf wall with close board fencing above, a maximum height of 2.4m.

The following have been submitted in support of the proposals:

A Design and Access Statement

This provides an introduction and description of the site and its context, the proposals and design approach, sustainability, transport issues and conclusion.

Coal Authority Certificate

Confirms that there are no known past, present or proposed workings of coal within the zone of likely physical influence of the property.

Remediation and Verification Report

This confirms the finding of excavations on the site and the recommendation that 600mm shall be removed from the site and replaced with clean hardcore below the building and clean fill and soil for the garden area.

Energy Calculations

This confirms that the property would be compliant with Code for Sustainable Homes Level 3 if implemented in accordance the approved plans.

Relevant Planning History

12/1040/OL, outline for two detached dwellings and associated car parking, access, layout and scale considered, granted subject to conditions 05-04-13.

14/1293/FL, Plot 1 erection of a 4 bed detached house with associated car parking, landscaping and boundary treatment, retention of detached outbuilding in rear garden (with solar panels to southern roof slope) & temporary consent for residential caravan on site during the course of the build – further report elsewhere on this agenda.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- planning should be genuinely plan-led... should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;

- support the transition to a low carbon future in a changing climate... encourage the reuse of existing resources, including conversion of existing buildings
- contribute to conserving and enhancing the natural environment
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

Key provisions of the NPPF relevant in this case:

3. Supporting a prosperous rural economy

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4. Promoting sustainable transport

29. The transport system needs to be balanced in favour of sustainable transport modes, although it is recognised that opportunities to maximise sustainable transport opportunities will vary from urban to rural areas.

6. Delivering a wide choice of high quality homes

47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to assess needs for market and affordable housing in the housing market area,
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements (plus a 5% buffer, which might have to be increased to 20% “where there has been a record of persistent under-delivery”).

48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area

50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities,

52. The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development. In doing so, they should consider whether it is appropriate to establish Green Belt around or adjoining any such new development.

55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances

7. Requiring good design

58. High quality development will be expected to include/meet the following criteria:

- Will function well and add to the overall quality of an area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

64. Permission should, be refused for development of poor design

9. Protecting Green Belt land

79. 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.

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

81. Once Green Belts are defined, authorities should plan positively to enhance the beneficial use of the Green Belt such as improve damaged and derelict land.

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Annex 2: Glossary - **Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

11. Conserving and Enhancing the Natural Environment

109. The Planning System should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

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

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS)

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework*".

The key planning policies include 2a and 2b Vision: to include the creation of a network of sustainable communities' right across the Black Country. This will be achieved, in part, by creating environments which offer opportunities for active lifestyles and healthy choices, including provision for outdoor recreation within the urban fabric of the Black Country.

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously development land is prioritised over greenfield sites and encourages a comprehensive approach to development.

CSP2: Green Belt boundaries will be maintained and protected from inappropriate development.

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context.

ENV1: Safeguards nature conservation by ensuring development is not permitted where it would harm designated sites including Site of Importance for Nature Conservation. Adequate information must be provided with planning applications to ensure the likely impacts are fully assessed.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character.

ENV3: Encourage high quality design that stimulates economic, social and environmental benefits.

HOU2: Density and type of new housing will be informed by:

- The need for a range of types and sizes of accommodation to meet sub regional and local needs
- The level of accessibility
- The need to achieve high quality design and minimise amenity impacts

TRAN1: The development of transport networks in the Black Country is focused on a step change in public transport provision serving and linking centres, improving sustainable transport facilities and services across the area, improving connectivity to national networks and improving the efficiency of strategic highway routes.

TRAN2: Planning permission will not be granted for development proposals that are likely to have significant transport implications unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development including, in particular, access by walking, cycling, public transport and car sharing.

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Walsall's Unitary Development Plan (UDP)

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

Key references to saved UDP policies are:

3.3 The character and function of the Green Belt (which includes most of

Walsall's countryside) will continue to be safeguarded as part of the wider West Midlands Green Belt. Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

3.6, 3.7, & GP2: Seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

3.3: Inappropriate development within the Green Belt will not be allowed unless justified by very special circumstances.

ENV1: Defines the extent of the Green Belt.

ENV2: Highlights considerations of proposals within or adjacent to the Green Belt, and it includes a presumption against new buildings in the Green Belt, subject to exceptions similar to the approach in the NPPF although the NPPF now takes a more permissive approach to the extension or replacement of existing buildings (not just dwellings) and in respect of limited infilling or partial or complete redevelopment of previously developed sites. In both case this is subject to the impact on the Green Belt. Development is inappropriate if it conflicts with the openness and purposes of the green belt. ENV2(b) states re-use of existing buildings in the Green Belt will be acceptable provided that it does not involve any building extension or associated uses of land around the building that would conflict with the openness and purposes of the Green Belt.

ENV3: Detailed Evaluation of Proposals within the Green Belt - Proposals will be assessed for their impact on;

I. The detailed layout of the site.

II. The siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment.

III. The colour and suitability of building materials, having regard for local styles and materials.

vi. The impact on significant views, viewpoints and topographical features.

IX. Any other relevant considerations identified in GP2.

ENV4: Permits the limited infilling of major developed sites in the Green Belt, subject to certain criteria. It is considered these criteria are consistent with the NPPF, but the NPPF applies this approach to all previously developed sites that are defined as brownfield land.

H3: Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

ENV14: Seeks to bring forward derelict, vacant or underused land and buildings for new uses.

ENV18: Seeks to ensure protection, positive management and enhancement of existing woodlands, trees and hedgerows.

ENV32: Seeks the design of developments to create high quality environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

ENV33: Promotes good landscape design, including in prominent locations and / or where there are features the council requires to be retained or enhanced.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

4 bedroom houses and above 3 spaces per unit

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the NPPF with two sets of exceptions. The first relates to the NPPF's acceptance of extension or alteration to or replacement of existing buildings. The second, which is more important in this case, is that the NPPF will allow the limited infilling or the partial or complete redevelopment of previously developed sites (where they are defined as brownfield land) and provided there will not be a greater impact on the openness of the Green Belt and the purpose of including land within it.

Supplementary Planning Documents (SPD)

On the basis that relevant Unitary Development Plan policies are consistent with NPPF, the related Supplementary Planning Documents will also be consistent provided they are applied in a manner consistent with National Planning Policy Framework policy. The relevant Supplementary Planning Document's are:

Designing Walsall SPD

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process.

Annexe D: Numerical Guidelines for Residential Development ... identifies matters such as privacy and aspect distances between dwellings and garden dimensions. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours

DW1: New development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2: All development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3: Design should respect and enhance local identity;

DW6: New development should contribute to creating a place that has a clear identity;

DW9: New development must seek to ensure it creates places with attractive environmental quality;

DW10: New development should make a positive contribution to creating a sustainable environment.

It is considered in this case that the relevant provisions of Designing Walsall Supplementary Planning Document are consistent with the NPPF.

Consultations

Transportation - no objections subject to condition to ensure that the parking and vehicle manoeuvring areas are appropriately surfaced and drained.

Pollution Control Scientific Team - No objections subject to condition to restrict hours of working on site.

Pollution Control Contaminated Land Team – No objections. The applicant has been working with the Council to address the conditions on the outline consent. It has been agreed that the identified hotspots of hydrocarbon impaction would be removed and a clean cover layer installed to garden and landscaped areas. Conditions recommended to ensure implementation and verification report be submitted for approval.

Natural Environment (Ecology) - No objections.

Landscaping – No objections the proposed landscaping scheme is considered acceptable.

Fire Service – No objections.

Severn Trent Water - No objections to drainage scheme on submitted drawings.

Public Participation Responses

One letter of concern and one letter of support received.

Concerns:

No objections to the proposals for the houses but concerns about the increased usage of the existing old pipes in the drainage system than runs through the adjacent property to Chester Road.

Support:

The homes would be compatible with the other homes in the lane. The development would be good for the lane and the occupiers replacing a commercial yard. Security issues relating to the empty site.

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

Determining Issues

- The Principle of the Development
- Design and Layout and Impact on the Green Belt
- Impact on the Amenities of the Surrounding Occupiers
- Access and Parking
- Local Finance Considerations

Observations

The principle of the Development

The principle of residential development of the site was established through the previous outline consent for the erection of two detached houses in 2013.

The site lies within the West Midlands Green Belt as identified in Walsall's adopted Unitary Development Plan (UDP).

The site consists of previously developed land now unoccupied but previously used over a number of years as a builders merchants yard with a number of single storey storage buildings still within the site (now removed but in place at the time of the previous application), on this basis it is considered that the site falls within the definition of previously developed land provided in Annex 2 of the NPPF.

The new buildings would be considered as inappropriate development within the Green Belt in terms of UDP policy ENV3 as the site is not a major development site. However para 89 of the NPPF provides exceptions to inappropriate development. This allows limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continued use, which would not have a greater impact on the openness of the Green Belt and the purpose for including land within it, than the existing development.

The proposals would provide a partial redevelopment (further application for Plot 1 would provide complete redevelopment of the site) of previously developed brownfield land that is no longer in use and has a poor appearance within the general street scene. In this case an assessment of the impact the proposals would have on the openness of the Green Belt and on the purpose of including land in the Green Belt must be made.

The proposed development would assist in the removal of a non-conforming use within a predominantly residential area within the Green Belt.

The previous outline consent considered the relationship between the footprint of the proposed houses and that of the outbuildings and hardstanding that were still on site at the time (now removed) from the former builders yard. It was considered that the proposed houses would create improved views across the site, into and from the Green Belt and would have no adverse impact on the openness of the Green Belt. The proposals would also remove a large expanse of hardstanding by incorporating large rear gardens and landscaping to the frontage around the driveway, improving the 'green' aspects of the site.

The site sits within a 'triangular island' of development including well spaced detached two storey and single storey buildings of domestic scale. The proposals would follow the surrounding pattern of development and would not extend the sprawl of the urban area, but infill a small site within an area of built form with a conforming use.

In line with para 80 of the NPPF the development would assist in urban regeneration by allowing the recycling of a derelict site in the Green Belt. The proposals would not conflict with the purpose for including land in the Green Belt.

In this instance whilst the proposals would be regarded as inappropriate development in terms of UDP policy the proposals would be regarded as appropriate development in terms of the NPPF and as such the issue of very special circumstances does not need to be discussed.

Design and Layout and Impact on the Green Belt

The house now proposed would increase the footprint of the house approved at outline by 7.2sqm (increased size of single storey rear extension), but the property would have the same design and massing as that previously approved and sit on the same position within

the plot, continuing the existing building line in Green Lane. The proposed amendment represents an increase in the footprint of the property by 4.8 %.

Similarly the size, position and mass of the house at Plot 2 would remain as approved and would retain the gaps between the properties maintaining the surrounding pattern of development. The footprint of the property would reflect those in the immediate vicinity.

The other amendments to the design (listed above) would make minor changes to the overall design which are not considered to impact on the openness and character of the Green Belt as they amend the design only rather than the overall size and massing of the building and are considered would sit comfortably with the overall design of the house and the character of the area. The house would be set at an angle to Green Lane, as No 5 to the north, but a two storey gable feature on the frontage would follow the line of the road, as No 21 and No 23 to the south, providing the link between the houses that face the road and those that are angled to the road.

Within the 'triangular island' of development the density of development varies from 7.2 – 10 dwellings per hectare (dph). The proposals would provide a density of 11 which would be in keeping with the 7 to 10 dph range within the immediate vicinity.

The proposed freestanding frames for solar panels in the rear garden would be a maximum of 2.6m in height and would sit adjacent to the new boundary fencing which has a maximum height of 2.4m. A garden area of over 250sqm would be retained, well exceeding the 68sqm required by Appendix D of Designing Walsall. It is considered that the framework would have little additional impact on the openness and character of the Green Belt and would improve the sustainability credentials of the property through the installation of solar panels.

Details of the proposed building materials, including hard surfacing have been submitted and are considered appropriate for the location. The submitted landscape scheme is considered appropriate in terms of the layout and type of planting. The frontage layout has also been amended during the course of the application to provide hedging and an access gate to the front boundary rather than fencing, to improve the overall appearance of the development within the street scene. It is recommended that details of the hedging and access gates be submitted for approval prior to occupation of the property.

The design and layout of the property and the scale, bulk and massing of the house are considered would reflect the other houses in the immediate vicinity and would sit comfortably in this location and would have no adverse impact on the openness and character of the Green Belt.

Impact on the Amenities of the Surrounding Occupiers

The proposed layout would fully comply with the separation distances required by Appendix D and fully comply with the 45 degree code in relation to the proposed new house at plot 1 and the adjoining properties and it is considered that the proposals would have no adverse impact on the amenities of the surrounding occupiers.

Indeed the neighbour who supports the scheme emphasises the positive impact the proposals would have on the road, removing a commercial yard and a vacant site that brings with it security issues for the other residents.

The comments expressed regarding the impact on the existing drainage system would be addressed by Severn Trent Water when they agree the drainage scheme for the site.

Access and Parking

The access and parking provision for the property would remain as that approved under the previous outline consent, a single integral garage with two parking spaces within the front driveway in compliance with policy T13. No objections have been raised by transportation.

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 1 new home.

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

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

Positive and Proactive working with the applicant

During the course of the application the applicant has provided additional information and plans on advice from the case officer.

Summary of Reasons for Granting Planning Permission

Recommendation: Grant Permission Subject to Conditions

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

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

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

Site Layout and Street Scene Drawing 2834-01 Issue A submitted 18th December 2014

Proposed elevations and Floor Plans Drawing 2834-10 Issue E submitted 16th October 2014

Schedule of Materials submitted 18th December 2014

Design & Access Statement submitted 16th October 2014

Coal Authority Certificate submitted 1st September 2014

Environmental Risk Assessment and Remediation and Verification Report By Stuart Guy Consulting submitted 1st September 2014.

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 first occupation of the house hereby approved a landscaping scheme, including all soft and hard landscaping, front boundary treatment and gates, shall be submitted to and approved in writing by the Local Planning Authority.

3b. The scheme shall be completed in accordance with the approved details before the development is first occupied. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree. Shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the Green Belt area.

4a. Prior to the first occupation of the dwelling, the proposed parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained.

4b. All parking and manoeuvring areas shall be thereafter retained and used for no other purpose.

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

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

- i) The remedial measures as set out in the Remediation Statement; reference 13-10-01/4 soil removal; dated 7 March 2014; by Stuart Guy Consulting, shall be implemented in accordance with the agreed timetable.
- ii) 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 i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- iii) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

6. The drainage of the site shall be implemented in accordance with drawings 2834-01-A and 2834-10-E.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Schedule 2, Part 1, A, B, E and F shall be carried out to the houses hereby approved, without the prior approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over the site to protect the amenities of the area and the Green Belt.

8. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 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 August Bank Holiday Monday)*

Reason: In order to safeguard the amenities of the surrounding occupiers.

Notes for Applicant

Contaminated Land

CL1

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

CL2

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

CL3

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

Drainage – Sever Trent Water

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our New Connections Team (Tel: 0800 707 6600).



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 08/01/2015

Plans list item no: 3.

Reason for bringing to committee: Departure from the Development Plan

Application Number: 14/1293/FL
Application Type: Reserved Matters

Case Officer: Barbara Toy
Telephone Number: 01922 652615
Email: planningservices@walsall.gov.uk
Agent: Brophy Riaz & Partners

Applicant: Mr Tony Bennison

Proposal: Erection of a 4 bed detached house with associated car parking, landscaping and boundary treatment, retention of detached outbuilding in the rear garden (with solar panels to southern roof slope) and temporary consent for residential caravan on site during the course of the build.

