

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

Report of Interim Head of Planning and Building Control on 17-Sep-2020

Plans List Item Number: 1.

Reason for bringing to committee: Major application

Location: YORKS BRIDGE, NORTON ROAD, PELSALL, WS3 5AU

Proposal: CONSTRUCTION OF A NEW ROAD BRIDGE OVER THE WRYLEY AND ESSINGTON CANAL NEXT TO YORK'S BRIDGE AND REALIGNMENT OF NORTON ROAD, PLUS NEW PARKING BAYS FOR PELSALL NORTH COMMON AND WETLAND AREA (ADJACENT TO PUBLIC FOOTPATH ALD0.149). THE APPLICATION INCLUDES THE PROVISION OF AN AREA OF REPLACEMENT COMMON LAND TO THE SOUTH OF THE A4124 LICHFIELD ROAD, TO BE SERVED BY A NEW VEHICLE ACCESS AND PARKING AREA.

Application Number: 19/1042

Applicant: Walsall Metropolitan Borough Council

Agent: Atkins

Application Type: Full Application: Major Use
Class Sui Generis

Case Officer: Gemma Meaton

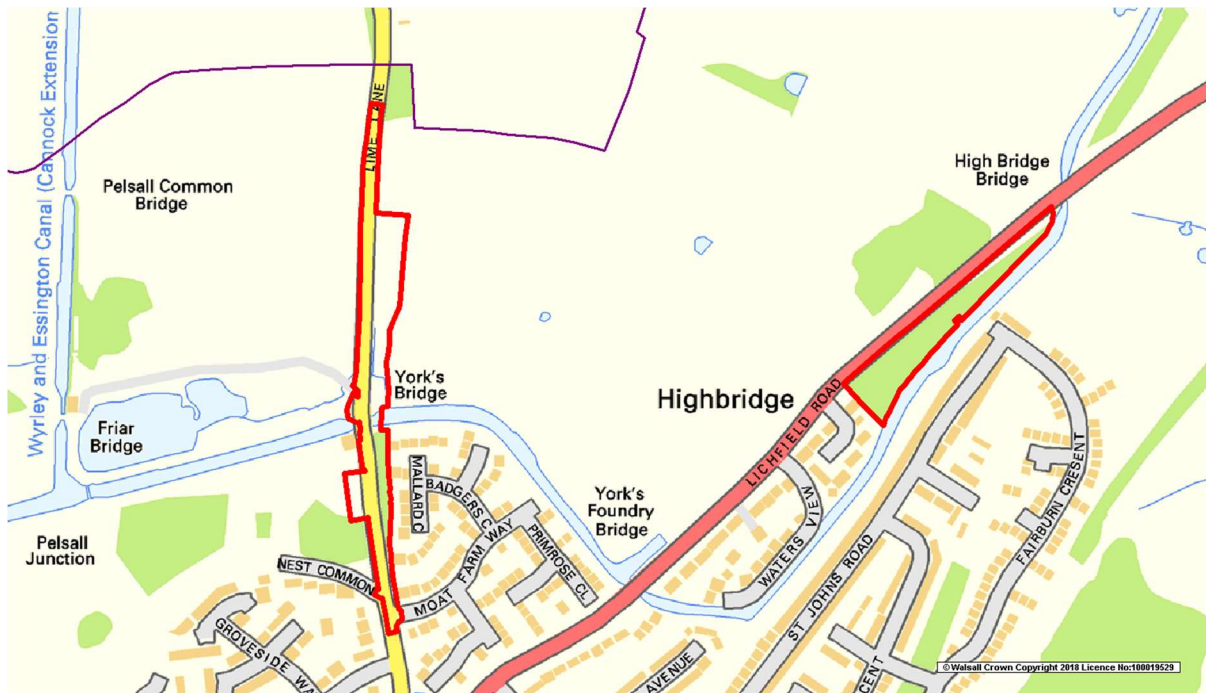
Ward: Pelsall

Expired Date: 31-Mar-2020

Time Extension Expiry:

Recommendation Summary:

1. That the Habitats Regulation Assessment is endorsed by Planning Committee, as the competent authority and confirm that, the Council considers that the proposed development would not have a significant effect on a European site, subject to no new material considerations from Natural England, and
2. Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to
 - No new material considerations being received;
 - The amendment and finalising of conditions;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed;



Officers Report

Proposal

This is a new application following the expiry of a previous approval in 2014 for a bridge of the same design and detail.

The proposed bridge works would utilise some land that currently forms part of Pelsall North Common, resulting in the loss of Common Land. As a result, compensatory common land is proposed. The previous approval expired as the compensatory land proposed at the time was deemed insufficient.

The scheme has been amended to increase the area of replacement land, and provide it in a different location from the earlier application. The new proposals include compensatory provision of Common Land on land to the east of the site off Lichfield Road (A4124), known as High Bridges. The total area of replacement land would be 7891m², of which 7491m² would be designated as Common Land, as the car park would not be included. The proposals include a new junction and vehicle access from Lichfield Road, 7 parking bays (including 1 disabled space) to facilitate access to the new common land and a new footpath. The new car park would include a height restrictor to prevent access to large vehicles.

It is proposed to build a new road bridge spanning the Wyrley & Essington Canal, alongside the existing Yorks Bridge. The scheme includes the construction of wing walls and retaining walls as well as the localised realignment of Norton Road. The new bridge would be a reinforced concrete structure and brick clad throughout. The proposals also include provision of 6 parking spaces to facilitate access to Pelsall North Common and a new reed bed and wetland area.

The proposed works and realignment would extend from the junction with Moat Farm Way to the south of the existing bridge to a distance of approximately 330m north of Yorks Bridge almost to the Borough boundary. The site area for the new bridge and associated works is 1.79 hectares. The proposed bridge would be 40m long and would carry two-way traffic on a 7.3m wide carriageway with a 2m wide footway on the western side. There would be 2m minimum headroom between the bridge and towpath and 3.1m minimum between the bridge and canal.

The proposed scheme includes a 48m long retaining wall on the western side between the existing and proposed carriageways. The existing carriageway would remain as access for The Fingerpost PH, canal side cottage and the proposed new parking spaces. A continuous paved footway will be provided on the western side of the proposed carriageway, extending along its full length. A new footpath is also proposed over Yorks Bridge and on to the north linking to an existing footpath on the Common, this less formal footpath will be set further away from the main carriageway as it crosses the canal and will be constructed from crushed stone. On the eastern side of the new bridge, an embankment with a 49m length of crib walling is proposed which would face the boundary with 15 and 16 Mallard Close. The maximum height of the face of the crib wall would be 3.2m.

The proposed retaining wall is constructed in 4.8m wide panels of facing brickwork between 500mm wide piers with coping stones on top of the piers.

New verges and embankments are also included with the proposal as well as provision of a reed bed and pond to the north. Towpath access is proposed from the south along a pathway between the crib wall and the residential area to the east. New lighting columns are proposed on both Norton Road and the remaining service road over Yorks Bridge.

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The applicant advises that it is proposed to extend the 30mph speed limit up to the borough boundary and will monitor the scheme after completion to consider whether further traffic safety measures are required.

It is envisaged that the construction phase would last for approximately 12-18 months.