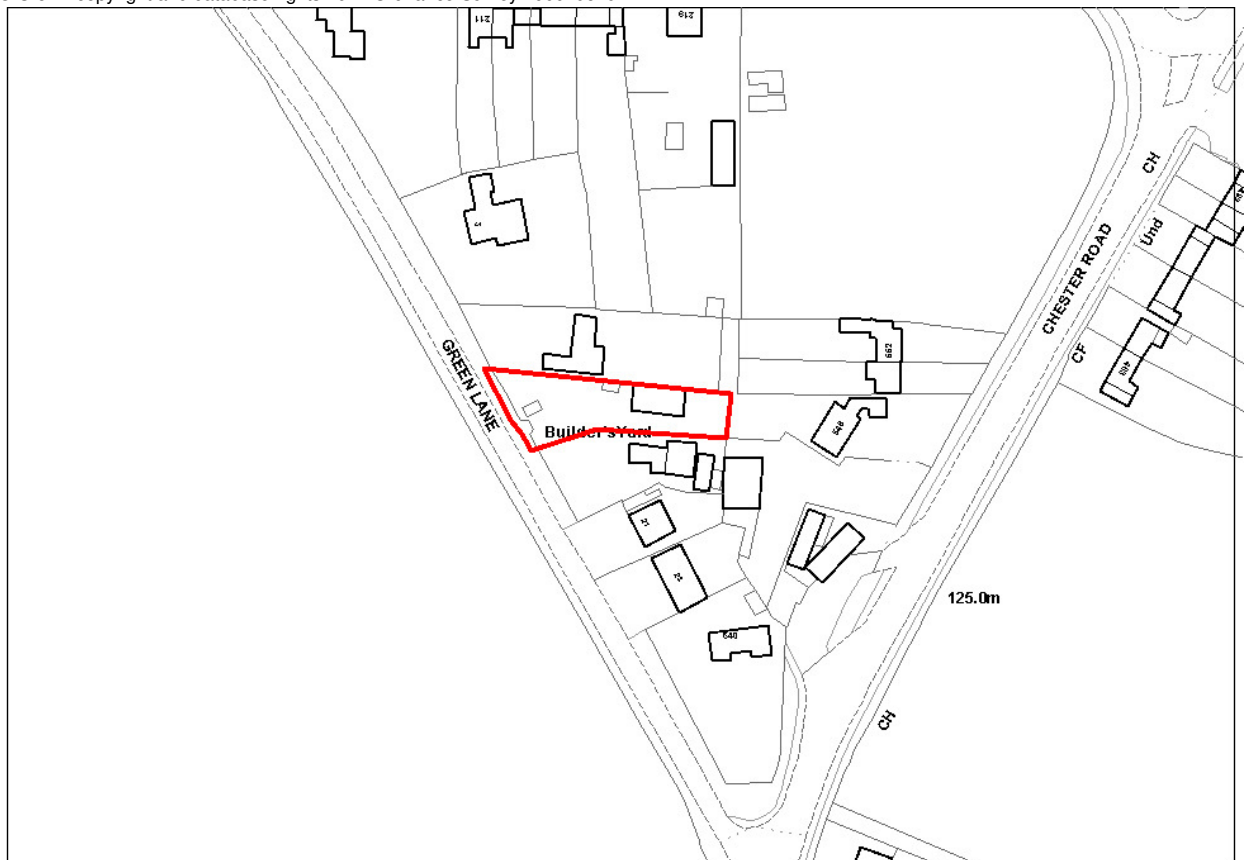
Location: PLOT 1 (FORMER BUILDERS MERCHANT YARD), GREEN LANE, ALDRIDGE, WALSALL, WS9 0LN

Ward: Aldridge Central & South

Expired Date: 15/12/2014
Extension of Time Target Date:
16/01/2015

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The site is situated on the eastern side of Green Lane and forms part of a former builders merchants yard. The site previously had a number of single storey storage buildings and concrete hardstanding over the remainder of the site.

The site sits within the designated Green Belt.

Immediately to the north is a two storey house (No 5), set at an angle to the road, with a bungalow beyond. To the south is the remainder of the builders yard site (plot 2 PA 14/1574/FL) with a two storey house (No 21) beyond, facing the road, and a bungalow. All of these properties front Green Lane. To the east there is a bungalow fronting Chester Road and a storage yard for vehicles with a large storage building set to the rear boundary. To the west open fields with Bliss Sand and Gravel quarry beyond. A mature hedge forms the boundary to the fields. The site sits within a 'triangular island' of development between Green Lane, Little Aston Road and Chester Road.

Green Lane has no formal public footpaths but has a scrub area of land on the frontage of the site adjacent to the road which is highway land. A regular bus service into Walsall and Birmingham runs along Little Aston Road approx 140m to the north of the site. Aldridge District Centre lies approx 1400m to the north west of the site.

This is a full application for Plot 1 only following a previous outline approval in April 2013 for two detached dwellings (access, layout and scale approved). A reserved matters application was not appropriate as the site is now split and the details of the house have been amended. This application now proposes a 4 bed detached house (previously 5 bed) with a very similar footprint as the previous approval, with amendments to the layout and design which include:

- Single storey rear orangery extended to 4.5m x 6.1m
- Integral garage converted to a sitting room with amended roof design and dormer window added
- Extended gable feature of the front door
- Chimney added to the southern elevation
- Gable roof features to the rear first floor windows removed
- 4 roof lights added to the main front gable.
- Amended front driveway layout to allow for an additional parking space due to the removal of the integral garage

The house would be set in the same position as the previous approval at an angle to the road with a projecting front gable feature parallel to the road and whilst it would appear as two storey the fourth bedroom and en-suite would be situated within the main roof space. A rear garden area of approx 240sqm would be provided. Hedging and a vehicle access gate would be provided to the front boundary together with landscaping around the front driveway.

The proposals also include the retention of a wooden storage shed at the bottom of the rear garden with an asymmetrical shallow pitched roof, with the longer side facing south to allow for solar panels. The building is already in place and measures 9.6m x 4.7m with a maximum height of 2.7m. New boundary treatment has also already been provided to the northern, eastern and part of the southern boundary which comprises a wharf wall with wooden close board fencing above, maximum height of 2.4m.

The proposals also include the retention of a residential caravan (10.7m x 3.6m) in the north western elevation (closest to the road) during the construction period to allow the applicant to live on site during construction.

The following have been submitted in support of the proposals:

A Design and Access Statement

This provides an introduction and description of the site and its context, the proposals and design approach, sustainability, transport issues and conclusion.

Coal Authority Certificate

Confirms that there are no known past, present or proposed workings of coal within the zone of likely physical influence of the property.

Remediation and Verification Report

This confirms the finding of excavations on the site and the recommendation that 600mm shall be removed from the site and replaced with clean hardcore below the building and clean fill and soil for the garden area.

Energy Calculations

This confirms that the property would be compliant with Code for Sustainable Homes Level 3 if implemented in accordance the approved plans.

Relevant Planning History

12/1040/OL, outline for two detached dwellings and associated car parking, access, layout and scale considered, granted subject to conditions 05-04-13.

14/1574/FL, Plot 2, erection of 4 bed detached house with associated car parking and provision of freestanding solar panels and framework in rear garden – further report elsewhere on this agenda.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- planning should be genuinely plan-led... should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;

- always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- support the transition to a low carbon future in a changing climate... encourage the reuse of existing resources, including conversion of existing buildings
- contribute to conserving and enhancing the natural environment
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

Key provisions of the NPPF relevant in this case:

3. Supporting a prosperous rural economy

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4. Promoting sustainable transport

29. The transport system needs to be balanced in favour of sustainable transport modes, although it is recognised that opportunities to maximise sustainable transport opportunities will vary from urban to rural areas.

6. Delivering a wide choice of high quality homes

47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to assess needs for market and affordable housing in the housing market area,
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements (plus a 5% buffer, which might have to be increased to 20% “where there has been a record of persistent under-delivery”).

48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area

50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities,

52. The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development. In doing so, they should consider whether it is appropriate to establish Green Belt around or adjoining any such new development.

55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may

support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances

7. Requiring good design

58. High quality development will be expected to include/meet the following criteria:

- Will function well and add to the overall quality of an area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

64. Permission should, be refused for development of poor design

9. Protecting Green Belt land

79. 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.

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

81. Once Green Belts are defined, authorities should plan positively to enhance the beneficial use of the Green Belt such as improve damaged and derelict land.

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use

(excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Annex 2: Glossary - **Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

11. Conserving and Enhancing the Natural Environment

109. The Planning System should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

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

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS)

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework*".

The key planning policies include 2a and 2b Vision: to include the creation of a network of sustainable communities' right across the Black Country. This will be achieved, in part, by creating environments which offer opportunities for active lifestyles and healthy choices, including provision for outdoor recreation within the urban fabric of the Black Country.

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously development land is prioritised over greenfield sites and encourages a comprehensive approach to development.

CSP2: Green Belt boundaries will be maintained and protected from inappropriate development.

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context.

ENV1: Safeguards nature conservation by ensuring development is not permitted where it would harm designated sites including Site of Importance for Nature Conservation. Adequate information must be provided with planning applications to ensure the likely impacts are fully assessed.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character.

ENV3: Encourage high quality design that stimulates economic, social and environmental benefits.

HOU2: Density and type of new housing will be informed by:

- The need for a range of types and sizes of accommodation to meet sub regional and local needs
- The level of accessibility
- The need to achieve high quality design and minimise amenity impacts

TRAN1: The development of transport networks in the Black Country is focused on a step change in public transport provision serving and linking centres, improving sustainable transport facilities and services across the area, improving connectivity to national networks and improving the efficiency of strategic highway routes.

TRAN2: Planning permission will not be granted for development proposals that are likely to have significant transport implications unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development including, in particular, access by walking, cycling, public transport and car sharing.

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Walsall's Unitary Development Plan (UDP)

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

Key references to saved UDP policies are:

3.3 The character and function of the Green Belt (which includes most of

Walsall's countryside) will continue to be safeguarded as part of the wider West Midlands Green Belt. Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

3.6, 3.7, & GP2: Seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

3.3: Inappropriate development within the Green Belt will not be allowed unless justified by very special circumstances.

ENV1: Defines the extent of the Green Belt.

ENV2: Highlights considerations of proposals within or adjacent to the Green Belt, and it includes a presumption against new buildings in the Green Belt, subject to exceptions similar to the approach in the NPPF although the NPPF now takes a more permissive approach to the extension or replacement of existing buildings (not just dwellings) and in respect of limited infilling or partial or complete redevelopment of previously developed sites. In both case this is subject to the impact on the Green Belt. Development is inappropriate if it conflicts with the openness and purposes of the green belt. ENV2(b) states re-use of existing buildings in the Green Belt will be acceptable provided that it does not involve any building extension or associated uses of land around the building that would conflict with the openness and purposes of the Green Belt.

ENV3: Detailed Evaluation of Proposals within the Green Belt - Proposals will be assessed for their impact on;

I. The detailed layout of the site.

II. The siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment.

III. The colour and suitability of building materials, having regard for local styles and materials.

vi. The impact on significant views, viewpoints and topographical features.

IX. Any other relevant considerations identified in GP2.

ENV4: Permits the limited infilling of major developed sites in the Green Belt, subject to certain criteria. It is considered these criteria are consistent with the NPPF, but the NPPF applies this approach to all previously developed sites that are defined as brownfield land.

H3: Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

ENV14: Seeks to bring forward derelict, vacant or underused land and buildings for new uses.

ENV18: Seeks to ensure protection, positive management and enhancement of existing woodlands, trees and hedgerows.

ENV32: Seeks the design of developments to create high quality environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

ENV33: Promotes good landscape design, including in prominent locations and / or where there are features the council requires to be retained or enhanced.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

4 bedroom houses and above 3 spaces per unit

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the NPPF with two sets of exceptions. The first relates to the NPPF's acceptance of extension or alteration to or replacement of existing buildings. The second, which is more important in this case, is that the NPPF will allow the limited infilling or the partial or complete redevelopment of previously developed sites (where they are defined as brownfield land) and provided there will not be a greater impact on the openness of the Green Belt and the purpose of including land within it.

Supplementary Planning Documents (SPD)

On the basis that relevant Unitary Development Plan policies are consistent with NPPF, the related Supplementary Planning Documents will also be consistent provided they are applied in a manner consistent with National Planning Policy Framework policy. The relevant Supplementary Planning Document's are:

Designing Walsall SPD

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process.

Annexe D: Numerical Guidelines for Residential Development ... identifies matters such as privacy and aspect distances between dwellings and garden dimensions. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours

DW1: New development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2: All development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3: Design should respect and enhance local identity;

DW6: New development should contribute to creating a place that has a clear identity;

DW9: New development must seek to ensure it creates places with attractive environmental quality;

DW10: New development should make a positive contribution to creating a sustainable environment.

It is considered in this case that the relevant provisions of Designing Walsall Supplementary Planning Document are consistent with the NPPF.

Consultations

Transportation - no objections subject to condition to ensure that the parking and vehicle manoeuvring areas are appropriately surfaced and drained.

Pollution Control Scientific Team - No objections subject to condition to restrict hours of working on site.

Pollution Control Contaminated Land Team – No objections. Since the outline consent the applicant has been working with the Council to address the conditions on the outline consent. It has been agreed that the identified hotspots of hydrocarbon impaction would be removed and a clean cover layer installed to garden and landscaped areas.

Natural Environment (Ecology) - No objections.

Landscaping – No objections as the proposed landscaping scheme is considered acceptable.

Fire Service – No objections.

Severn Trent Water - No objections, submitted details satisfy the drainage condition.

Public Participation Responses

One letter of concern and one letter of support received.

Concerns:

No objections to the proposals for the houses but concerns about the increased usage of the existing old pipes in the drainage system than runs through the adjacent property to Chester Road.

Support:

The homes would be compatible with the other homes in the lane. The development would be good for the lane and the occupiers replacing a commercial yard. Security issues relating to the empty site.

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

Determining Issues

- The Principle of the Development
- Design and Layout and Impact on the Green Belt
- Impact on the Amenities of the Surrounding Occupiers
- Access and Parking
- Local Finance Considerations

Observations

The principle of the Development

The principle of residential development of the site was established through the previous outline consent for the erection of two detached houses in 2013.

The site lies within the West Midlands Green Belt as identified in Walsall's adopted Unitary Development Plan (UDP).

The site consists of previously developed land now unoccupied but previously used over a number of years as a builders merchants yard with a number of single storey storage buildings in place at the time of the previous application. On this basis it is considered that the site falls within the definition of previously developed land provided in Annex 2 of the NPPF.

The new buildings would be considered as inappropriate development within the Green Belt in terms of UDP policy ENV3 as the site is not a major development site. However para 89 of the NPPF provides exceptions to inappropriate development. This allows limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continued use, which would not have a greater impact on the openness of the Green Belt and the purpose for including land within it, than the existing development.

The proposals would provide a partial redevelopment (further application for Plot 2 would provide complete redevelopment of the site) of previously developed brownfield land that is no longer in use and has a poor appearance within the general street scene. In this case an assessment of the impact the proposals would have on the openness of the Green Belt and on the purpose of including land in the Green Belt must be made.

The proposed development would assist in the removal of a non-conforming use within a predominantly residential area within the Green Belt.

The previous outline consent considered the relationship between the footprint of the proposed houses and that of the outbuildings and hardstanding that were still on site at the time (now removed) from the former builders yard. It was considered that the proposed houses would create improved views across the site, into and from the Green Belt and would have no adverse impact on the openness of the Green Belt. The proposals would also remove a large expanse of hardstanding by incorporating large rear gardens and landscaping to the frontage around the driveway, improving the 'green' aspects of the site.

The site sits within a 'triangular island' of development including well spaced detached two storey and single storey buildings of domestic scale. The proposals would follow the surrounding pattern of development and would not extend the sprawl of the urban area, but infill a small site within an area of built form with a conforming use.

In line with para 80 of the NPPF the development would assist in urban regeneration by allowing the recycling of a derelict site in the Green Belt. The proposals would not conflict with the purpose for including land in the Green Belt.

In this instance whilst the proposals would be regarded as inappropriate development in terms of UDP policy, the proposal is regarded as appropriate development in terms of the NPPF and as such the issue of very special circumstances does not need to be discussed.

Design and Layout and Impact on the Green Belt

The house now proposed would increase the footprint of the house approved at outline by 7.2sqm (increased size of single storey rear extension), but the property would have the same design and massing as that previously approved and sit on the same position within the plot, continuing the existing building line in Green Lane. The proposed amendment represents an increase in the footprint of the property by 4.8 %

Similarly the size, position and mass of the house at Plot 2 would remain as approved and would retain the gaps between the properties maintaining the surrounding pattern of development. The footprint of the property would reflect those in the immediate vicinity.

The other amendments to the design (listed above) would make minor changes to the overall design which are not considered to impact on the openness and character of the Green Belt as they amend the design only rather than the overall size and massing of the building and are considered would sit comfortably with the overall design of the house and the character of the area. The house would be set at an angle to Green Lane, as No 5 to the north, but a two storey gable feature on the frontage would follow the line of the road, as No 21 and No 23 to the south, providing the link between the houses that face the road and those that are angled to the road.

Within the 'triangular island' of development the density of development varies from 7.2 – 10 dwellings per hectare (dph). The proposals would provide a density of 11 which would be in keeping with the 7 to 10 dph range within the immediate vicinity.

The wooden storage shed at the bottom of the rear garden is already in situ, whilst this provides additional footprint, its size and form is not dissimilar to a normal garden shed/store at only 2.7m maximum height. A garden area of over 240sqm would be retained, well exceeding the 68sqm required by Appendix D of Designing Walsall. It is considered that the store would have little additional impact on the openness and character of the Green Belt and would improve the sustainability credentials of the property through the installation of solar panels.

Details of the proposed building materials, including hard surfacing have been submitted and are considered appropriate for the location. The submitted landscape scheme is considered appropriate in terms of the layout and type of planting. The frontage layout has also been amended during the course of the application to provide hedging and an access gate to the front boundary rather than fencing, to improve the overall appearance of the development within the street scene. It is recommended that details of the hedging and access gates be submitted for approval prior to occupation of the property.

It is recommended that permitted development rights be removed to avoid a profusion of extensions and out buildings over time without control which may impact on the Green Belt.

The design and layout of the property and the scale, bulk and massing of the house are considered would reflect the other houses in the immediate vicinity and would sit comfortably in this location and would have no adverse impact on the openness and character of the Green Belt.

Impact on the Amenities of the Surrounding Occupiers

The proposed layout would fully comply with the separation distances required by Appendix D and fully comply with the 45 degree code in relation to the proposed new house at plot 2 and the adjoining properties and it is considered that the proposals would have no adverse impact on the amenities of the surrounding occupiers.

Indeed the neighbour who supports the scheme emphasises the positive impact the proposals would have on the road, removing a commercial yard and a vacant site that brings with it security issues for the other residents.

The comments expressed regarding the impact on the existing drainage system would be addressed by Severn Trent Water when they agree the drainage scheme for the site.

Access and Parking

The parking layout for the house has been amended since the outline consent, removing the integral garage and providing an additional parking spaces on the front driveway to ensure 3 spaces are provided in compliance with policy T13. The access arrangements would remain as the outline consent and no objections have been raised by transportation.

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 1 new home.

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

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

Positive and Proactive working with the applicant

During the course of the application the applicant has provided additional information and plans on request from the case officer.

Recommendation: Grant Permission Subject to Conditions

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

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

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

Block Plan Drawing 2795-03 submitted 22nd October 2014

Site Layout and Street Scene Drawing 2795-01 Issue A submitted 19th December 2014

Proposed elevations and Floor Plans Drawing 2795-02 Issue F submitted 21st October 2014

Schedule of Materials submitted 19th December 2014

Landscape Plan submitted 21st October 2014

Design & Access Statement submitted 21st October 2014

Coal Authority Certificate submitted 1st September 2014

Energy Calculations Ltd – Code Pre Assessment dated 28th June 2014 submitted 1st September 2014

Environmental Risk Assessment and Remediation and Verification Report By Stuart Guy Consulting submitted 1st September 2014.

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 first occupation of the house hereby approved a revised landscaping scheme, including front boundary treatment and gates, shall be submitted to and approved in writing by the Local Planning Authority.

3b. The scheme shall be completed in accordance with the approved details before the development is first occupied. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree. Shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the Green Belt area.

4a. Prior to the first occupation of the dwelling, the proposed parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained.

4b. All parking and manoeuvring areas shall be thereafter retained and used for no other purpose.

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

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

iv) The remedial measures as set out in the Remediation Statement; reference 13-10-01/4 soil removal; dated 7 March 2014; by Stuart Guy Consulting, 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 i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

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

6. The drainage of the site shall be implemented in accordance with drawings 2795-01-F and 2795-02-F.

Reason: In order to ensure a satisfactory means of drainage and reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Schedule 2, Part 1, A, B, E and F shall be carried out to the houses hereby approved, without the prior approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over the site to protect the amenities of the area and the Green Belt.

8. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 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 August Bank Holiday Monday)

Reason: In order to safeguard the amenities of the surrounding occupiers.

9. The residential caravan shown on approved drawing 2795-03 shall be removed from site within one month of the first occupation* (see notes) of the dwelling hereby approved.

Reason: To prevent the establishment of a separate dwelling in the Green Belt

Notes for Applicant – Contaminated Land

CL1

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

CL2

When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land Contamination", The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 "Updated technical background to the CLEA model" and Science Report – SC050021/SR2 "Human health

toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

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

Drainage – Severn Trent Water

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our New Connections Team (Tel: 0800 707 6600).

Condition 9 – first occupation is defined as the first overnight stay in the dwelling by any individual



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 08/01/2015

Plans list item no: 4.

Reason for bringing to committee: Conflict with policy

Application Number: 14/1590/FL

Application Type: Full application

Applicant: WHG Developments Ltd

Proposal: Erection of a pair of 4 bed semi detached houses.

Location: 35B PORTLAND ROAD, WALSALL, WS9 8NU

Ward: Aldridge Central & South

Case Officer: Barbara Toy

Telephone Number: 01922 652615

Email: planningservices@walsall.gov.uk

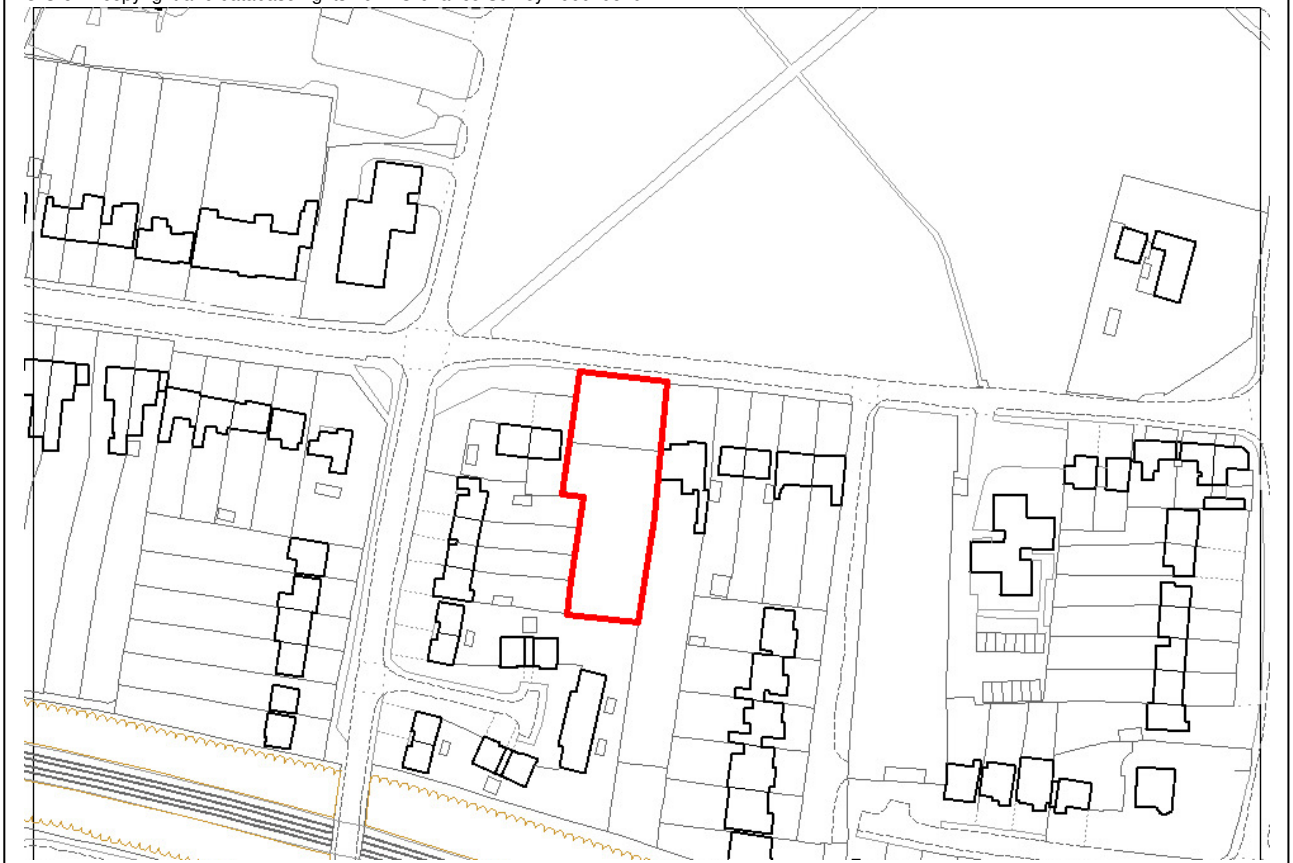
Agent: PlanIT Planning and Development Ltd

Expired Date: 15/12/2014

Extension of Time Target Date:
16/01/2015

Recommendation Summary: Grant Permission Subject to Conditions

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Regeneration - Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email: planningservices@walsall.gov.uk, Telephone: (01922) 652677,

Textphone: 0845 111 2910, Fax: (01922) 652670

Application and Site Details

The site is situated on the southern side of Portland Road and comprises a now vacant site formally occupied by a block of 8 x 1 bed flats within a two storey pitched roof block set within the building line of the properties either side. A number of mature trees are situated within the site. The site is currently secured by palisade fencing, following the demolition of the former building in 2008).

The site sits within the Aldridge Conservation Area and the opposite side of the road forms the boundary of the Aldridge district centre. The Croft urban open space is situated to the north on the opposite side of Portland Road. This is mostly maintained grass with pathways through and mature trees. A pair of 1960's semi detached facing brick houses (35 and 35a) sits immediately to the west of the site, each with a single storey side garage. To the east is a large detached rendered 1930's house with single storey side pitched roof garage (37). To the rear (south) of the site is a two storey block of flats off Alexandra Way.

This application proposes the erection of a pair of two storey semi detached 4 bed houses on the site, to follow the existing building line. Plot 1 (adj to No 35a) would have front driveway parking for 3 cars and plot 2 (adj No 37) would have an integral garage and two front driveway parking spaces. The plans have been amended since submission to increase the width of the driveway at plot 2 to 2.4m and to widen the existing public footway to 2m along the frontage of the site and offer to the Highway Authority for adoption.

Plot 2 would be a traditional rectangular shape whilst plot 1 would be an 'L' shape to allow for the retention of a mature tree to the rear. Both houses would be rendered, with a large front gable feature with a front to back gable roof on plot 1 with a small front gable feature and an amended roof design to plot 2 to reduce the overall height of the roof and includes a crown roof. Each house would have a canopy feature over the front door and plot 1 would have a chimney.

Both houses would have large private rear gardens in excess of 200sqm. Although a number of trees to each of the side boundaries would be removed the mature trees to the rear would be retained.

The site is 0.14 hectares which equates to a density of 14 dwellings per hectare.

The application is supported by:

The Design & Access Statement

This discusses the site and its location, the design, the amount, layout and scale of the development, appearance, landscaping and access.

Planning Statement

This discusses the site and surroundings, the proposals, national and local planning policy and a planning assessment of the proposals.

Phase 1 Walkover Geotechnical Survey

This advises a 'clean cover' to the site.

Arboricultural Report

This provides an assessment of 15 individual trees and one group of trees on the site, details of works required to the trees and details of appropriate root protection. One

hawthorn tree was identified as poor condition and one common ash as fair condition, the remaining trees all categorised as B and C grad in good condition. Four individual trees on the frontage and side boundary with No 35a would be lost and the small group of trees on the side boundary with No 37 would be lost to allow for the development.

Ecological Surveys & Addendum

The ecological report makes recommendations regarding nesting birds, foraging bats, terrestrial mammals and habitat loss and enhancement.

Utilities/Services Review

Relevant Planning History

08/1408/CA, demolition of 35b Portland Rd, approved 06-01-09

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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

6: Delivering a wide choice of high quality homes

53. LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

64. states permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of the area and the way it functions.

12. Conserving and Enhancing the Historic Environment

131. In determining planning applications, local planning authorities should take account of

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

134. 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 securing its optimum viable use.

137. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

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

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism

to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

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

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

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

The Spatial Objectives include

1. Focussed investment and development in comparison shopping, office employment, leisure, tourism and culture within Walsall, to retain and increase their share of economic activity and meet the increasing aspirations of their catchment areas.
2. A restructured sub-regional economy which provides sufficient strategic high quality employment land in the best locations within Regeneration Corridors to attract new high technology and logistics businesses and also recognises the value of local employment land.
5. A network of vibrant and attractive town, district and local centres
6. A high quality environment
7. A first-class transport network providing rapid, convenient and sustainable links between the Strategic Centres, existing and new communities, and employment sites

The above are supported by the following policies:

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided.

CSP4: A high quality of design of the built and natural environment is required.

HOU2: Density and form of new housing should be informed by the need for a range of types and sizes of accommodation, level of accessibility and need to achieve a high quality design and minimise amenity impacts. Developments should achieve a minimum density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN2: New developments and existing facilities must demonstrate their travel and transportation impacts together with proposals for mitigation.

ENV2: Historic Character and Local Distinctiveness

States that development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.

ENV3: Design Quality

Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

ENV29: Conservation Areas

The Council will determine whether a development preserves or enhances the character and appearance of the conservation area in terms of the impact of any new building on the special townscape, scale, massing, siting, layout And materials as well as the nature of the use, its anticipated traffic, parking and activity.

ENV32: Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: Adequate foul and surface water drainage infrastructure should be provided.

H3: Encourage the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

T13: Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

4 bed houses and above – 3 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character -design to respect and enhance local identity;

DW 10 – new development should make a positive contribution to creating a sustainable environment.

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix D (listed below) although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

- 13m separation between habitable windows and blank walls exceeding 3m in height.
- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).

It is considered in this case that the relevant provisions of SPD Designing Walsall are consistent with the NPPF.

Consultations

Transportation – No objections subject to conditions re parking, access and visibility. The parking proposals would comply with policy T13. The scheme has been amended to allow for the widening of the public footpath along the frontage of the site and to offer for adoption.

Conservation Officer – No objections to the amended roof design which provides a lower roof of a more traditional scale.

Tree Officer – No objections subject to conditions to ensure that the development is implemented in accordance with the recommendations and tree protection details in the submitted tree report.

Natural Environment – No objections on ecological grounds subject to conditions to ensure that the scheme is implemented in accordance with the recommendations of the submitted ecological report.

Pollution Control– No objections subject to condition to restrict hours of working on site and to confirm site remediation and validation report re contaminated land.

Severn Trent Water – No objections subject to drainage condition

The Coal Authority – No objections, if consent is granted then The Coal Authority's Standing Advice should be sent out with the decision notice.