The following reports have been submitted in support of the proposals:

Planning, Design & Access Statement – Explains the scheme background, design development, Common Land considerations, environmental considerations, access considerations and consultation carried out by the developer. It concludes that the need for the scheme relates to the structural condition of York's Bridge and that the works are a priority within the West Midlands

Habitats Regulations Assessment (Nov 2018)

The changes to the scheme have required a further assessment following the original carried out in 2013. This assesses the potential effects of the proposed development on the Cannock Extension Canal Special Area of Conservation - a European designated habitat which is within 2km of the site. It concludes that through suitable mitigation measures detailed it is considered that the scheme will not have an adverse effect on the integrity of the Cannock Extension Canal SAC.

Ecological Impact Assessment (Nov 2018)

Details the results of walkover surveys and surveys for protected species (bats, badgers, great crested newts and amphibian species) and also a survey for reptiles. The report evaluates the nature conservation and ecological value of features present, sets out enhancement measures, and assesses the significance of the effects on these features. It concludes the development will result in minor localised habitat loss within Pelsall North Common LNR/SINC. In addition minor habitat modification will be undertaken within the High Bridge Potential Site of Interest and there will be loss of a very small area of grassland within Pelsall Nest Common Site of Interest. The proposed works have the potential to cause minor impact upon bats, great crested newts and reptiles. However, through the use of suitable mitigation this impact can be reduced to disturbance only.

Mitigation is recommended:

- Habitat will be replanted within Pelsall North Common and enhanced within High Bridges
- To reduce potential for impact upon bats (foraging and commuting) lighting design and mitigation has been identified to utilise directional and cowled light only to prevent light spillage upon adjacent vegetation to reduce the construction impact.
- The proposed attenuation pond and reed bed will compensate for the loss of reptile and amphibian habitat.

Geo-Technical Design Updates

This provides an update from the previous report in 2011 and recommends that ground investigation is carried out to confirm the ground conditions at the site and verify the current foundation design sufficiently in advance of the construction works, so any amendments required can be made.

Consultation Report

Between 28-02-19 and 05-04-19 consultation with local residents and other interested parties on the detailed proposals took place and information was published on the Councils web site (and is still there). 10 events took place during this period as well as the distribution of paper questionnaires, with 1051 total responses received. Whilst there was widespread support for the scheme a small proportion of respondents strongly objected. The report includes a full list of the comments made in support and objections to the scheme.

Noise Impact Appraisal (Oct 2013)

The proposals have been evaluated in terms of traffic noise impacts on neighbouring residential properties. Traffic flows and types of vehicles have been determined using traffic census surveys and these have been used to predict noise to the nearest properties. Changes in traffic noise levels have been considered allowing for increases in heavy duty vehicles from 1% (current levels) to 5% and 10%. Noise impacts have been assessed in comparison with Noise Insulation Regulations 1975 (as amended), comparison with the West Midlands Noise Action Plan (WNAP) and National guidance.

Site and Surroundings

Yorks Bridge is situated on Norton Road (B4154), in Pelsall, which runs north south between Pelsall and the junction with the A5. Classified as a district distributor road the Highway Authority has a duty to maintain accessibility for traffic up to 44 tonnes.

The Bridge is owned by the Canal & River Trust. It was constructed in the mid-19th century and has a 10 tonne weight limit although this limit has been abused and the structural integrity of the bridge has weakened as a result. A new bridge is proposed as Yorks Bridge has been identified as a priority for action in the West Midlands. The existing bridge is narrow and has a humped profile giving poor visibility for drivers, there is no footway which causes safety issues for pedestrians and cyclists. The Fingerpost Public House is located immediately to the west of the bridge.

The site is Registered Common Land within Pelsall North Common Site of Importance for Nature Conservation (SINC) and Local Nature Reserve (LNR). The site is also within the Green Belt, Yorks Bridge is Locally Listed and the Wyrley & Essington Canal is a Site of Local Importance for Nature Conservation (SLINC). As a result of the scheme there would be a requirement to deregister the areas of common land affected by the proposals. Some of the land has been identified as a highway improvement line for many years despite being registered common land.

Residential properties lie to the south of the canal and the bridge site, to both the east and west of Norton Road as well as to the west and south of the new land off Lichfield Road.

The proposed new Common Land off Lichfield Road is vacant land that sits between the road and the canal. This land is owned by Walsall MBC and is already open to the public, but is currently inaccessible due to the density of vegetation and fencing.

Relevant Planning History

13/1256/FL, Construction of a new road bridge over the canal next to Yorks Bridge and re-alignment of Norton Road plus new parking bays for Pelsall North Common & wetland area, GSC 7th February 2014.

Following the determination of this application an application to The Planning Inspectorate to deregister and exchange common land was refused 12-05-15 due to a detrimental loss to

the overall area of common land.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.6 to 3.8 Environmental Improvement
- GP2: Environmental Protection
- ENV10: Pollution
- ENV18: Existing Woodlands, Trees and Hedgerows

- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T1 - Helping People to Get Around
- T7 - Car Parking
- T8 – Walking
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- TRAN1: Priorities for the Development of the Transport Network
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Walsall Site Allocation Document 2019

OS1: Open Space, Sport and Recreation

GB1: Green Belt Boundary and Control of Development in the Green Belt

EN1: Natural Environment Protection, Management and Enhancement

EN4: Canals

T4: The Highway Network

T5: Highway Improvements

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows

- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW5 Ease of Movement
- DW9 High Quality Public Realm

Other Legislation

Commons Act 2006 – Section 16 specifies that where an area of common land greater than 200m² is to be deregistered an area of land of the same or greater area should be offered in exchange.

The Conservation of Habitats and Species Regulations 2017 (as amended)

A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the Regulations to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it.

It plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the ‘Habitats Regulations Assessment Screening’ – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view the site’s conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitat’s site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

An appropriate assessment must consider the indirect effects on the designated features and conservation objectives, including the following principles:

- an appropriate assessment must catalogue the entirety of habitat types and species for which a site is protected.
- an appropriate assessment must identify and examine the implications of the proposed plan or project for the designated features present on that site, including for the typical species of designated habitats as well as the implications for habitat types and species present outside the boundaries of that site and functionally linked; insofar as those implications are liable to affect the conservation objectives of the site.
- where the competent authority rejects the findings in a scientific expert opinion recommending additional information, the appropriate assessment must include an explicit and detailed statement of reasons which is capable of dispelling all reasonable scientific doubt on the effects of the proposal on the site.
- a competent authority is permitted to grant a plan or project consent which leaves the applicant free to determine subsequently certain parameters relating to the construction phase, only if that authority is certain that the consent includes conditions that are strict

enough to guarantee that those parameters will not adversely affect the integrity of the site.

Consultation Replies

Transportation – No objections subject to conditions relating to construction methodology, traffic management and surfacing and drainage of new car park on replacement common land of Lichfield Road.

The new bridge replaces the existing narrow canal bridge on the B4154 Norton Road. The current bridge has a weight restriction and presents road safety issues due to a lack of a segregated footway and its slightly askew alignment. The new bridge is designed to the standards required for a classified 'B' road and will be capable of accommodating the largest HCV's. It will also provide a segregated footway.

The new bridge will allow HCV access along Norton Road to the A4124 Lichfield Road which they have not been able to do because of the existing bridge.