Public Participation Responses

One letter of comment received from the immediate neighbour (35b).

Concern at the lack of detail on the submitted plans of the proposed boundary treatment between the site and 35a, would like to see a new 1.8m high boundary fence to replace the existing hedge, as maintenance of the hedge over the years has ended up being the neighbours responsibility.

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

Determining issues

- The Principle of Residential Development
- Design and Layout and Impact on the Conservation Area
- Impact on the Amenities of the Surrounding Occupiers
- Impact on Trees and Natural Environment
- Local Finance Considerations

Observations

The Principle of Residential Development

The application site is previously developed land formerly occupied by a two storey block of 8 x 1 bed flats and would therefore satisfy the objectives of saved policies 3.9 and ENV14 of the UDP which encourage the development of previously developed land. Saved policy H3 further encourages the provision of additional housing through the reuse of previously developed windfall sites. The site is in a predominantly residential area, adjacent to Aldridge district centre, with access to shops and services and regular bus routes and is therefore in a sustainable location. Residential development on the site is therefore appropriate.

Redevelopment of the site for residential purposes would be considered a sustainable reuse and regeneration of the land in accordance with the NPPF and would remove a vacant site in the conservation area.

The proposal would provide a density of 14 dwellings per hectare, whilst this is below the 35 dwellings per hectare suggested in HOU2 of the BCCs, the proposed density does reflect the character of the area which has a density varying from 8 – 28 dwellings per hectare and is considered acceptable.

Design and Layout and Impact on the Conservation Area

The design of plot 2 has been amended since submission to reduce the height and massing of the roof. Whilst the design now incorporates a 'crown roof' it is considered that the flat roof element would not be visible and the remaining roof would appear as a hip. This design reduces the overall impact of the roof and would improve the overall appearance of the building within the street scene and the conservation area.

The design of the two houses picks up on key design features from the surrounding properties, gable features, chimney, window sizing, render finish and front door canopies.

It is considered that the proposed design would sit comfortably within the street scene between the inter-war properties to the east and the 1960's properties to the west and would have no adverse impact on the character and appearance of the conservation area.

The properties would follow the existing well established building line, with front driveways and large mature rear gardens, retaining as many of the existing trees as possible.

Impact on the amenity of the surrounding occupiers

No 37 has two side first floor bedroom windows facing the site. One within the original house and one within a two storey rear extension. The bedroom within the original house also has a further window to the rear within a dormer so the side window is not the primary source of light to the room. The bedroom within the rear extension however has only one window. This would sit approx 6.5m to the east of the proposed two storey side gable of plot 2, but would sit towards the rear corner of the building so would still have at least a 90 degree outlook. Whilst the separation would conflict with the distance of 13m required by Designing Walsall appendix D, it is considered due to the orientation and the position of the window in relation to the rear of the proposed building that an adequate amount of light and outlook would be maintained to avoid any adverse impact on the amenities of the occupiers of No 37. The amended roof design of plot 2 would reduce the overall height and massing of the roof and in addition the occupiers of No 37 have raised no objections to the proposals.

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

Impact on Trees and Natural Environment

The trees on the site are protected as the site is situated within the Aldridge Conservation Area. The arboricultural report submitted categorizes the trees and the proposed layout of the two houses has been designed in order to retain the higher value trees on the site.

The proposals would result in the loss of 4 individual trees and a small group of trees however there are no objections to their loss due to the poor condition and low arboricultural value. The trees with higher value are to be retained and protected during construction. Whilst the retained trees may shade the rear gardens of the proposed houses for part of the day this is not considered to be excessive or a reason for refusal of the proposals.

Safeguarding conditions recommended to ensure the retention and protection of the trees of value within the site.

The main ecological features of interest on the site are the mature trees. The ecological report makes recommendations regarding nesting birds, foraging bats, terrestrial mammals and habitat loss and enhancement. Conditions recommended to ensure these recommendations are implemented.

Parking, Access and highway safety

Three off street parking spaces would be provided for each house, driveway parking only for plot 1 and a single integral garage and driveway parking for plot 2, in compliance with policy T13.

The vehicle access to plot 2 has been amended to increase the width so that it complies with guidance.

Portland Road only has a public footpath on the southern side and on the frontage of the application site the footpath is narrow and below standard. The applicant has agreed to increase the width of the footpath to 2m along the length of the site to improve pedestrian access on this busy stretch of road.

Local Financial Considerations

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

This application proposes 2 new homes.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 411 new homes during 2011-2012 the award to the Council was £576,927. Taking into account the delivery of homes in previous years, the total amount awarded this year was £2,583,252. This figure (which included a premium for affordable housing) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards may be offset against reductions in the 'formula grant' the Council will receive from Government.

Recommendation: Grant Permission Subject to Conditions

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

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

2a. No development shall commence until samples of all facing and roofing materials for the proposed house, plus all proposed hardsurfacing within the site have been submitted to and approved in writing by the Local Planning Authority.

2b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

3a. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority.

3b. The development shall be completed with the approved details and retained as such.

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

4a. No development shall be carried out until a landscaping scheme, including boundary treatments, has been submitted to and approved in writing by the Local Planning Authority.

4b. The scheme shall be completed in accordance with the approved details before the development is first occupied. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree. Shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the Conservation Area.

5a. Prior to the commencement of the development, full engineering details of the adoptable footway widening and new vehicle footway crossing to align with the new access point onto Portland Road, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

5b. Prior to the first occupation of any dwelling on the development, the footway widening and dropped kerb works shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP Policy GP2, T8 and T11.

6a. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

6b. The remedial measures as set out in the "Remediation Statement" required by part i) of this condition shall be implemented in accordance with the agreed timetable.

6c. 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 i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

6d. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

7a. Prior to the first occupation of either dwelling on the development, the driveway and parking area serving that dwelling shall be fully consolidated, hard surfaced and drained.

7b. The frontage parking areas shall thereafter be retained and used for no other purpose.

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

8. Notwithstanding any Permitted Development Rights, any future boundary treatment across the site frontage shall provide a 2.4m x 3.4m pedestrian visibility splay at each access point, within which no planting or structure exceeding 600mm in height above footway level will be permitted.

Reason: To ensure adequate pedestrian/vehicle inter-visibility at the access points in the interests of highway safety.

9. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 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 August Bank Holiday Monday)

Reason: In order to safeguard the amenities of the surrounding occupiers.

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

Site Location Plan Drawing 51953-D00 submitted 17th October 2014

Site Layout Plan Drawing 51953-D04 Rev C submitted 22nd December 2014

Floor Plans Drawing 51953-D04 Rev A submitted 17th October 2014

Elevations and Street Scene Drawing 51953-D06 Rev C submitted 22nd December 2014

Land Survey Drawing 7762/1 submitted 17th October 2014

Planning Statement submitted 17th October 2014

Design & Access Statement submitted 17th October 2014

Arboricultural Report submitted 17th October 2014

Tree Constraints Plan submitted 17th October 2014

Extended Phase 1 Habitat Survey submitted 17th October 2014 & Update by Red Kite Network Ltd dates 28th August 2014

Ground Investigation dated June 2012, July 2012 and Walk Over Survey and Desk Study dated February 2012 submitted 23rd October 2014

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).

Note to the Applicant:

The applicant will be expected to enter into an agreement under S38/278 of the Highways Act 1980 in respect of the footway widening and footway crossing works.

Contaminated Land

CL2

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

CL3

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



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 08/01/2015

Plans list item no: 5.

Reason for bringing to committee: Significant Interest

Application Number: 14/1093/FL

Application Type: Full application

Applicant: D & S Brickwork Ltd

Proposal: Two detached properties

Location: LAND ADJ TO 141 HALL LANE, WALSALL, WS9 9AR

Ward: Aldridge North and Walsall Wood

Case Officer: Barbara Toy

Telephone Number: 01922 652615

Email: planningservices@walsall.gov.uk

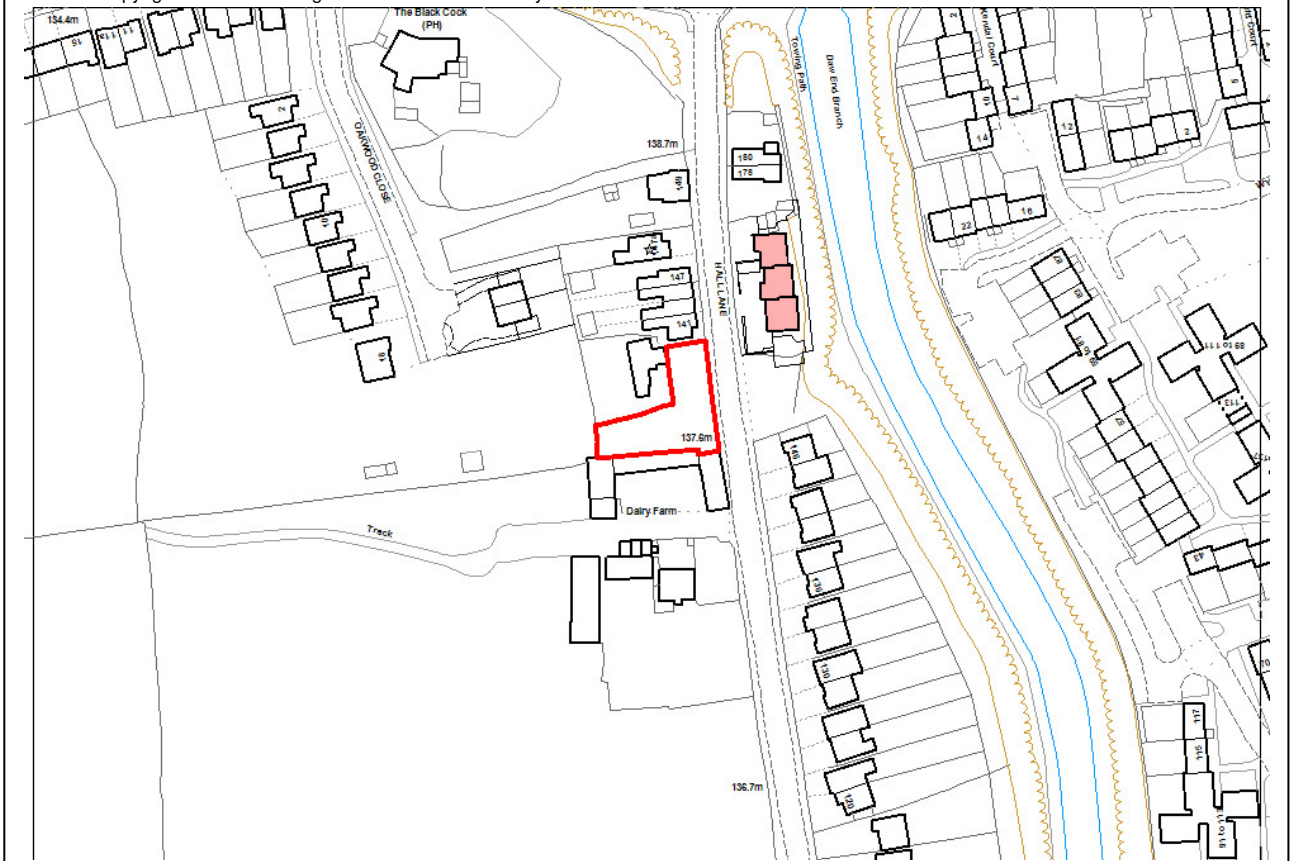
Agent: Mr Anthony Kerby

Expired Date: 06/10/2014

Extension of Time Target Date:
31/10/2014

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

This application is for the development of two new dwellings on land adjacent to 141 Hall Lane. The application was originally submitted as a proposal for a pair of semi detached dwellings but following the identification of a mains sewer through the centre of the site the properties have been separated to accommodate an easement for the sewer.

The site itself is level and sits between the farm to the south and 141 Hall Lane to the north. The site has been cleared of a number of trees to facilitate the development and is an unencumbered by any significant features or constraints other than the sewer easement. To the rear of the site are a number of single-storey detached outbuildings associated with number 141 and it has been confirmed by the occupier of this premises that these buildings are used as utility structures and not for habitable purposes.

The proposed dwellings are three bedroom properties each with two parking spaces.

The site has been laid out to ensure that the dwellings do not overlook each other or neighbouring dwellings and are in compliance with the councils design standards and sufficient amenity space has also been provided.

Hall Lane itself is varied in character with the farm to the south which is of red brick and clay tile with single and large two storey properties whilst on the opposite side of the road are two and a half storey dwellings like those proposed here.

Relevant Planning History

03/1814/FL Erection of kiosk for Severn Trent Water – Withdrawn 17/01/2005

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring good design
- Conserving and enhancing the natural environment

Key provisions of the NPPF relevant in this case:

The NPPF confirms that a plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate,

Paragraph 50 seeks to deliver a wide choice of quality homes and states local planning authorities should plan for a mix of housing.

Paragraph 56 attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 states it is important to plan positively for the achievement of high quality and inclusive design.

Paragraph 58 states planning policies and decision should aim to ensure that development meet criteria including:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials
- Are visually attractive as a result of good architecture and appropriate landscaping

Paragraph 61 considers planning decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 111 encourages effective use of land by re-using land that has been previously developed (brownfield land) provided it is not of high environmental value.

Paragraph 118 states planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats...and the loss of aged or veteran trees...unless the benefits of the development clearly outweigh the loss.

Paragraph 120 seeks to prevent unacceptable risks from pollution and land stability.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

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

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework “decision-takers may continue to give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall’s UDP) the NPPF advises that “... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a ‘Compatibility Self-Assessment Checklist’ (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council’s Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

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

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

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

The Spatial Objectives include provision of a high quality environment.

The above are supported by the following policies:

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided.

CSP3: Development proposals will need to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded at every opportunity.

CSP4: A high quality of design of the built and natural environment is required.

HOU1: Seeks to deliver at least 63,000 net new homes over the period 2006-2026.

HOU2: Density and form of new housing should be informed by the need for a range of types and sizes of accommodation, level of accessibility and need to achieve a high quality design and minimise amenity impacts. Developments should achieve a minimum density of

35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness

DEL1: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport. Residential development will be expected to meet the accessibility standards set out in Policy HOU2.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

TRAN5: Identifies priorities for traffic management including maximum parking standards and promoting measures to reduce the need to travel and facilitate a shift towards using sustainable modes of transport such as walking, cycling, public transport etc.

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character.

ENV3: Seeks to deliver urban renaissance through high quality design that stimulates economic, social and environmental benefits.

ENV5: Seeks to reduce the impact of flooding.

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

H3: Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV32 & 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV33 & 3.117: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: Adequate foul and surface water drainage infrastructure should be provided.

T1: Seeks to improve access and help people get around

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

T11: Seeks to improve access for pedestrians, cyclists and wheelchair users.

T13: Parking Provision

Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

1, 2 & 3 bedroom houses: 2 spaces per unit

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character -design to respect and enhance local identity;

DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;

DW 10 – new development should make a positive contribution to creating a sustainable environment.

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Conserving Walsall's Natural Environment SPD

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

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

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

It is considered in this case that the relevant provisions of SPD Conserving Walsall's Natural Environment are consistent with the NPPF.

Supplementary Planning Document for Affordable Housing

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

Supplementary Planning Document Urban Open Space

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

Consultations

Walsall Ecological Officer – No objections

The site will not require a bat survey and there are not likely to be other ecological issues.

Walsall Pollution Control (Contaminated Land) – No objection

Walsall Pollution Control (Scientific Team) – No objection but conditions recommended.

Conditions sought in respect of hours of work

Walsall Environmental Health - Confirmed no comments to make

Canal and River Trust – No objections

Severn Trent Water - No objection but conditions recommended

Condition sought in respect of drainage and flood minimisation plus informative for works close to sewers.