Prior to the opening of the new bridge, the Highway Authority is to undertake minor kerb realignments to facilitate HCV movements at the Fingerpost junction. Additionally an Environmental Weight Restriction will be imposed to prevent HCV's from Norton Road accessing through Pelsall village centre to the A461 Lichfield Road at Rushall and vice-versa and to address any potential speeding issues over the new bridge, the existing 30mph speed limit is to be extended further to the north of the bridge along Norton Road.

Highways England – No objections

Public Rights of Way – No objections subject to conditions. Definitive public footpath 0.149 Aldridge falls within the site and links to 0.152 Aldridge and is important in terms of connectivity. The proposed works will provide improved and safer pedestrian access over the retained Yorks Bridge, new footpath and ramped canal access which will enhance access to the public rights of way network. Conditions and note to applicant recommended to ensure safe public access during construction.

Access Forum – Some concerns about the impact on Beacon Way, ALD 0.149 and ALD 0.152 particularly during the construction phase, some temporary diversions during construction may be required and details should be provided. Similarly impact on the canal towpath during construction, which may require a further diversion order. A new pathway should be incorporated into the new common land

Ecology Advisor – There are no further requirements as part of the Ecological Impact Assessment. Pre-construction checks for bats/badgers should be undertaken and mitigation for other potential protected species in the area along with mitigation as suggested in the applicant's report that can be secured by conditions. No objections to the Habitats Regulations Assessment HRA information submitted subject to conditions to secure mitigation.

Environment Agency - No comments received to date, any received will be reported at Committee. Raised no objections on the previous application in 2013, but provided advice to the applicant regarding waste, water quality and biodiversity.

Natural England – No comments received to date, any received will be reported at Committee.

Comments on previous application in 2013 specified:

The proposals are close to a canal that is hydrologically linked to the Cannock Extension Canal SAC designated because of the population of floating water plantain and is sensitive to changes in water quality. A Habitat Regulations Assessment should be carried out. There are no objections on the basis of the impact on bats and newts as the proposed mitigation is acceptable. Conditions are recommended to secure a mitigation and monitoring strategy for both. Standing advice on domestic species should be utilised to assess the adequacy of surveys and mitigation. Biodiversity, landscape character and biodiversity priority habitats and species plus biodiversity enhancements should be sought.

Canal & River Trust – No objections subject to conditions relating to landscaping, lighting, crib wall, materials, surface water drainage and measures to deter anti-social behaviour adjacent to the bridge abutment.

Pollution Control – No objections subject to conditions relating to an updated noise assessment, appropriate noise levels, permitted levels of vibration and suggested hours of working on site during construction.

Coal Authority – No objections subject to conditions to ensure intrusive site investigations to identify the coal mining legacy of the site and any remedial works required to ensure the safety and stability of the land.

West Midlands Police - No objections but the proposed new car park area has the potential for fly tipping, illegal encampment and anti-social behaviour and vehicle height restriction measures, bollards and lighting should be considered.

Fire Officer – No adverse comments

Inland Waterways – Support the proposals

Representations

17 objections received on original submission and 10 further objections to the amended scheme (one includes photographs).

Objections to original submission:

- Traffic already bad, this will increase traffic.
- Traffic will increase if 7.5 tonne weight limit is removed (up to 44 tonnes) and commercial vehicles use Pelsall as a short cut
- Local B roads don't support HGV usage, particularly the Fingerpost junction, potentially increasing accident risk and congestion.
- The corrected road alignment will allow faster speeds, increasing risk of accidents
- Increased traffic will bring additional air and noise pollution to the area and disrupt peace
- Danger for pedestrians due to added traffic volume and HGV usage
- The re allocated common land will have no benefits to the residents of Pelsall
- The new car park could attract anti-social behaviour
- Local residents consultation targeted people outside of the immediate area and not those who would be affected, so true residents opinions were not reflected
- Objections to content in Design and Access Statement
- Bridge only needs to be strengthened and traffic lights either side
- Overlooking of property from new bridge
- Already difficult getting in and out of residential estate due to increased traffic
- Adverse impact on local wildlife and vegetation
- Not appropriate in the Green Belt

- Street lighting will be too close to houses
- Construction works will disrupt commuting
- No traffic assessments so claims that traffic won't increase are unsubstantiated
- A smaller bridge to the side of the existing could be of benefit to pedestrians and cyclists
- Difficult for pedestrians to cross the road
- Property devaluation (*not material planning consideration*)

Objections to amended scheme:

- The traffic on Norton Road is already horrendous, further building proposed will make this worse
- More vehicles using the road will create more pollution
- Why is it necessary to be capable of 44 tonnes on a B road?
- 44 ton HGV's will spoil more of Pelsall
- The traffic lights at the Finger Post are an accident waiting to happen, queueing traffic with no pedestrian crossing facilities.
- Increased danger to pedestrians from increased speed, increased traffic and HGV's, pedestrian crossing facilities at the Finger Post lights essential.
- What is happening about restricting speed? Some drive at 70mph
- Side by side bridges a ludicrous idea and an eyesore
- Realignment of Norton Road will result in loss of verges and bushes (that provide nesting for birds), fears for wildlife
- Environmental damage to the area: increase in noise, increase in pollution, 44 ton lorries & faster and heavier vehicles, danger to local traffic
- Why are car parks needed?
- Despite its age the existing bridge provides a safe and satisfactory means for traffic to cross the canal.
- Never been a fatal accident at the bridge as drivers at slow speed, the new bridge will be approached at greater speed and increase the likelihood of accidents
- Short cut to avoid the Finger Post lights, via Charles Crescent and Abbey Drive, traffic likely to increase and include HGV's
- Impact on local traffic
- Impact on Moat Farm pool
- Traffic lights either side of the bridge, once it is strengthened and repaired more acceptable
- No reason for the bridge, cheaper alternative plans put forward
- Replacement land unacceptable, in the wrong location, too far from the bridge, in an area no one goes to, not easily and safely acceptable.
- Car park access on Lichfield Road dangerous on a busy road, and not in the interests of local residents, no one will visit.
- Lichfield Road car park will need to be gated at night, otherwise anti-social behaviour and will make adjacent bungalows vulnerable
- Fencing to new land
- Accident 09-01-20, the Council should cease pursuit of a new road bridge alongside existing bridge, immediate action needed to repair existing bridge.
- Walsall Council not listening to residents, why put in new car parking on Lichfield Road, when not acknowledging the dangers of the new bridge?
- No form of traffic assessment undertaken, so failed to demonstrate any need for or demand for increased bearing capacity and no basis for comments in Design & Access Statement that there will be no permanent increase in traffic as a consequence of the scheme.

- If no release of suppressed demand as suggested then any expenditure to undertake the works would be a waste of public money
- Cheaper option to repair and waterproof existing bridge and retain 7.5 tonne capacity
- Safety case for the new bridge is unproven, if safety is an issue a low cost option would be traffic signals, allowing single flows of traffic over the bridge and would then allow for guard barriers to protect the existing bridge, this shuttle system works at many other bridges and narrow streets
- Current traffic signals controlling traffic following latest accident and damage to the bridge, this is not causing delays or queueing traffic, demonstrates that this system can work
- Pedestrian and cycle accessibility is an issue but this can be resolved by the construction of a lightweight bridge alongside the existing bridge as at other sites in the Borough, which could be constructed within the existing highway boundary, negating the need for the release of Common Land and the loss of trees
- High costs of the new bridge, poor and unnecessary use of public funds
- Unmitigated adverse impacts arising from HGV usage, opposing the objectives of the Black Country Transport Strategy.
- Weight limit of 7.5 tonnes through Pelsall village is not included in the proposals despite it being mentioned previously, but no means of enforcing the weight limit. No point in expense of bridge to increase weight limit if it is going to be restricted.
- The application fails to demonstrate that the proposals are the best solution and use of public funds. The Council have been made aware of several companies that could strengthen the existing bridge without the need to raise the carriageway or reduce the headroom of the canal under the bridge. Guidance on the repair and strengthening of masonry arch bridges was published in 1996. Strengthening works would be more costly than repair and waterproofing but cheaper than a new bridge and could be combined with traffic signals
- Information provided in the application is incomplete, details of Ecology and Habitats Regulations Assessment have been redacted and appendices to the Design and Access Statement are missing.
- The new Common Land at High Bridges should be left as it is and managed primarily for wildlife with minimal or preferably no disturbance at all. It has been an undisturbed wildlife haven for many years, before any works undertaken a proper Habitat Assessment should be carried out.
- High Bridges site too small to justify a car park, site not large enough to attract cars. Car park likely to attract more anti-social behaviour

Determining Issues

❖ Assessment of the Habitats Regulations Assessment

❖ Assessment of the Planning Application

- **Principle of a new bridge**
- **Layout, Design and Traffic Impact**
- **Impact on the Green Belt and Pelsall Common**
- **Relationship to Surrounding Properties**
- **Ecological Considerations**
- **Environmental Impact Assessment Screening Opinion**

Background

The submission of a Habitats Regulation Assessment (HRA) is required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), for all plans and projects which may have likely significant effects on European sites and are not directly connected with or necessary to the management of the European site. The Local Planning Authority must review the assessment and decide whether to endorse it.

In 2013, a Habitat Regulations Assessment (HRA) was undertaken to assess whether the York's Bridge Scheme was likely to lead to significant effects on the Cannock Extension Canal Special Area of Conservation (SAC). It was considered that the Scheme in 2013 would have no likely significant effects on the Cannock Extension Canal SAC. However, due to changes to the Scheme, an updated HRA is required, an updated report was provided on the 19th of August 2019.

A Habitats Regulations Assessment has been provided for review and Natural England have not responded to requests for comment, therefore it is assumed that there are no additional comments to the support provided to the 2013 HRA. The Ecology advisor has reviewed this and has no objections in principle, subject to appropriate mitigation that can be secured by recommended conditions

Methodology

The report identifies 'European sites' within 2km of the scheme as defined by the regulations - in this instance the Cannock Extension Canal Special Area of Conservation (SAC). The use of a 2km distance was initially identified as a cause for concern, however, given that the closest SAC to the site other than the Cannock Extension Canal is the Cannock Chase SAC, which is 9.6km away and that the 2km search radius was used in 2013, following consultation with Natural England. The 2km distance is considered acceptable.

The regulations require that an HRA has a maximum of four stages – screening, appropriate assessment, assessment of alternative solutions and assessment where no alternative solutions remain and where adverse impacts remain. Stages 3 and 4 are only required where stage 2 concludes that an adverse impact is anticipated. The HRA provided considers Stage 1 and 2, concluding that mitigation measures proposed are sufficient to avoid adverse impact.

Stage 1 of the investigation assesses the potential impacts of the development in isolation ('alone'), and cumulative impacts as a result of this and other developments ('in combination') that would impact the SAC. Likely significant effects are assessed by reference to the conservation objectives of the qualifying feature (interest feature) of the Cannock Extension Canal SAC. Any plan or project that causes the cited interest features of a site to fall into unfavourable condition can be considered to have a likely significant effect on the site.

Stage 2 establishes whether there are elements of the Scheme which could have an *adverse effect* on the *integrity* of the interest features. The assessment of integrity is based on the site features and conservation objectives of the Cannock Extension Canal SAC, with guidance from Natural England on 'site integrity'. In combination effects are also considered by reviewing details of plans and projects that have had HRAs completed due to the potential for impacts upon the Cannock Extension Canal SAC.

The methodology is considered sound and appropriate to assess the proposal in terms of the Conservation of Habitats and Species Regulations 2017.

Stage 1

Stage 1 considers the likely significant effects on the SAC, taking into account the construction and operational phases of the scheme and in combination with other projects and plans, largely relating to the hydrological links.

The screening found that there are some sensitivities that would lead to likely significant effects on the international site without the implementation of mitigation measures. These were, changes in water quality leading to increased sediment load, eutrophication, or toxic contamination during the construction and operational phase, and the introduction of invasive species during the construction phase. The main cause for these impacts was identified as the re-profiling of the drains to accommodate the proposed bridge. Other sensitivities like recreational pressure and changes in air quality were found to not have a significant effect.

Other developments that required the production of an HRA were reviewed for potential in-combination effects. Although the Ecology Officer raised an initial concern regarding the review of only developments requiring an HRA as possible interacting developments, further information allowed their support of this strategy, and findings that there are no significant in-combination effects likely as a result of the scheme.

Stage 2

Identified mitigation measures that would mitigate the potential impacts.

During the construction mitigation measures included: a temporary semi-porous geo-textile membrane to capture and treat any additional run off during the works and monitoring of the water quality within the canal on a weekly basis. Construction effects will also be minimized by following construction best practice and Environment Agency Pollution Prevention Guidelines, Works and maintenance in or near water: PPG5 and Working at Construction or Demolition sites PPG6.

Detailed design to minimise re-profiling necessary, and the use of the proposed reed bed to trap potential silt entering the canal, are proposed during the operational phase of the development.

The mitigation measures proposed are considered to adequately address the potential impacts identified on the Cannock Extension Canal SAC. Several conditions are recommended by the Ecology Advisor to ensure that the mitigation measures are implemented, including the requirement for the submission of a detailed construction environmental management plan

Conclusion

On balance, the Yorks Bridge Habitats Regulations Assessment, dated November 2018, version 2 submitted by Atkins on 19/08/2019 is considered to fulfil the requirements of Conservation of Habitats and Species Regulations 2017 (as amended).

The recommended delegation seeks authority to agree the Habitats Regulations Assessment subject to any further comments from Natural England and resolving any outstanding matters.

Principle of a new bridge

The principle of the provision of a new road bridge at this location and its design have already been established under the previous planning approval (13/1256/FL) in February 2014. The existing bridge is structurally unsound, has a weight restriction, and the horizontal and vertical alignment, narrow width and lack of any footway make the need for improvements essential for vehicles, pedestrians and cyclists. The Highway Authority is obliged to maintain appropriate access for traffic for vehicles up to 44 tonnes. This cannot be achieved by repairing the existing bridge and in the circumstances a new bridge is considered appropriate.

Whilst the principle of the new bridge was established and the design agreed in planning terms, the application for deregistration and exchange of Common Land made to the Secretary of State under the Commons Act 2006 (S16(9)) was denied as the compensatory provision was deemed insufficient. The current proposals now include additional land to compensate for the loss. The 2013 scheme offered 2750m² of replacement Common Land, the current proposals now offers 7491m² of replacement Common Land, more than two and a half times the previous amount of land. The proposed land is adjacent to the existing Common and would be easily accessible. If planning consent is granted a further application under the Commons Act would need to be made to the Secretary of State.