Public Participation Response

Three objections have been received from neighbours concerned about the following matters:

- Loss of privacy through overlooking
- Loss of light
- Harm to wildlife
- Insufficient parking

- Impact on the culverted sewers
- The development impinges on third party land.

Determining Issues

- Principle of residential development
- Layout and design
- Relationship to surrounding properties
- Means of access & parking
- Relationship to surrounding properties
- Existing sewer easement

Observations

Principle of residential development

The site is located within an existing urban area and is adjacent to existing development. Although the site has not been previously developed, it is considered that it is suitable for new residential development given the existing character of the area. The site is not allocated for any specific purpose within the development plan and accordingly it is considered that residential development can be considered appropriate in this location subject to other planning considerations.

Layout and design

The two plots are for two and a half storey properties benefiting from accommodation in the roof. Both dwellings will be three bedroom with two parking spaces at the front with access onto Hall Lane.

Due to the constraint of a sewer easement through the site and the L shaped form of the site, the plots have been laid out with unit one slightly closer to the main road and parking to the side whilst unit 2 has parking to the front.

Unit one has 100 sqm of garden space whilst unit two benefits from 220 sqm.

The materials for the development have not been detailed though the applicant had indicated red brick and concrete tiles in the application forms. It is considered this matter can be adequately addressed through the submission of details of materials for the walls, roof, and boundary treatments should the application be acceptable in all other regards.

Relationship to surrounding properties

Street scene elevations have been provided showing the relationship of the dwelling to their neighbours and whilst slightly higher than the neighbours at 141 Hall Lane, it is considered that the properties are comparable to other dwellings in the locality

Although some of the objections have expressed concern about the impact on privacy, the dwellings have been designed to take into account the Councils design standards. Whilst there are outbuildings serving 141 Hall Lane to the rear of unit one, it has been confirmed by officers that these buildings are not used as habitable rooms and are in fact used for storage

and utility purposes and accordingly are not afforded the same weight in policy terms as habitable rooms.

Only one side facing window is proposed on each dwelling for the stair case and this can be conditioned to be obscured glazing to ensure there is no overlooking. TO ensure no future erosion of privacy occurs, it is recommended that permitted development rights be removed.

Means of access & parking

Each property has been provided with two parking spaces which is in line with the adopted standards for a three bedroom house. On this basis, it is considered the concerns of the objectors have been met.

Existing sewer easement

This scheme was originally proposed as two semi-detached dwellings. However, following the discovery of a sewer easement through the site, the applicant has redesigned the scheme to accommodate this constraint.

Severn Trent have considered the proposal and subject to two conditions and an informative on the easement, have raised no objection. On this basis, it is considered that the development is acceptable.

Other Matters

One of the neighbours has expressed concern that they have an interest in the application site. Officers have reviewed this matter and it is understood the applicants believe they have title to the land in question.

As this is a civil matter it is outside of the scope of the planning considerations appertaining to this proposal.

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 2 new homes.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 411 new homes during 2011-2012 the award to the Council was £576,927. Taking into account the delivery of homes in previous years, the total amount awarded this year was £2,583,252. This figure (which included a premium for affordable housing) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards may be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Positive and Proactive working with the applicant

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

Summary of Reasons for Granting Planning Permission

Recommendation: Grant Permission Subject to Conditions

1. The development must be begun no later than 3 years after the date of this decision.

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

2. This development shall not be carried out other than in conformity with the following approved plans and documents except in so far as may otherwise be required by conditions:

-

- Existing Site and Location Plan Ref HL/01/01 July 2014 Received. 11 August 2014
- Proposed Site Plan Ref HL/01/01 Rev A July 2014 Received. 18 September 2014
- Proposed House Plans Plot 2 Ref HL/01/03 Rev A July 2014 Received. 18 September 2014
- Proposed House Plans Plot 1 Ref HL/01/04 Rev A July 2014 Received. 18 September 2014
- Proposed Street Scene Elevations Ref HL/01/05 Rev A July 2014 Received. 18 September 2014

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 may require).

3a. Prior to the commencement of the development full details of the disposal of both surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority.

3b. The development shall be completed fully in accordance with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution and protect the integrity of the adjacent railway.

4a. Prior to the commencement of the development, full engineering details of the necessary relocation of the existing traffic calming measures (speed cushions) directly outside the proposed access point to Plot 1, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The new position of the speed cushions shall be agreed in advance with the Council's Road Safety Team.

4b. Prior to the first occupation of either dwelling on the development, the relocated speed cushions shall be fully implemented in accordance with the approved details to the satisfaction of the Highway Authority and all costs incurred to be at the applicant's expense.

Reason: The existing speed cushions fall directly outside the proposed access point to Plot 1 and to ensure the safe and satisfactory operation of the new access the speed cushions need to be relocated to an alternative suitable location along Hall Lane.

5a. Prior to the commencement of development above damp proof level of either dwelling, full details of all wall and roof materials and boundary treatments shall be submitted to and approved in writing by the local planning authority.

5b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such.

Reason: In order to safeguard the visual amenity and natural environment of the area.

6a. Prior to the first occupation of either of the houses a revised site layout plan shall be submitted to and approved in writing by the Local Planning Authority showing the parking spaces to Plot 2 moved further north to accommodate a 2.4m x 3.4 pedestrian visibility splay at the southern-most space clear of adjacent existing building.

6b. The approved layout shall be implemented and thereafter retained.

6c. A 2.4m x 3.4m pedestrian visibility splay shall also be demonstrated at all other parking spaces within which no structure or planting shall exceed 600mm height above footway level.

Reason: To ensure adequate pedestrian/vehicle inter-visibility at the access points in the interests of highway safety and in accordance with UDP policy GP2 and Manual for Streets guidance.

7a. Prior to the commencement of the development, full engineering details of the necessary relocation of the existing traffic calming measures (speed cushions) directly outside the proposed access point to Plot 1, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The new position of the speed cushions shall be agreed in advance with the Council's Road Safety Team.

7b. Prior to the first occupation of either dwelling on the development, the relocated speed cushions shall be fully implemented in accordance with the approved details to the satisfaction of the Highway Authority and all costs incurred to be at the applicant's expense.

Reason: The existing speed cushions fall directly outside the proposed access point to Plot 1 and to ensure the safe and satisfactory operation of the new access the speed cushions need to be relocated to an alternative suitable location along Hall Lane.

8a. Prior to the first occupation of either dwelling on the development;-

i) The proposed car parking spaces serving that dwelling shall be fully consolidated, hard surfaced, drained and brought fully into use, and;

ii) A new dropped kerb footway crossing shall be installed to serve the new access point, including the reinstatement of the existing redundant footway crossing in Hall Lane back to full kerb height. All works shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority. Any works shall meet all statutory requirements.

8b. All parking and manoeuvring areas shall be thereafter retained and used for no other purpose.

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

9. 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; Easter Monday; Good Friday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.*

Reason: To protect the amenities of surrounding properties.

Notes for Applicant – Sewer Easement

Severn Trent water advised that there are public sewers located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.

You are advised to contact Severn Trent water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note when submitting a building regulations application the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 m of a public sewer. In many cases under the provisions of Building Regulations 2000 part H4 Severn Trent can direct the building control officer to refuse building regulations approval.

If you require any further information please contact Rhiannon Thomas on 01902 793883

Note for applicant – Acoustic Glazing/Ventilation

Pollution Control cannot verify that the actual glazing/ventilation has been or will be installed as per manufacturer's instructions. It is recommended that such confirmation is obtained from a suitable third party, such as a Building Control Inspector or the acoustic performance verified by a person or organisation certified for the purposes of sound insulation testing by either the Association of Noise Consultants (ANC) or the United Kingdom Accreditation Service (UKAS).

Note for applicant – Highways Matters

1. The applicant will be expected to enter in agreements under S278 of the Highways Act 1980 in respect of works within the public highway.
2. 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.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 08/01/2015

Plans list item no: 6.

Reason for bringing to committee: Significant community interest and called in by Councillor Craddock.

Application Number: 14/1410/FL
Application Type: Full application

Applicant: Miss Kelly Weston

Proposal: Retrospective: Change of use of residential garage to a hairdressers.

Location: 55 SHIRE RIDGE, WALSALL WOOD, WALSALL, WS9 9RA

Ward: Aldridge North and Walsall Wood

Case Officer: Devinder Matharu

Telephone Number: 01922 652602

Email: planningservices@walsall.gov.uk

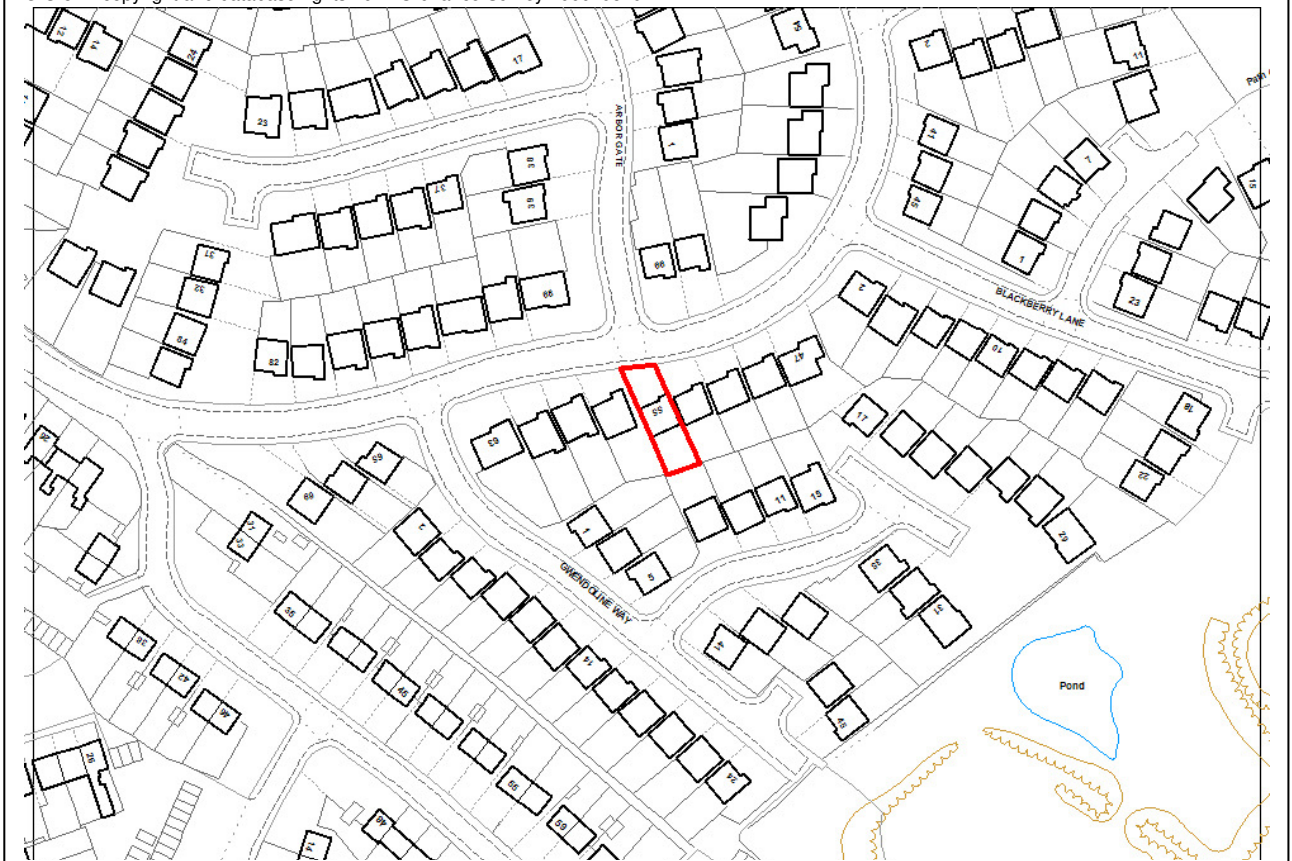
Agent:

Expired Date: 16/12/2014

Extension of Time Target Date:

Recommendation Summary: Refuse

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Application and Site Details

Number 55 Shire Ridge is a detached house located on the southern side of Shire Ridge. The property has a projecting two storey gable feature with a lean to roof over the garage which extends into a canopy across the front ground floor bay window. The property has a side gate adjacent number 53 to access the rear of the property. Part of the front garden is tarmac to allow parking for 2 cars. Part of the existing garage at the rear has been converted into a hair salon with access from the inside of the premises.

Numbers 47 to 55 sit in a row along this side of Shire Ridge with numbers 57 to 63 being positioned further forward of 55 to give a staggered building line. Directly opposite the application site is Arbor Gate, a cul de sac.

The application is a retrospective one that proposes the change of use of a residential garage into a hairdressing salon. The salon is access from the kitchen. Within the salon there is a wash basin, a free standing dryer and a mirror with chair where the hair is styled.

On the submitted application form it states:

- There is a maximum of 5 to 6 clients per day.
- Customers park on the driveway without causing disruption or obstruction on the highway.
- There is parking for 4 cars.
- The hair salon will be open from 9am till 6pm, but the use would not be continuous.

Street Corner Local Centre is located 442m away from the application site.

Relevant Planning History

None.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Seek to secure high quality design and good standards of amenity for all existing and future occupants
- Ensuring the vitality of town centres
- Take account of the different roles and character of different areas
- Proactively drive and support sustainable economic development to deliver the homes that the country needs.
- Contributing to conserving and enhancing the natural environment.

Key provisions of the NPPF relevant in this case:

2. Ensuring the vitality of town centres

- 23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should
 - recognise town centres as the heart of their communities and pursue to support their viability and vitality
 - define a network and hierarchy of centres that is resilient to anticipated future economic changes;
 - allocate a range of suitable sites to meet the scale and type of leisure, development needed in town centres.
 - allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available.
 - set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres
- 24. Apply a sequential test to planning applications for main town centre uses that are not in an existing centre. Applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
- 27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

4: Promoting Sustainable Transport

35. Plans should protect and exploit opportunities for the use of sustainable transport modes

39. If setting parking standards for residential LPA's should also take into account: accessibility, the type and mix of the use, availability of public transport, levels of car ownership and the need to reduce the use of high emission vehicles.

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people

60. It is, proper to seek to promote or reinforce local distinctiveness

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On **conditions** the NPPF says:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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

Costs imposed on developments should pay careful attention to viability and take account of market conditions.

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

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Development Plan

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The Black Country Core Strategy (BCCS) (2011)

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The key planning policies include

ENV3: Design Quality

Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits.

CEN1 - The Black Country's centres are the focus for retail, leisure, commercial and civic uses and it is the strategy of this document to maintain and enhance these centres appropriate to their role and function.

CEN6 –small-scale local facilities outside defined centres of up to 200 square metres gross will be permitted if all of the following requirements are met:

- The proposal is of an appropriate scale and nature to meet a specific day-to-day need of a population within convenient, safe walking distance.
- Local provision could not be better met by investment in a nearby centre;
- Existing facilities that meet day-to-day needs will not be undermined.
- Access to facilities by means other than by car would be improved and, in particular, will be within convenient, safe walking distance of the community it is intended to serve;
- Where new local facilities are to meet the specific needs of new housing development,

CEN7 - demonstrate that out of centre development cannot be provided in-centre or at edge-of-centre locations of existing Centres appropriate to the hierarchy. For all other main town centre uses a location that is well connected and within easy walking distance (i.e. up to 300 metres) of the centre boundary of Strategic and Town Centres will be regarded as edge-of-centre, unless defined in relevant saved UDP policies. Any proposal for a town centre use in an out of centre location, will only be considered favourably if the impact assessments contained in the most recent national guidance are satisfied, or the requirements of Policy CEN6 are satisfied. It will be important to ensure developments are accessible by a choice of means of transport, in particular public transport, walking and cycling, and support both social inclusion and the need to sustain strategic transport links.

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Walsall's Unitary Development Plan (UDP) (2005)

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

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

The relevant policies are:

Policies GP2, 3.6, 3.7 seek to make a positive contribution to the quality of the environment, whilst protecting people and not permitting development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

VII. The adequacy of the access, and parking.

ENV10 the development of a facility which may cause an unacceptable adverse effect in terms of fumes and noise would not be supported.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. 'Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

5.4 The Council will apply a sequential approach for the location of all leisure uses

5.5 Out-of centre development will only be acceptable if it can be demonstrated that there are no alternative opportunities within or, failing that, on the edge of existing centres.

5.6 Apply the sequential approach in a flexible, realistic and sensitive manner, and consider the needs of developers and operators. It will also expect applicants to be flexible about their requirements - in terms of unit sizes, layouts, ancillary facilities, car parking, servicing and design - so as not to preclude the possibility of identifying locations in centres. Where an edge-of-centre or out-of centre proposal comprises different elements or units, or involves adding floorspace to or within an existing or permitted development, then each part of the proposal should be considered separately for an in centre location. In all cases, the key issue will be whether the type of activity proposed - rather than the type of building preferred by the developer or operator - can be accommodated in a more central position.

S7 ('Out-of-Centre and Edge-of-Centre Developments').

S1 defines hair dresser salons as town centre uses.

S2: Hierarchy of town centres identifies town centres as the main role, district centres serving localised roles and local centres meeting the day to day needs of their communities.

S6(c) Out-of-centre development may be appropriate to meet such specific local needs - otherwise proposals for additional out-of-centre development for town centre uses will be considered against policy S7. Therefore, new small-scale local facilities will be permitted if it can be shown that all of the following requirements will be met:-

I. The proposal is of a scale and kind to meet a local need for improved facilities.

II. The local need cannot be better met by investment in a nearby centre.

III. There will be no likelihood of an adverse impact on the vitality and viability of any established centre in the Borough or elsewhere within the affected catchment area.

IV. There will be no impact on existing local provision such as to leave some local needs unmet, contrary to efforts to promote social inclusion.

V. The proposal will improve accessibility to facilities by means other than the car and, in particular, will be within convenient, safe walking distance of the community it is intended to serve.

VI. The proposal will help to reduce the need to travel, especially by car.

VII. There must be no significant loss of amenity for neighbouring homes.

To ensure this, the establishment of shops or other uses that attract the public in terraced properties adjoining dwellings will not normally be permitted.

VIII. Servicing and parking associated with the proposed use must not create any significant road safety or traffic problems.

S7 proposals for other town centre uses in out-of-centre or edge of-centre locations will only be permitted provided they can meet the following tests:

- need for the facility.
 - there being no more centrally located sites, buildings or opportunities which could be used to serve the catchment area of the use proposed.
 - have an adverse economic impact upon the vitality and viability of any existing Town, District or Local Centre
 - have an adverse economic impact on existing or planned provision to meet local needs
 - offer genuine and realistic safe and easy access by public transport, walking and cycling for all sections of the community, and from a wide catchment area,
 - should not be designed and located so as to be reliant primarily on access by car
- iii) The proposal must not likely to have an adverse economic impact upon the vitality and viability of any existing Town, District or Local Centre (within or outside the Borough) through the diversion of trade and/or deterrence of investment which would help sustain and enhance that centre.

V) The proposal must offer genuine and realistic safe and easy access by public transport, walking and cycling for all sections of the community, and from a wide catchment area, to help achieve better access to facilities and development by a choice of sustainable transport modes. Consideration must be given to whether an alternative location in a centre would ensure easier access.

VI) The proposal should not be designed and located to be reliant primarily on access by car and should contribute to the objective of reducing the need to travel, especially by car. Again, consideration must be given to whether an alternative location in a centre would facilitate multi-purpose trips and help reduce car use.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T13: Parking Provision

3 bedroom houses and above, 2 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (2013)

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

DW3 – Character -design to respect and enhance local identity.

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

Consultations

Transportation – Objection on the grounds of insufficient parking and highway safety.

Environmental Health – Objection on the grounds that the premises is located in an residential area and is not in keeping with the character of the estate: The operation of a business that is visited by customers generates a lot more vehicular traffic than a family unit living in a house; the operation of this business introduces the potential for noise disturbance to neighbours through the movement of vehicular traffic and car doors opening and closing.

Public Participation Responses

Councillor Craddock has called in the planning application on the grounds that the business being conducted at the address has minimal impact on the neighbours and road users and a refusal is unreasonable.

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

- Inappropriate and encourage other similar proposals
- Out of character with residential area
- Operating since 2011 and increase in numbers of people coming to address
- Typical week has 26 customers
- Multiple customers waiting to have their hair done
- More than one client at the premises usually 2 or 3.
- Cars turn up with 3 clients
- 60% of trading days customers turn up after 6pm and goes on as late as 10.30pm
- Works 45.5 hours a week
- business will advertise for more customers
- future plans of the business
- safety and security for residents
- Noise nuisance from customers leaving and parking, the use of the side gate, applicant's dog barking upon arrival/exit of customers, customers utilising side gate to access salon, engines starting up, banging of car doors
- Disruption to neighbouring families has result in disruptive sleep.
- Neighbours have a right to peace and quiet in own home
- Proposal will increase noise nuisance, disruption and parking obstruction.
- Statements on application form regarding 4 parking spaces and congestion and disruption are untrue
- All visitors arrive by car as Shire Ridge is not a bus route
- Parking issues -obstruct of footpath by tandem parking, parking outside neighbouring property, parking all over the road, existing driveway can only accommodate 2 cars, customers have to come out and move cars for customers who are leaving
- Highway hazard: for vehicles entering and leaving Arbor Gate and cars having to drive in the middle of the road to avoid cars parked half on/off pavement causing near misses opposite Arbor Gate, customers obstruct views of road causing hazard for neighbours reversing off their driveways
- pedestrians have to walk in the road including school children
- Increase traffic and parking impacting upon children coming and going from school
- Pollution
- Drainage issues with blocked drains
- Town centre use should be encouraged to regenerate the High Street

- Surrounding areas in Aldridge and Brownhills provides plenty of commercial space for renting
- Other businesses operating legitimately from commercial properties in High Street
- Negative effect on drawing trade away from the High Street
- Owner wants to avoid costs of renting commercial space.
- Covenants restricting commercial use – *this is a private legal matter and not a determining factor in this case.*
- Devalue of property – *this is not a material planning consideration in this case.*

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

- Neighbour letters not sent out on a wide scale
- Neighbours to send out leaflets notifying all residents of proposal
- Person got away with menace for too long
- Parking is a nightmare

Three letters have been submitted by the applicant supporting the proposal on the following grounds:

- No issues with noise
- No problems with cars being parked in the street
- Applicant has used redundancy money to set up own business to support her family
- New business networking group set up to support growth of businesses
- Government want people to stop draining resources and improving lives
- Black Country and South Staffs supporting people to set up businesses
- Should be supporting applicant who is an asset to the community.

The applicant has also submitted a letter from a mobile therapist who states that she carries out beauty treatments in peoples home and only visits the applicant's home to carry out beauty treatments on the applicant.

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

Determining Issues

- Principle of the Development
- Impact upon the amenities of surrounding occupiers
- Parking and Access

Observations

Principle of the Development

A hairdressing salon is classed as an A1 retail use and under the NPPF, the Black Country Core Strategy (BCCS) and the Unitary Development Plan (saved Policy S1) - these types of uses are town centre uses that should be encouraged in established town, district and local centres. Both national and local policies (including Policy CEN1 of the BCCS and Policies S1 and S2 of the UDP) seek to encourage retail uses in established centres to protect the vitality and viability of established centres.

Under Policy CEN6 of the BCCS and S6 of the Unitary Development Plan, out of centre development may be appropriate to meet such specific local needs provided it can be demonstrated the proposal is of a scale and kind to meet a local need for improved facilities and it is in a suitable location. In this case, the site is in a residential area where the rear part of the garage has been converted into a hair salon and has been operating since 2011. Objectors have stated that since the hair salon has been operating the number of customers to the premises has increased and in a typical week there are up to 26 customers with multiple customers waiting to have their hair done with more than one client at the premises at any one time. They also state that the hairdresser works up to 45.5 hours a week, which is not part time. Objectors also state that cars turn up with 3 clients at a time with clients also turning up after 6pm with appointments carrying on until 10.30pm.

Furthermore, upon the site visit to the premises it was evident that the owner of the property who is running the hair salon is now offering up the premises to a third party to come to the premises to offer beauty treatments. The mobile beauty therapist has stated that she only visits the applicant's home to carry out beauty treatments on her. However, at the time of this visit, both the hairdresser and beautician had clients, whilst this is not significant whilst other family members are out during the day, but a business operating from home with a total of 2 clients and 2 professionals undertaking treatments with up to 3 or 4 family members being present during an evening would double the expected level of activity in a residential area.

On this basis, it is considered that the proposal is not meeting a small-scale local need that would not be more appropriately located in a nearby centre; instead it is now a fully fledged business that has expanded with the numbers of customers having increased since the operation of the hair salon. It is evident that the business since operating has expanded and is now considered to be of a scale which is not considered to be small scale that can be supported in a residential area. As such the use should be located in an established centre.

Planning policy seeks to capture investment for existing centres and if they do not benefit from the potential to accommodate new businesses then nearby centres, notably Streets Corner Local Centre and Brownhills District Centre will be at risk of decline.

Objectors have raised concerns that the proposal is town centre use should be encouraged to regenerate the High Street and that centres in the Aldridge and Brownhills areas provide plenty of commercial space for renting. Objectors have also raised concerns that other businesses operating legitimately from commercial properties in centres would suffer negative impacts as a result of proposals such as this drawing trade away from High Streets and that (with the business owner wanting to avoid costs of renting commercial space) this would be unfair competition. The town and district centre managers have confirmed that there are vacant units within Brownhills High Street that would be available for such a use. It is considered that this need can be better met and Brownhills District Centre or in Streets Corner Local Centre.

It is concluded that the proposal is contrary to the 'town centre first' approach set out in the NPPF, the BCCS and the UDP.

Objectors state that the proposal is inappropriate and would encourage other similar proposals. The potential for out-of-centre retail development to create a damaging precedent has been treated as a material consideration— by inspectors, the secretary of state and the courts, as in the case, *Next Group Plc V First Secretary of State*; Date: 15 October 2004; Ref: CO/2310/2004.

Impact upon the amenities of surrounding occupiers

Objectors have raised concerns that the proposal is out of character with a residential area and. The scale of the hair salon in terms of business expansion would be out of character with the residential nature of the street. Policy S6 states that there must no significant loss of amenity for neighbouring homes and Policy ENV10 states the development of a facility which may cause an unacceptable adverse effect in terms of fumes and noise would not be supported.

Objectors have raised concerns over noise nuisance from customers leaving and parking, the use of the side gate, applicant's dog barking upon arrival/exit of customers, customers utilising side gate to access salon, engines starting up and banging of car doors. They also state that this disruption has resulted in disruptive sleep and neighbours have a right to peace and quiet in own home. Objectors also state that the continued use will increase noise nuisance, disruption and parking obstruction.

The application site is a domestic property located in a residential area served by a main road. The site is not served by a bus route and as such the customers to the premises are solely reliant on visiting the premises by relying on a private car.

The expanded hair salon use in a domestic property surrounding by residential properties with the increase in numbers of customers coming and going from the premises solely in a car with car doors banging and general noise and disturbance of car radios, people standing and talking and the use of the salon up until 10.30pm at night would unduly impact upon the amenities of the adjoining and surrounding residential occupiers to a level which is considered unacceptable in a wholly residential area.

Environmental Health have objected to the proposal on the grounds that the premises is located in an residential area and is not in keeping with the character of the estate. The operation of a business that is visited by customers generates a lot more vehicular traffic than a family unit living in a house; the operation of this business introduces the potential for noise disturbance to neighbours through the movement of vehicular traffic and car doors opening and closing.

It is considered that the proposal cannot be supported, as it currently harms the amenities of the adjoining and surrounding occupiers and the continued use of the residential premises to be used as a business use would significantly harm the amenities of the amenities of the adjoining and surrounding occupiers to a level which cannot be supported.

Parking and Access

Objectors have stated that the existing proposal has led to parking disruption with visitors arriving by car and parking all over the highway and public footpath. Vehicles tandem park with cars parked half on/off pavement causing pedestrians to walk in the road including school children. Vehicles driving along Shire Ridge and in and out of Arbor Gate have to drive in the middle of the road to avoid causing near misses. It has also been stated cars are being parked outside neighbouring properties obstructing driveways. Neighbours are concerns that the continued use of the business will increase traffic and parking impacting upon children coming and going from school.

Objectors have pointed out the information on the application form regarding parking spaces, and the statement about congestion and disruption are untrue. The driveway can only accommodate 2 cars and customers have to come out and move cars for customers who are leaving.

The existing driveway at 55 Shire Ridge can only accommodate 2 cars at any one time. Upon visiting the site, it was apparent that customers were parking in the cul de sac opposite the application site and parking cars half on and half off the pavement using the existing drop kerb to the driveway to the property.

Transportation have objected to the proposal on the grounds that the change of use fails to provide sufficient parking to meet the needs of both the dwelling and the retail element introduced into the garage. This would result indiscriminate on street and pavement parking in a residential area and opposite a junction, to the detriment of both the free flow of traffic and pedestrians on the public highway and to highway safety.

Furthermore, there are concerns that the retention of the development is likely to create a precedent that could result in similar garage conversions in the locality and the cumulative transportation impacts of which would be severe and contrary to the NPPF.

Policy S6 states that local community facilities should reduce the need to travel, especially by car and the site should be within convenient, safe walking distance of the community it is intended to serve and parking associated with the proposed use must not create any significant road safety or traffic problems. It is considered that the proposal does not provide adequate off street parking for both the existing house and the retention of the business and as a result the proposal not only impacts upon the safe use of both the public footpath and highway but also have a significant detrimental impact upon the amenities of surrounding residential occupiers. The proposal therefore cannot be supported on these grounds.

Positive and proactive working with the applicant

The proposal would be contrary to the National Planning Policy Framework, Black Country Core Strategy and the Unitary Development Plan, in that the business since operating has expanded and is now considered to be of a scale which is not considered to be small scale that can be supported in a residential area and should be located within an established town centre to prevent the decline of town centres.

The proposal currently harms the amenities of the adjoining and surrounding occupiers and the continued use of the residential premises to be used as a business use would significantly harm the amenities of the adjoining and surrounding occupiers to a level which cannot be supported.

The proposal fails to provide sufficient parking to meet the needs of both the dwelling and the retail element introduced into the garage resulting in indiscriminate on street and pavement parking in a residential area and opposite a junction, to the detriment of the free flow of traffic and pedestrians on the public highway, to highway safety.

Recommendation: Refuse

- 1) The retention of a hair salon in a residential area would be contrary to Policy CEN1 of the Black Country Core Strategy, Saved Policies S1 and S2 of the Unitary Development Plan which directs such uses to established town centres to protect the vitality and viability of established centres. The proposal is considered not to be a of a small scale development that could be acceptable in an out of centre location and could result in the decline of nearby established centres, Brownhills District Centre or Streets Corner Local Centre. Furthermore, the proposal if supported has the potential to set a precedent for future out of centre development.

As such the proposal is contrary to the National Planning Policy Framework, Policies CEN1, CEN6 and CEN7 of the Black Country Core Strategy, Saved policies S1, S2, S6 and S7 of the Walsall Unitary Development Plan 2005.