Layout, Design and Traffic Impact

The proposed bridge line would run alongside the existing bridge and offers improvements for pedestrians, cyclists and drivers. It has an improved width and alignment that incorporates a 2m wide footway on the west side. The bridge would have a flat profile which would be an improvement to visibility when compared to the old humped bridge. The carriageway would be wide enough to carry two way traffic and have an increased weight limit of 44 tonnes.

Objectors state that the proposed widening of the road and increasing the weight limit would increase traffic and congestion in the area, increase vehicle speeds and increase use by HGV's. Objectors consider that the surrounding highway network is not suitable to cater for these changes and the proposals would result in increased speed, traffic congestion, noise and air pollution impacts, increase the potential of accidents and have adverse effects on pedestrian safety, particularly at the Fingerpost junction. The upgrade of the Fingerpost junction to include a formal pedestrian phase has been considered as part of the overall highway works in the area, but has been rejected on the grounds that a pedestrian phase at the traffic lights would cause unacceptable traffic build up on all arms of the junction.

The proposals address this priority whilst offering benefits to pedestrians, cyclists and drivers despite residents' objections to the contrary. The increased weight limit, capacity for two way traffic and incorporation of a footway are necessary improvements for this district distributor road. The potential for HGV's and increased traffic as a result of these improvements will be outweighed by the improved safety benefits. The traffic will not have to wait at the approach to the bridge and as a consequence will be more free-flowing. The applicant has also indicated that the 30mph speed limit is to be extended to the borough boundary to further improve safety.

Permanent traffic light signals at the bridge have been suggested by objectors as an alternative to the new bridge. This has been considered an unsuitable option in the long term as this would not allow for any increased weight limit, which is required as part of the West Midlands Transport Strategy and would not allow for pedestrian access across the bridge.

The Council has considered a number of options which include (a) doing nothing, (b) strengthening the existing bridge, (c) replacing the existing bridge with a new one on the same alignment and (d) building a new bridge adjacent to the existing.

Option (a) would ultimately mean the Council failing in its duty as Highway Authority.

Option (b) has been rejected as the necessary work would either increase the height of the road over the bridge assuming the required strength could be achieved (thus exacerbating the vertical alignment problem) or decreasing the pedestrian headroom below the bridge (which would not be acceptable to the Canal & River Trust). Strengthening would not address safety issues relating to narrow width and lack of footway.

Option (c) has been considered carefully but recent consultations have revealed a desire to retain the existing structure and this option has also been abandoned.

Option (d) was considered as the preferred option, but has been put on hold since 2015 due to the Planning Inspectorate refusing permission to commence the scheme on the grounds of common land deregistration issues.

Previous consultation exercises explored these options for bridge replacement or strengthening, eventually culminating in the proposed design which was approved by the Council's Cabinet on the 24th of July 2013.

Norton Road is a classified district distributor road, a priority for action in the West Midlands and the Council's Local Highway Authority, has a duty to ensure it maintains accessible for local, commuter and commercial traffic. This means the road needs to be able to cater for traffic up to the national weight limit of 44 tonnes.

The provision of six off street parking spaces for users of the Common on land to the south of the Fingerpost Pub car park is considered of public benefit. The spaces will be accessed from the access road serving the pub and canal side cottage. It is anticipated that the spaces will be maintained by the Highway Authority. The provision of car parking spaces enhances the public access to Pelsall North Common which is welcomed. A connection for pedestrians between the existing Definitive Public Footpath to the common and the new bridge has been included and there would be no change to access the canal towpath, meaning there would be a further increase in accessibility as a result of the application. Greater public access also offers greater natural surveillance which discourages anti-social behaviour.

The proposed new bridge is to be constructed of reinforced concrete with brick cladding and brick clad wing walls. The design is fairly simple and reflects the character of the existing Yorks Bridge. The sympathetic design of the new bridge does not detract from the historic bridge and is considered acceptable.

Whilst objectors have indicated that the new Common Land at High Bridges will be of no benefit to Pelsall residents the proposals include the introduction of a vehicle access and a small parking area to allow better accessibility for users as well as a footpath within between the existing vegetation. The design, access and proposed layout is considered appropriate to encourage and facilitate use by the public.

On balance the layout and design of the new road and bridge is considered acceptable and will alleviate current problems for all users of the highway.

Impact on the Green Belt and Pelsall Common

The new road and bridge proposals are within the Green Belt and Pelsall Common, on land that has been reserved for the purpose of highway improvements for a number of years. The land comprises grass verges and areas of tree planting adjacent to the existing highway. In places it adjoins garden land of housing in Moat Farm Way and Mallard Close. Some residents have indicated that they consider the works are inappropriate within the Green Belt.

Green Belt policies state that local transport infrastructure which can demonstrate a requirement for a Green Belt location and engineering operations are not inappropriate development provided they preserve its openness and do not conflict with the purposes of including land within it.

Although the new bridge would have some impact on the openness of the Green Belt, it is considered to be relatively minor as the new bridge would be surrounded by existing development, set below the height of existing trees, and in line with the existing bridge.

In this case the duty for the Highway Authority to make the improvements, which is a priority not just for Walsall but for the West Midlands, this is a material consideration that offers wider public benefits which are sufficient to outweigh the impact the proposals may have on the openness of the Green Belt.

The proposed new highway alignment and new bridge site is on land that has been reserved for highway improvements. To address the loss of trees and loss of land from Pelsall Common appropriate mitigation is proposed. Whilst the total area of common land to be released would be 9725m², only 2465m² would be subject to deregistration, the remainder would be required only during the period of construction and would be on Common Land given consent to carry out works including, new planting, a reed bed and wetland area. The requirement for deregistration of Common Land would be offset by the 7491m² developer proposes to register as Common Land, off Lichfield Road. The extent of exchange Common Land now proposed provides an additional 4741m² over the previous scheme. The net increase in Common Land proposed by the scheme would be 2566m².

The procedures under the Commons Act to deregister and exchange Common Land can only be applied for once a planning permission is in place.

It is considered that the proposals would have a temporary effect on the Common Land but the overall benefits of the scheme and mitigation proposed are considered to outweigh any temporary harm.

Relationship to Surrounding Properties

The proposed new carriageway is 9m away from the garden boundaries of properties in Mallard Close. This means the carriageway would also be 12m away from the blank gable wall of a two storey house at 16 Mallard Close, 9m away from the side wall of the garage of the bungalow at 15 Mallard Close and 12m away from the side facing kitchen window of number 15. The proposals include a 3m verge alongside the carriageway and a 49m length of crib walling beyond this which faces both properties. The crib walling is a maximum of 3m high opposite 16 Mallard Close but reduces in height in a southerly direction, and does not project above the level of the carriageway. Planting is proposed within the crib walling to soften its appearance. It is recommended that planting details are secured by a condition, which will ensure appropriate species are planted and help screen the development where possible from neighbouring properties.

The realigned carriageway is 6m away from the garden boundaries of 1 Moat Farm Way and 10m away from 8 Mallard Close. The carriageway is at road level at this point and is not significantly closer than the existing carriageway, and is therefore considered not to have significant impact.

The front elevation of the public house is within 2m of the carriageway of the existing Yorks Bridge. The parapet of the proposed new bridge is further away at 9m distance so despite being at a raised level will have no greater significant impact on the amenities of the occupiers.

Neighbouring residents object to the overlooking to properties likely from the new bridge, air and noise pollution, odour and light pollution, disruption to commuting during construction and street lighting close to houses. The new road and bridge are closer to existing properties in Moat Farm Way and Mallard Close than the existing Yorks Bridge. The proposals incorporate crib walling and landscaping adjacent to the new road which will soften the appearance of the bridge from these properties. Although residents object to potential overlooking the vehicles will be travelling past their properties without stopping limiting potential for overlooking, also there is no footway on this side of the proposed road so pedestrians and cyclists who may potentially overlook these properties will be directed to the opposite side of the road. On balance the impact on privacy as a result of the proposal will not be significant.

The Wyrley and Essington Canal sits to the south east of the High Bridges site off Lichfield Road, which is proposed as the new designated Common Land. Beyond the Canal are residential properties in St Johns Road. Whilst the designation and provision of a small car park would increase the use and activity at the site, the site would remain as open land, meaning there would be little effect on the outlook for the residents and little impact in terms of noise or disturbance. Residential properties in Highcroft would be located to the south west of the new Common Land off Lichfield Road, but the proposed car park access would be set approximately 77m from the nearest property. It is considered that the proposals would have no adverse impact on the amenities of these occupiers.

Pollution Control have advised that whilst the submitted noise assessment is extensive, it is dated from 2013 using traffic data from 2012. Whilst this indicates that predicted future noise levels from the site are only slightly different to those presently being experienced, it is considered that an updated noise assessment should be carried out to consider more recent traffic data. In certain circumstances a net improvement is calculated and in worst case scenarios the difference would not constitute a perceptible change. In the absence of details relating to demolition and construction methodology, conditions are recommended to ensure nearby residents are not unduly affected during these phases.

Ecological Considerations

The proposed development has potential impacts upon Pelsall Common North Local Nature Reserve, Wyrley & Essington Canal SLINC, and nearby Cannock Extension Canal Special Area of Conservation (SAC) and there are a number of protected species likely to be affected. Mitigation strategies are proposed and the applicant has demonstrated how the proposals satisfy the Habitat Regulations 2017. The Ecological Advisor is satisfied that the compensatory provision and mitigation put forward by the applicant will avoid adverse impacts or impacts will be temporary and short term. A number of conditions are recommended to secure the compensatory provision.

The site is approximately 300m from the Cannock Extension Canal SAC and the Wyrley & Essington Canal connects directly to the Cannock Extension Canal.

The proposal mainly impacts on Pelsall North Common LNR and at worst results in permanent loss of 0.975 ha of habitat. The potential effects identified include minor localised habitat loss within Pelsall North Common LNR/SINC and minor habitat modification within High Bridge Potential Site of Interest (PSI) and loss of a small area of grassland within Pelsall Nest Common PSI. The proposed works have the potential to cause minor impact upon bats, great crested newts and reptiles. However through the use of suitable mitigation this impact can be reduced to disturbance only.

Habitats will be replanted within Pelsall North Common LNR/SINC and enhanced within the High Bridge PSI as part of the new scheme works. To reduce potential impact on bats, lighting design and mitigation has been detailed to use directional and cowed light only to prevent light spillage to adjacent vegetation to reduce to construction impact on foraging and commuting bats. The proposed attenuation pond and red bed will compensate for loss of reptile and amphibian habitat.

There are no significant residual effects expected subject to these mitigation measures.

The replacement and reinstated habitat will replicate habitats currently present, and support species using the site. The areas of replacement habitat are equivalent or larger than the areas lost. The areas impacted are not part of the core interest in the LNR and no areas of nationally scarce lowland heath habitat are lost. The replacement scrub, wetland and grassland habitats can be recreated easily. The loss of land is modest in comparison to the total area of the LNR and the areas affected are severed by Norton Road so is not part of the Common heavily used by the public. The adverse impacts caused by the development are likely to be temporary and short term.

Considering the above comments the proposed ecological impact including that on protected species can be satisfactorily mitigated and compensated for and the proposals are acceptable.

Environmental Impact Assessment Screening Opinion

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 distinguishes between two separate groups of development to which EIA are required. Schedule 1 Development requires an EIA in every case, and Schedule 2 Development requires an EIA only if the project is judged likely to have significant effects on the environment by virtue of factors such as its size, nature or location.

The proposal does not fall within Schedule 1.

The development falls within Schedule 2 part 10(f) as it is a proposal for construction of a new road and the area of development exceeds 1 hectare, at 1.87 ha. The site is not within a sensitive area and given the characteristics and location of the development the characteristics of the potential impact are not significant. Potential impacts are temporary and short term and do not have a significant impact on the surrounding area.

In light of the above an Environmental Impact Assessment for the proposed development is not needed. A screening report was prepared and signed off to this effect on 18/10/19.

Conclusions and Reasons for Decision

The principle of the provision of a new road bridge over the canal in this location and its design has already been established under the previous planning approval in 2014. The Highway Authority is obliged to maintain appropriate access for traffic for vehicles up to 44 tonnes. This cannot be achieved by repairing the existing bridge and in the circumstances a new bridge is the considered appropriate.

Whilst planning consent was granted in 2014 the application for deregistration and exchange of Common Land made to the Secretary of State under the Commons Act 2006 was denied as the compensatory Common Land was deemed insufficient. The current proposals would now provide an additional 4741m² of compensatory Common Land over that of the previous application and a net gain of 2566m² over the existing situation, which is a significant improvement over the previous scheme and is hoped will be successful under a further deregistration application.

The compensatory land would be provided with a new access and small car park to improve access for users. The design and layout of the compensatory land proposed at High Bridges, Lichfield Road is considered appropriate to encourage and facilitate use by the public.

Whilst engineering or other operations would be considered inappropriate development within the Green Belt if it impacts negatively on the openness of the Green Belt, in this case the duty the Highway Authority has to make improvements, as a priority for Walsall and the West Midlands, with wider public benefits, is considered sufficient to outweigh the limited impact and resultant harm to the openness of the Green Belt.

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

An ecological assessment and Habitat Regulations Assessment has been undertaken and it is concluded that subject to mitigation measures the proposals are acceptable.

An Environmental Impact Assessment (EIA) screening has been undertaken and whilst the proposals have the potential temporary impacts, these would be short term and do not have a significant impact on the surrounding area and concluded that an EIA for the proposals was not needed.

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

Positive and Proactive Working with the Applicant

The plans have been amended since submission to provide a larger area of compensatory Common Land on the site at High Bridges, Lichfield Road, to allow full support to the proposals.