- 2) The application site is located in a residential area where customers rely on visiting the premises solely by car generating a lot more vehicular traffic than a family unit living in a house. The hair salon use in a domestic property surrounding by residential properties with the increase in numbers of customers coming and going from the premises in a car with car doors banging and general noise and disturbance of car radios, people gathering outside the premises and talking and the use of the salon up until 10.30pm at night currently unduly harms the amenities of the adjoining and surrounding residential occupiers, and the continued use of the hair salon would continue to unduly harm the amenities of the adjoining and surrounding residential occupiers to a level which is considered unacceptable in a wholly residential area. As such the proposal is contrary to the National Planning Policy Framework, Policies ENV3, CEN6 and CEN7 of the Black Country Core Strategy, Saved policies GP2, ENV10, ENV32 and S6 of the UDP.
- 3) The change of use of the garage into a hair salon fails to provide sufficient parking to meet the needs of both the existing dwelling and the retail element introduced into the garage resulting in indiscriminate on street and pavement parking in a residential area and opposite a junction, Arbor Gate, to the detriment of both the free flow of traffic and pedestrians on the public highway and to highway safety. As such the proposal is contrary to policies GP2, T7 and T13 of the Unitary Development Plan.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 08/01/2015

Plans list item no: 7.

Reason for bringing to committee: Contrary to policy

Application Number: 14/1654/FL

Application Type: Full application

Applicant: Mr Middleton

Proposal: Two storey side extension.

Location: 19 MOAT FARM WAY, WALSALL, WS3 5BW

Ward: Pelsall

Case Officer: Jenny Townsend

Telephone Number: 01922 652610

Email: planningservices@walsall.gov.uk

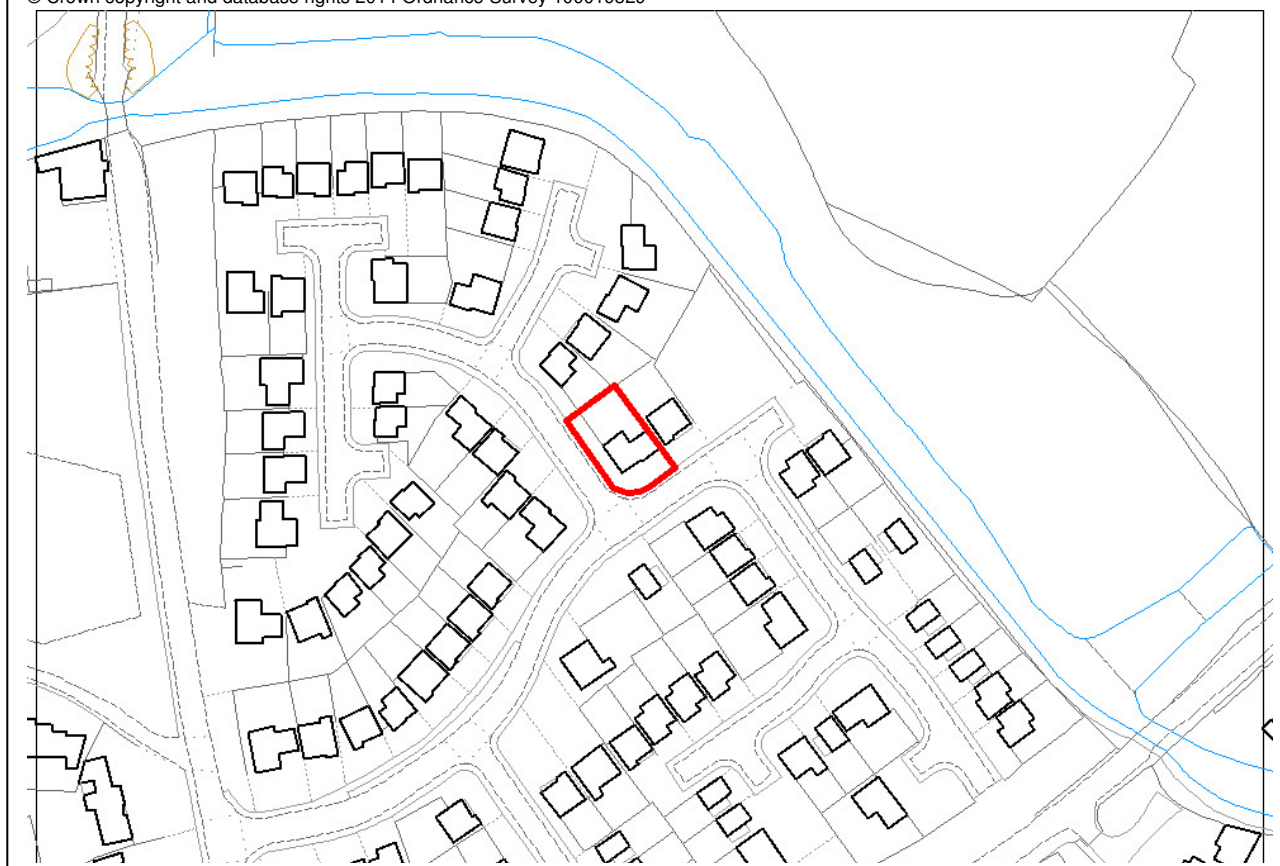
Agent:

Expired Date: 24/12/2014

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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This application is for a first floor extension above part of the existing double garages to the side of a detached house on the corner of Moat Farm Way and Badgers Close and a two storey extension to the rear. The house is on a residential estate of similar styled detached and semi detached houses, some of which have added first floor side extensions.

The proposed extensions would enlarge the existing family room at ground floor with a toilet, laundry, store and study created within the converted garages and two new bedrooms and a store at first floor level. The first floor layout is to be re-configured and the number of bedrooms would increase from 4 to 5.

The application house has a two storey front gable projection and a gable roof over the main part of the house. The proposed first floor extension would be set back 1.0 metre from the existing two storey part of the house but at the rear would be in line with the existing two storey rear wall. The extension would be 5.3 metres wide with a gable roof 0.3 metres lower at the ridge than the existing roof. A 1.0 metre wide gap would remain to the side of the extension which would be the same as the gap to the side of number 21.

The ground floor rear extension would infill the area to the rear of the existing garages and would be alongside and in line with the existing two storey part of the house.

The garage door nearest to number 21 is to remain in place but the door to the left is to be replaced by a wall and window to the new study. A door and window combination is proposed in the side of the existing garage (facing the side of number 21) that would serve the new laundry but otherwise the side wall nearest to number 21 would be blank.

Windows to the new bedrooms are proposed on the front and rear elevations. The window at the rear would be in line with the original rear bedroom window and would face towards the rear of number 1 Swallow Close (which has habitable room windows at both ground and first floor level) with a separation of approximately 20 metres. The new front windows would face across the road towards the blank side flank wall of number 12 Primrose Close.

Number 21 is to the north-east and is set in 1.0 metre from the boundary between the houses. At the front number 21 is in line with application house but at the rear is approximately 1.0 metre forward at first floor with a 3.5 metre deep conservatory at ground floor. There are two ground floor windows in the side of number 21 which already face the tall fence and the side of the garage of the application house.

Relevant Policies

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

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

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

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

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

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

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

Local Policy Black Country Core Strategy

- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document Conserving Walsall's Natural Environment

- Development with the potential to affect species, habitats or earth heritage features
 - NE1
 - NE2
 - NE3
- Survey standards
 - NE4

Designing Walsall

- Appendix D

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

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

Relevant Planning History

None.

Consultation Replies

Canal and River Trust – No comments.

Natural Environment Ecology Officer – No bat survey required but a note to applicant is recommended to advise there is a risk that bats may be roosting at the house.

Transportation – No objection subject to a condition relating to parking.

Representations

Two letters of objection from neighbours to the rear on the grounds that:-

- the extension would impinge on their privacy and overlook them;
- is excessive in size and layout;
- will cause a lack of light.

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Protected Species
- Parking

Observations

Design of Extension and Character of Area

The design of the extensions would be compatible with the existing house and would be similar to the original design of part of the first floor at the neighbouring house, number 21.

The gable roof would reflect the existing roof shape and the set back to the front of the extension and lower ridge height would keep the extension subservient to the existing house.

The 2 metre wide gap that would remain between the side of the extension and the side of number 21 would be in keeping with the gaps between nearby houses on the estate and would comply with policy to prevent creating a terracing effect.

Amenity of Nearby Residents

The extension would be to the west of number 21 but would not project beyond the outline of the existing two storey part of the house and the ridge line of the roof would be lower. Whilst it is noted that the first floor part of the extension would project approximately 1.0 metre beyond the rear of the first floor part of number 21, the 2 metres separation between them means that the extension would comply with the 45 degree code when measured from the

quarter point of the first floor bedroom window belonging to number 21. The extension would not project beyond the rear of the conservatory belonging to 21.

The proposed rear bedroom window would be closer to the boundary with number 21 than the existing bedroom windows of the application house but this would be in a similar position to the bedroom window belonging to number 21 and is not an unusual situation sufficient to sustain a refusal for this reason alone.

The side windows of number 21 appear to be non habitable rooms which already face the tall boundary fence and side wall of the garage of the application house.

The separation between the existing rear facing habitable windows of the application house and number 1 Swallows Close (approximately 20 metres) would be less than policy guidelines but would be similar to the separation which already exists between the rears of houses nearby which face towards each other. The new bedroom window would be no closer than the existing rear bedroom windows of the application house and it is considered on balance and in this context maintaining the current separation distance would continue to provide an acceptable level of amenity for the occupiers of both properties in keeping with the existing character of the area.

The new front windows would face the blank side wall of number 12 Primrose Close and are considered would have no impact on the amenity of the occupiers of this property.

With regard to the neighbours comments, the amended plans have reduced the size of the extension with the ridge height lowered; the rear window would be no closer than the existing bedroom windows belonging to number 19 and whilst the extension would be to the south-east, the 20 metres separation between the rear of the houses is considered would be sufficient to prevent a significant increase in shading or loss of light to the rears of numbers 1 and 2 Swallows Close sufficient to sustain a refusal for this reason alone.

Protected Species

Despite the site being within 50 metres of a canal, it has been decided that a bat survey is not required because the green infrastructure around the property is not especially continuous with limited links to the surrounding landscape. The application site is well set back from the canal.

There is still a risk that bats may be present so a note to applicant should be incorporated into any permission.

Parking

The development looks to extend the present 4 bedroom property to 5 bedrooms including converting the existing double garage into a habitable room. The dwelling presently has 4 parking spaces: 2 garage spaces and 2 driveway spaces. The development will reduce the parking provision to 2 spaces. This should be increased to 3 spaces to accord with UDP T13 parking policy for a 5 bedroom dwelling.

Positive and Proactive working with the applicant

Approve

Officers have spoken with the applicant and in response to concerns raised regarding the design of the first floor part of the extension, amended plans have been submitted which enable full support to be given to the scheme.

Summary of Reasons for Granting Planning Permission

Recommendation: Grant Permission Subject to Conditions

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

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

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

Location plan deposited 29 October 2014;

Block plan deposited 29 October 2014;

Existing elevations deposited 29 October 2014;

Existing ground floor layout deposited 29 October 2014;

Existing first floor layout plan deposited 29 October 2014;

Amended proposed elevations deposited 11 December 2014;

Amended proposed ground floor layout plan deposited 11 December 2014;

Amended proposed first floor layout plan deposited 11 December 2014.

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 commencement of the development;-

i) A revised site layout plan shall be submitted to and approved in writing by the Local Planning Authority demonstrating three 2.4m x 4.8m parking spaces within the curtilage of the property.

ii) The extended parking area shall be fully consolidated, hard surfaced and drained prior to the development first coming into use.

b) The parking spaces shall thereafter be retained and used for no other purpose.

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

4: The walls and roof of the extension shall comprise facing materials that match, in size, colour and texture as those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

5: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, 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

Although the application does not require a formal bat survey, there is still a risk that bats may be using your house for roosting. It is therefore important that you are satisfied that there are no bats using the buildings affected by the development before work is carried out. Any damage, destruction or disturbance to bats roosts is a criminal offence. Care should be taken during building works. Stripping ridge, roof tiles and soffits should be carried out carefully by hand. If any bats or evidence of bats are discovered work should stop and advice should be sought from Natural England. They can be contacted on Tel: 0845 6014523 or e-mail: wildlife@naturalengland.org.uk

Standing advice

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at: www.groundstability.com



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 08/01/2015

Plans list item no: 8.

Reason for bringing to committee: Called in by Councillor Hughes

Application Number: 14/1722/FL

Application Type: Full application

Applicant: Mr Christopher Dyche

Proposal: Proposed amendment to planning permission 14/1036/FL to alter roofline at ridge height and amend the design of the home office roof.

Location: 31 FOLEY ROAD EAST, SUTTON COLDFIELD, B74 3HP

Ward: Streetly

Case Officer: Helen Smith

Telephone Number: 01922 652606

Email: planningservices@walsall.gov.uk

Agent: Upson & Co Ltd

Expired Date: 06/01/2015

Extension of Time Target Date:

16/01/2015

Recommendation Summary: Grant Permission Subject to Conditions

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Reason for bringing to Committee

Councillor Hughes has called this application before planning committee because he considers the proposed development could be detrimental to the character and/or the visual amenities of the area

Application and Site Details

This application seeks consent for two amendments to the previously approved scheme (14/1036/FL), which was approved by 16/10/14 Planning Committee subject to conditions.

The 16/10/14 committee report assessed the merits of the overall proposed scheme and this report will focus upon the proposed amendments to the overall scheme.

The proposed first amendment would widen the approved ridge line from 2.1 metres to 3 metres. The side facing, hipped, roof pitches would increase from 42 to 45 degrees whilst the ridge height would be unchanged.

The second amendment would alter the approved single storey office roof to follow the pitch of the side garage, reducing the eaves from 3 metres to 2.5 metres high next to the shared garden boundary with house no. 29.

This is a detached house within a row of similar houses set back 16 metres from Foley Road East with the exception of a pair of adjacent semi-detached houses, no's 27 and 29, which are positioned 13 metres forward of the application house.

The rear elevations of the application house and adjoining properties face south. No. 33 has rear facing habitable room windows and a single storey extension near to the side boundary with no. 31 with a rear non-habitable room window. There is a separation distance of 1.2 metres between no. 33, which has two obscurely glazed side facing windows, and the shared garden boundary with no. 31. The obscure glazed side window towards the rear of no. 33 serves a bedroom.

No. 29 has ground floor, side facing, non-habitable room windows in a rear extension facing the rear garden boundary and a bathroom window above at first floor. No. 31 has a rear conservatory near to the shared boundary with no. 31 and first floor rear facing bedroom window.

The length of the remaining rear garden at no. 31 would be 42 metres and there is mature planting along neighbouring shared garden boundaries.

A bat and bird survey by S. Christopher Smith dated 2/6/14 has been provided in support of this proposal.

Relevant Planning History

14/1036/FL - Resubmission of planning application 14/0558/FL for proposed two storey and single storey rear extensions, removal of existing side dormer, new roof and new rear dormer - granted permission subject to conditions 17/10/14

14/0558/FL - Proposed two storey and single storey rear extensions plus removal of existing side dormer roof extension and new rear dormer - refused permission 11/6/14

BC62537P - Loft conversion with side and rear dormers - granted subject to conditions 23/11/01

BC01545P - Erection of garage and bedroom extension - granted subject to condition 22/10/81

Planning Policy

National Planning Policy Framework (NPPF)

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

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

- Always seek to secure high quality design and good standards of amenity for all existing and future occupants
- Contribute to conserving and enhancing the natural environment

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

11: Conserving and Enhancing the Natural Environment

109. The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

On **planning conditions** the NPPF says:

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

On **decision-taking** the NPPF sets out the view that pre-application engagement is encouraged and

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*"

To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The relevant policies are:

ENV1, ENV2 and ENV3 states that all development should aim to protect and promote nature conservation, the special qualities, design quality and local distinctiveness of the Black Country.

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

VII. The adequacy of the access, and parking.

ENV23: Nature Conservation and New Development.

The Council will require appropriate measures to encourage the conservation of wildlife. A supplementary planning document will provide more detailed advice on the implementation of this policy.