Recommendation

- a. That the Habitats Regulation Assessment is endorsed by Planning Committee, as the competent authority and confirm that, the Council considers that the proposed development would not have a significant effect on a European site, subject to a no objection from Natural England
- b. Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to
 - No new material considerations being received within the consultation period;
 - The amendment and finalising of conditions;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed;

Conditions and Reasons

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

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

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

- Site Location Plan Drawing Extent –YB01 Rev A submitted 24th December 2019
- General Location Plan Drawing MP/YB/00-09 Rev B submitted 24th December 2019
- Block Plan Drawing Extent – YB00 Rev A submitted 24th December 2019
- Details of Replacement Common Land Drawing Extent – YB02 Rev A submitted 24th December 2019
- Details of New Parking Area on Replacement Common Land Drawing Extent-YB03 Rev A submitted 24th December 2019
- Areas for Permanent Deregistration Drawing MP/YB/S16/602 Rev A submitted 24th December 2019
- Site Boundary Plan Drawing YB/PA/101 submitted 13th August 2019
- Existing Details Drawing YB/PA/102 submitted 13th August 2019
- General Arrangement Drawing YB/PA/103 submitted 13th August 2019
- Longitudinal Section Drawing YB/PA/104 submitted 13th August 2019
- Cross Sections Sheet 1 of 3 Drawing YB/PA/105 submitted 13th August 2019
- Cross Sections Sheet 2 of 3 Drawing YB/PA/106 submitted 13th August 2019
- Cross Sections Sheet 3 of 3 Drawing YB/PA/107 submitted 13th August 2019
- Drainage – General Arrangement Drawing YB/PA/108 submitted 13th August 2019
- Drainage – Proposed Wetland and Mitigation Pond Drawing YB/PA/109 submitted 13th August 2019
- General Arrangement of Bridge Drawing YB/PA/110 submitted 13th August 2019
- General Arrangement – Retaining Wall Drawing YB/PA/111 submitted 13th August 2019
- Street Lighting Details Drawing YB/PA/112 Rev A submitted 24th December 2019
- Landscaping – General Arrangement Drawing YP/PA/113 Rev A submitted 24th December 2019
- Landscaping – Mitigation Pond Drawing YB/PA/114 Rev A submitted 24th December 2019
- Compensatory Area Works at Pelsall North Common Drawing YB/PA/115 submitted 13th August 2019
- Accommodation Works – Canal Towpath and Access Details Drawing YB/PA/116 submitted 13th august 2019
- Design and Access Statement submitted 31st December 2019
- Ecological Impact Assessment (Nov 2018) submitted 13th August 2019
- Noise Impact Appraisal dated October 2013 submitted 13th August 2019
- Habitat Regulations Assessment (2018) submitted 13th August 2019
- Technical Note – Geotechnical Design Update dated 07-03-19 submitted 13th August 2019
- Yorks Bridge Consultation – Summary of Results June 2019 submitted 13th August 2019.

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

3a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority. The scheme should be based on paragraph 5.1.1 of the submitted Ecological Impact Assessment. The drainage scheme and method of working shall also include a timetable for all works and provision for a monitoring scheme to demonstrate its effectiveness.

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

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

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site and to ensure no contamination of the Cannock Extension Canal SAC and the Wyrley and Essington Canal Site of Importance for Nature Conservation in accordance with NPPF10, BCCS Policies ENV1, ENV4 and ENV5 and saved Walsall's Unitary Development Plan policies GP2, ENV10, ENV23 and ENV40 and SAD policies EN1 and EN4..

4. Prior to the commencement of the development hereby permitted (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

Reason: In order to protect the natural environment surrounding the Cannock Extension Canal SAC and the Wyrley and Essington Canal Site of Importance for Nature Conservation in accordance with policies EN1 and EN4 of the SAD, policies ENV1 and ENV4 of the BCCS and Policy ENV23 of the UDP.

5. Prior to the commencement of the development a Habitat Management Plan in respect of the replacement common land shown on plan YB02 Rev A submitted 24th December 2019 shall be submitted to, and be approved in writing by, the local planning authority. The content of the Habitat Management Plan shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

6b. The development shall not be carried out otherwise than in accordance with the approved Habitat Management Plan.

Reason: In order to protect the natural environment surrounding the Cannock Extension Canal SAC and the Wyrley and Essington Canal Site of Importance for Nature Conservation in accordance with policies EN1 and EN4 of the SAD, policies ENV1 and ENV4 of the BCCS and Policy ENV23 of the UDP.

7a. Prior to the commencement of the development hereby permitted details of the proposed materials to be used in the construction of the external surfaces of the bridge including details of the proposed retaining wall between the existing bridge and new bridge shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Canal & River Trust.

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

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

8a. Prior to the commencement of development, and notwithstanding the submitted plans, further plans confirming the crib wall detailing of the bridge shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Canal & River Trust.

8b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the visual amenities of the area and to ensure the development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan and policies ENV1, ENV3 and ENV4 of the BCCS,.

9a. Prior to the commencement of development details of the measures to be implemented to deter antisocial behaviour from taking place adjacent to the northern abutment of the bridge shall be submitted to and agreed in writing by the Local Planning Authority.

9b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained for the lifetime of the development.

Reason: To ensure that the proposed development contributes to enhancement of the local character and distinctiveness of the waterway corridor in accordance with policies ENV3 and ENV4 of the BCCS.

10a. Prior to the commencement of the development hereby permitted details of the hard and soft landscaping for the areas of land around and under the bridges shall be submitted to and agreed in writing by the Local Planning Authority.

10b. Prior to the first use of the new bridge hereby permitted shall not be carried out otherwise than in accordance with the approved hard and soft landscaping and shall thereafter be retained for the lifetime of the development.

10c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area and to ensure the development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan and policies ENV1, ENV3 and ENV4 of the BCCS,.

11a. Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway

ix. Measures to prevent flying debris

x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)

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

xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

xiii. Re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc.

xiv. Alternative pedestrian access for the Beacon Way, which runs along the Wyrley and Essington Canal towpath underneath York's Bridge that shall be available for use throughout construction

11b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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

12a. Prior to commencement of the development hereby permitted, details of the specification for the proposed stone footpath, as shown on drawing General Arrangement of the Bridge 13-08-19, ref YB/PA/110, are to be submitted to and approved in writing by the Local Planning Authority.

12b. Prior to being opened for public use, the stone path shall not be carried out otherwise than in accordance with the approved details and retained for the life of the development.

Reason: To ensure acceptable pedestrian access is maintained for the future in accordance with Policy T8 of the UDP.

13a. Prior to commencement of the development hereby permitted, details of the specification of the proposed replacement public footpath sign at the junction of Footpath Ald 0.149 and Norton Road, approximately 25m north of the retained York's Bridge, shall be submitted to and approved in writing by the Local Planning Authority.

13b. Prior to the first use of the replacement bridge hereby permitted, The proposed replacement public right of way sign shall be installed and retained thereafter in accordance with the agreed details and retained for the life of the development, prior to the proposed development coming into use.

Reason: To ensure acceptable pedestrian access is maintained for the future in accordance with Policy T8 of the UDP.

14a. Prior to commencement of the development hereby permitted a scheme of intrusive site investigations adequate to assess the ground conditions and the potential risks to the development by past shallow coal mining activity shall be undertaken.

14b. A report of the findings arising from the intrusive investigations, including any gas monitoring undertaken and a scheme of proposed remedial works shall be submitted to and approved in writing by the Local Planning Authority.

14c. The development shall not be carried out otherwise than in accordance with the approved scheme of remedial works.

Reason: In order to ensure the stability and safe development of the site in connection with Coal Mining legacy in compliance with Policies GP2 and ENV14 of the UDP.

15a. Prior to the implementation of any proposed lighting, details of the proposed lighting, to include a lux plan and indications of the impact on the canal and ecology of the canal, shall be submitted to and approved in writing by the Local Planning Authority.

15b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained for the lifetime of the development.

Reason: To ensure that the development contributes to the preservation and enhancement of the local ecological value of the waterway corridor in accordance with policies ENV1 and ENV4 of the BCCS.