ENV32: Design and Development Proposals.

- (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.
- (b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-
 - The appearance of the proposed development.
 - The height, proportion, scale, and mass of proposed buildings / structures.
 - The materials proposed for buildings, external spaces and means of enclosure.
 - The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix D (listed below) although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 13m separation between habitable windows and blank walls exceeding 3m in height.
- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).

Conserving Walsall's Natural Environment

Provides guidance on development which may adversely affect trees, important species and habitats.

It is considered in this case that the relevant provisions of Designing Walsall and Conserving Walsall's Natural Environment SPD's are consistent with the NPPF.

The Streetly Area of Special Townscape Character was approved by Cabinet on 03/09/03 with supplementary planning guidance to stimulate good quality, modern design solutions. These guidelines are not intended to rigidly dictate future development, but can be used as a 'toolkit' to stimulate good quality, modern design solutions. They certainly should not be used as a 'set of rules', to be ticked off in an attempt to ensure that a planning application gains approval. Just as when this area of townscape was first developed, the social implications of new housing design must be addressed. For this to be responsive, it must take cues from these special surroundings.

Consultation Replies

Conservation Officer - No objections

Natural Environment Team, Ecology - No objections on ecological grounds subject to the inclusion of planning conditions in any permission granted.

Public Participation Responses

Objections have been received from residents at no. 29 and 33 Foley Road East in respect of the previously approved planning application and the current amendments. For fullness, all grounds of objection are detailed below;

- view of the proposal will have a serious impact on their standard of living
- 3 storey extension (*two storey with a loft room*) by way of its size, depth, width, height and massing would have an unacceptably adverse impact on amenity to neighbours and the surrounding area
- loss of privacy (*this aspect was previously considered*)
- overshadowing and loss of outlook, visible from 100 metres away (*this aspect was previously considered*)
- disproportionate addition and harmful impact on the skyline and spacious character of the area (*this aspect was previously considered*)
- Streetly Area of Special Townscape - the guidelines are extremely relevant and the planning report should interpret this guidance fairly and not discount it totally (*this guidance was considered as part of the previous application*)
- the new plans add further bulk to the roofline, increasing visual impact
- increase in living area by 2.4 times the original area (*this aspect was previously considered*)
- proposal far exceeds the 45 degree rule in respect of a side facing bedroom window and due to its height this window will no longer enjoy any direct sunlight at any time of the day, wall likely to succumb to damp and mildew (*this matter was addressed in the previous committee report and any issues of dampness are not a material planning consideration*)
- the side window is just above transparent and nowhere near opaque (*the previous committee report comments that this window is obscurely glazed rather than opaque which the Oxford English Dictionary defines as "not transparent or translucent; impenetrable to light"*)
- great concern about the foundations, rights of support, drainage, previous subsidence, encroachment and access rights for construction (*not material to the determination of this planning application*)
- impact on hedges and original deciduous shrubbery and loss of this screening (*a private matter for neighbours rather than a material planning consideration*)
- The rear ground floor storage room window in no. 33 will become a habitable room. (*This window faces south and the proposal meets the Council's 45 degree guidance in respect of this window although planning applications are assessed against the current situation*).
- position of Velux type windows not changed on amended plans (*revised plans have been received correcting this drafting error*)
- Velux windows should be removed as these will be more vertical and will overlook the windows at no. 33 with a separation distance less than 24 metres (*windows are above eaves height and angled upwards. It is considered would have little impact on existing privacy for neighbouring residents*)
- Changes reflect the concerns neighbours had but create new problems and are still unacceptable for the reasons given in the refusal (*Planning application no. 14/1036/FL was considered to have overcome the previous refusal reasons and the current revisions are not considered would change this situation*)
- It is suggested that the 10 metres span across the ground floor, supporting the first and second floors, needs attention by the designer, especially when considering the removal of part of the adjacent original rear wall (*this would be a matter to discuss*)

with Building Inspectors during construction and is not material to the determination of this planning application)

- Existing windows are wood and metal leaded stained glass windows not upvc as stated *(comment noted and windows viewed as part of the site visit. Windows can be replaced in the existing house without the need for planning approval)*
- Scale of the development does not complement the existing building
- Concerns that the neighbour at no. 29 would be left with an unfinished and unsightly side along the majority of their house and garden *(no evidence to suggest that this would be the case)*
- Removal of a dead tree, fence repair and conifer removal to provide light to no. 29 not carried out as promised *(private matters for neighbours and is not material to the determination of this planning application)*
- Disruption during construction *(Condition 6 of planning approval 14/1036/FL controls the hours of work)*
- impact on Weeping Silver Birch tree which requires at least 6 hours full sunlight each day and adds to the overall green aspect of the area *(this is not a protected tree and not material to the determination of this planning application)*
- Question no. 7 on application form has been answered “no” which is wrong as trees and shrubs on both neighbours sides would be affected *(the Council’s Tree Officer raised no objections and there are no adjacent protected trees)*
- It is considered that this proposal is more problematic and would have more impact on neighbours than the previous one *(comment noted and it is considered the proposal would have no greater impact than that already approved).*
- Proposal would extend the rear building line *(each planning application is assessed on its own merits and the proposed extension would be to the rear of the property and less visible in the street).*

Determining Issues

- Material changes in planning circumstances
- Conditions
- Comments from neighbours

Observations

Material changes in planning circumstances

The principle of the development, design and character of the area, impact on the amenity of nearby residents, protected species, trees and parking were considered acceptable and appropriate by the 16/10/14 Planning Committee and was in accordance with current planning policy and guidance.

Issues raised by nearby occupiers such as design, impact on the area, scale, mass, privacy, outlook, overlooking, amenity, impact on trees and the highway, disruption during construction were previously addressed in the 16/10/14 committee report. It is considered, that whilst there are amendments to the 14/1036/FL planning approval, it is considered that the changes do not impact over and above the previous approval.

The proposed 0.9 metres increase in the width of the approved ridgeline plus the change in angle of the roof pitch from 42 to 45 degrees would have a small increase in the roof mass,

but would neither have a significant visual impact on the overall character of the existing dwelling nor the street scene. The Council's Conservation Officer considers that the amendments would improve the design of the earlier proposal.

The proposed changes are considered to be minor in relation to the approved scheme and would have a limited impact on neighbours' amenity and existing light beyond the previous approval.

The proposed alteration to the approved office roof design is considered would be a positive amendment to the existing scheme. The new roof would have a uniform appearance and the reduction in eaves height from 2.9 metres to 2.2 metres would lessen the impact of this extension on the neighbours' at no. 29.

Conditions

The previously approved conditions remain relevant to the current proposal and their retention is recommended subject to an amendment to Condition no. 2 in respect of revised plans.

Comments from Neighbours

Neighbours comments on the following issues;

- Impact on standard of living
- 3 storey extension, scale, size, depth, width, height and massing
- Impact on amenity
- Loss of privacy
- Disproportionate addition
- Overshadowing
- Loss of outlook
- Visible from 100 metres away
- Bulk of roofline, visual impact
- 2.4 times increase in original area
- Streetly Area of Special Townscape
- 45 degree guidance
- Glazing to side window to no. 33
- Trees and hedges
- Disruption during construction

The above issues were considered by the previous planning application reference no. 14/1036/FL and it is considered the current proposal would not have any greater impact than the approved proposal.

The following comments made by neighbours are not considered to be material to the determination of this planning application;

- Foundations, rights of support, drainage, previous subsidence, encroachment and access rights for construction
- 10 metres span to support upper floors
- Removal of dead tree, fence repairs and conifer removal to provide light to no. 29
- Damp and mildew

The remaining comments not included above are as follows;

- Windows can be replaced in the existing house without the need for planning approval
- There is no evidence to suggest that the neighbour at no. 29 would be left facing an unfinished and unsightly side elevation and the planning application includes a matching materials condition
- The Council's Tree Officer has advised that there are no protected trees near the proposal nor any that merit protection
- The rear ground floor storage room window in no. 33 will become a habitable room. This window faces south and the proposal meets the Council's 45 degree guidance in respect of this window although planning applications are assessed against the current situation.
- Velux type windows should be removed as these will become more vertical in the current proposal and will overlook the windows at no. 33 with a separation distance less than 24 metres. These windows are above eaves height and angled upwards and are considered would have little impact on existing privacy for neighbouring residents.
- Proposal would extend the rear building line. Each planning application is assessed on its own merits and the proposed extension would be to the rear of the property and less visible in the street.

Positive and Proactive working with the applicant

The agent discussed the proposed changes with officers prior to resubmission of the current amended scheme.

Summary of Reasons for Granting Planning Permission

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Location Map, deposited 11/11/14
- Block Plan, deposited 11/11/14
- Existing and Proposed Plan and Elevations, drawing no. 03Q, deposited 29/12/14
- Bat and Bird Survey by S. Christopher Smith, dated 2/6/14, deposited 22/12/14

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: Bat survey work has found nesting birds and a low risk that bats may be present in the buildings within the site (as identified in the bat report by S. Christopher Smith dated 2/6/14) and the following precautions shall be taken when implementing the planning permission:

1. Contractors undertaking demolition works shall be made aware that bats may be present and undertake demolition works in accordance with the method of working set out in S. Christopher Smith's bat report on pages 19-20.

If no bats or evidence of bats are found during these operations, the approved works can continue.

(b) If bats or evidence of bats are found during these operations:

1. Bats should not be handled or touched and the vicinity of the roost shall be immediately reinstated.
2. No further destructive works shall be carried out to the building until the need for Natural England licence has been established.
3. Within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation.
4. Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England Licence issued.

Reason: To conserve local bat and bird populations in accordance with protected species legislation.

4: A scheme for the provision of bat roosting sites as set out on pages 16-19 of S. Christopher Smith's report dated 2/6/14 shall be installed before any part of the development is brought into use and retained thereafter with access openings maintained free of obstructions at all times.

Reason: To conserve local bat and bird populations in accordance with protected species legislation.

5: The walls and roof of the extension shall comprise facing materials that match in colour, texture and size those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

6. 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; Easter Monday; Good Friday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.*

Reason: To protect the amenities of surrounding properties.

7: Notwithstanding the information provided on the approved plans the maximum depth of the proposed first floor rear extension shall be 3.5 metres and retained as such thereafter.

Reason: To define the permission.

8: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no additional side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 08/01/2015

Plans list item no: 9.

Reason for bringing to committee: Called-In by Councillor McCracken on the grounds of the character of the area

Application Number: 14/1395/FL

Application Type: Full application

Applicant: Mr Avtar Singh Bains

Proposal: Two storey extension to side and ground floor extension to rear.

Location: 8 EDINBURGH ROAD, WALSALL, WS5 3PQ

Ward: Paddock

Case Officer: Karon Hulse

Telephone Number: 01922 652614

Email: planningservices@walsall.gov.uk

Agent: Stephen Capper Design & Planning

Expired Date: 17/11/2014

Extension of Time Target Date:

Recommendation Summary: Refuse

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Application and Site Details

The application house is a detached house with low eaves roof design incorporating dormer windows in the roof space to accommodate the first floor. It sits within a mix of differing styled detached and semi detached houses of two storeys and dormer bungalows. The house is set back from the highway by 9 metres which accommodates an in / out driveway with parking for at least three vehicles and a garage to the side adjacent to number 6 Edinburgh Road. The house sits in the middle of the site with the garage on the right and a single storey sitting room on the other side adjacent to number 10. There is a pedestrian access to the rear in-between the sitting room and no. 10.

This proposal seeks to extend at first floor above the existing sitting room to provide an additional bedroom en-suite. The proposed ridge would be 0.35 metres below the existing one and would have a sloping roof to match the existing roof at the rear. At the front, the first floor extension would be accommodated in a two storey front gable feature projecting 2.5 metres in front of the existing sloping roof line. This would give the appearance of a traditional two storey style at the front, with the rear following the same plane as the existing roof. The existing house consists of a variety of materials: render, brick, tile and feature brick bands.

The first floor extension would be the same depth as the existing house: 7.5 metres x 3.5 metres in width above the existing sitting room.

The proposal also includes a rear ground floor extension to provide an extension to the existing kitchen and lounge. This extension would be 3.4 metres deep and would be built across the full width of the existing house: 9.8 metres. It would have a flat roof at a height of 2.8 metres in line with the eaves height of the existing roof.

The rear garden of the application house is between 20 and 28 metres in length and there are mature trees and planting along the rear garden boundaries.

Relevant Planning Policy Summary

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

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

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

- Always seek to secure high quality design and good standards of amenity for all existing and future occupants
- Contribute to conserving and enhancing the natural environment

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

11: Conserving and Enhancing the Natural Environment

109. The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

On **planning conditions** the NPPF says:

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

On **decision-taking** the NPPF sets out the view that pre-application engagement is encouraged and 186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework “*decision-takers may continue to give full weight to relevant policies*. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall’s UDP) the NPPF advises that “... *due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*.”

To consider the consistency of the BCCS with the NPPF, the four Black Country councils have completed a ‘Compatibility Self-Assessment Checklist’ (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of consistency. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council’s Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The relevant policies are:

ENV1, ENV2 and ENV3 states that all development should aim to protect and promote nature conservation, the special qualities, design quality and local distinctiveness of the Black Country.

Walsall’s Unitary Development Plan (UDP)

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

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

VII. The adequacy of the access, and parking.

ENV23: Nature Conservation and New Development.

The Council will require appropriate measures to encourage the conservation of wildlife. A supplementary planning document will provide more detailed advice on the implementation of this policy.

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

(b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-

- The appearance of the proposed development.
- The height, proportion, scale, and mass of proposed buildings / structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall

This provides guidance on how to achieve good urban design within Walsall including a range of key issues that developers must address. For residential developments, privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix D (listed below) although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 13m separation between habitable windows and blank walls exceeding 3m in height.
- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).
- Garden dimensions: 12m in length or a minimum area of 68 sq m for houses and 20 sq m of useable space per dwelling where communal provision is provided.

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

Relevant Planning History

None

Consultations

Natural Environment Team, Ecology - No objections

Public Participation Responses

None

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Protected Species

Observations

Design of Extension and Character of Area

The rear ground floor single storey extension, being to the rear of the application house, would not be visible from the street. Due to the orientation of the houses either side which are slightly at an angle away from the application house means that views of the rear ground floor extension would be minimal.

The first floor extension would appear as a traditional two storey add on to an existing 70's style dormer bungalow and constructed above the existing sitting room. This first floor extension would have a front gable to the roof which would be totally different to the existing roof line.

The existing house is a single storey bungalow with a large roof, it has a low eaves roof design incorporating first floor dormer windows. The proposed extension would be two storey with a gable feature at the front. The extension would be at odds with the existing design of the bungalow and would simply appear as an add-on. Whilst the existing street scene consists of a mix of differing designs, extensions and use of materials each house is in keeping with its own particular design and does not consist of out of character extensions.

On balance, whilst the rear extension is acceptable, the proposed first floor side extension because of its design, scale and mass is unacceptable and will be harmful to its character and appearance of the building and to the street scene and character of the local area.

Amenity of Nearby Residents

The proposed rear ground floor extension would meet the Council's 45 degree guidance in respect of rear facing habitable room windows in no's 6 and 10 Edinburgh Road. The first floor extension would also accord with that guidance.

Protected Species

It is considered a bat survey would not be required as the surrounding area provides little foraging opportunities for bats.

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant's agent and discussed the process for determining this application. Furthermore, officers have indicated that in this instance are unable to support the proposal on the grounds of design of the first floor side extension

Recommendation: Refuse

The proposed first floor side extension because of its design, scale and mass fails to respect the design of the original house as built and would be harmful to its character and appearance. Furthermore, it would appear as an intrusive add-on element to a house which sits amongst other houses that have been extended with designs to reflect their original character, and would therefore also be harmful to the street scene and character of the local area.