16. No works which include the creation of trenches or culverts shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and

- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day

Reason: In order to protect the natural environment surrounding the Cannock Extension Canal SAC and the Wyrley and Essington Canal Site of Importance for Nature Conservation in accordance with policies EN1 and EN4 of the SAD, policies ENV1 and ENV4 of the BCCS and Policy ENV23 of the UDP.

17. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no birds will be harmed.

Reason: To protect local bird populations in accordance with policy EN1 of the SAD, ENV1 of the BCCS and ENV23 of the UDP.

Notes for Applicant

Public Rights of Way

A permit to work and/or temporary prohibition of pedestrians order may be required prior to commencement of work adjacent to, or within, public footpath Ald 0.149. No excavations, scaffolding, hoarding, signage, movement and storage of materials, or other obstructions associated with the proposed development are to be present within, over or underneath the path without prior agreement of the highways authority. Prior to commencement, the applicant must provide details to highways and apply for any

necessary permits. Upon completion, the applicant must reinstate the path to its present condition. Please contact Public Rights of Way on 01922 654673, at least 28 days prior to commencement to discuss the requirements.

Canal & River Trust

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

The applicant is advised that Canal & River Trust's consent is required for any discharge to their waterway. Please contact the Canal & River Trust Utilities Team on 01926 626108 for further advice.

The applicant is advised that the Canal & River Trust's consent is required for the oversail of their waterway, and they should contact the Canal & River Trust's Estates team to ensure that all appropriate permissions have been secured. This is likely to also include an application for Defra consent which is not guaranteed and can take approximately 16 weeks.

Environment Agency

Waste - Nothing other than uncontaminated excavated natural materials shall be tipped on the site. The Environment Agency's definition of natural (inert) waste is: - Topsoil, subsoil, brickwork, stone, set concrete, clay, sand, silica (excluding finely powered waste), glass, solid or granular dry materials free from any noxious, poisonous or pollution substance which does not decompose or for which the environmental impact of decomposition is less than or comparable with that of topsoil and is virtually insoluble in water.

Water Quality - Site operators should ensure there is no possibility of contaminated water entering and polluting surface or underground waters. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through trapped gullies with an overall capacity compatible with the site being drained. Given the close proximity of the Wyrley & Essington Canal, and the Cannock Extension Canal (SSSI) all surface water collected from the working area needs to be treated before discharge into the canal. A discharge consent from the Canals & Rivers Trust may be required to discharge to their canal. We will require a "Duty of Care" notification to make a surface water discharge, as the scheme is likely to last only a few months. This notification will only last for 3 months and will then need to be renewed.

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area. Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

Biodiversity - The recommendations and mitigation measures stated in the ecological impact assessment are supported. The applicant should consult Natural England in relation to the protected species issues, in particular newt translocation. The recommendations for the precautionary method for work near/on the ditches that are potential water vole habitat should be followed. If any evidence of water vole activity is found, work should stop immediately and Natural England consulted.

Construction Hours

Site work(s) and operations should only be carried out between the hours of 07.00 to 19.00 weekdays (excluding Bank Holidays and Public Holidays)[#] and 08.00 to 14.00 Saturdays unless otherwise agreed in writing by the local planning authority and subject to any overriding restrictions.

Noise

Notwithstanding the details as submitted and prior to the commencement of any part of the development, the Applicant shall provide an updated noise assessment in writing, to the Local Planning Authority, which predicts noise impact on nearby residential premises against 2018 traffic levels.

Permitted noise levels from all site works and ancillary operations (including maintenance of plant, machinery and equipment) shall not exceed

- a Continuous Equivalent Noise Level, L_{AFeq} (15 minutes), of either 60 dB (inclusive of façade corrections) 1 metre from the façade of any noise sensitive premises^{\$} at a height above ground level of not less than 1.2 metres; or
- 63 dB (Free-field) at least 3.5 metres from any significant sound reflecting structure (other than the ground) at a height above ground level of between 1.2 and 1.5 metres, at any noise sensitive premises^{\$}; and
- a maximum r.m.s. Noise Level, L_{AFMax} , of either 75 dB (inclusive of façade corrections) 1 metre from the façade of any noise sensitive premises^{\$} at a height above ground level of not less than 1.2 metres; or
- 78 dB (Free-field) at least 3.5 metres from any significant sound reflecting structure (other than the ground) at a height above ground level of between 1.2 and 1.5 metres, at any noise sensitive premises^{\$}.

For the purpose of this condition sound level measuring instrumentation shall conform to either 'Type 1' of British Standards 5969:1979 Specification for sound level meters and/or BS 6698: 1986 Specification for integrating-averaging sound level meters; or BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters'; or Class 1 or 2 of BS EN 61672: 2003 'Electroacoustics – Sound level meters – Part 1: Specifications' (or any other superseding standard(s) as applicable), which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

Permitted levels of ground-borne vibration transmitted to floor structures of vibration sensitive premises^{\$} from all works and ancillary operations shall not exceed a peak particle velocity (PPV) of 1.0 mms^{-1} as determined over a frequency range of not less than 4Hz to 80Hz.

For the purpose of this condition instrumentation used for the determination of vibration levels shall accord with the main requisite components of British Standard BS EN ISO 8041:2005 "Human response to vibration. Measuring instrumentation" or any superseding standard, and shall have a linear performance frequency range of not less than 4Hz to 80 Hz.

All hand-held pneumatic machinery, including breakers and chisels, shall be of an integrally silenced design; breakers and chisels shall only be used with muted steels or damped points.

No explosive blasting, dynamic compaction, drop-ball demolition or thermic lancing shall be undertaken.

No vibratory compaction shall be undertaken within 25 m of vibration sensitive premises^{\$} unless written prior notification is received by the Walsall Metropolitan Pollution Control Section not less than 3 days in advance.

No vibratory pile driving shall be undertaken.

All plant and machinery in use shall be silenced and maintained in accordance with the manufacturer's and/or suppliers instructions or recommendations. Mobile and portable air compressors, pumps and electricity generating sets shall be of a recognised proprietary low-noise design. Wherever practicable, mains electricity shall be utilised in preference to electricity generating sets.

Where specifically required in writing by the Council, portable acoustic screens shall be used to control noise from site operations and works.

The recipient(s) of this notice may seek variation(s) and/or dispensation(s) from the conditions specified in this notice. Any variation and /or dispensation may only be by specific application to, and subsequent approval in writing from, the Council and any approval may be subject to additional qualifications or constraints. Any application for a variation or dispensation shall be in writing within 5 working days of the date applicable either to the variation or the dispensation.

Any emergency deviation from these conditions shall be notified to the undersigned without delay.

A telephone number for emergency and complaint use shall be notified to the undersigned prior to the commencement of operations and maintained for the duration of the works.

Prior to any engineering and/or construction operations commencing, a method statement shall be agreed in writing with the local planning authority for the purposes of controlling dust from such operations. The agreed method statement shall be implemented and thereafter maintained until works are complete.

^{\$} 'Noise sensitive' and 'vibration sensitive' premises shall be taken to include, *inter alia*: any premises used as an occupied dwelling, hospital or similar institution, schools or other educational premises (when in use), places of worship (when in use), hotels and similar facilities.

Recommendation Summary:

1. That the Habitats Regulation Assessment is endorsed by Planning Committee, as the competent authority and confirm that, the Council considers that the proposed development would not have a significant effect on a European site, subject to no new material considerations from Natural England, and
2. Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:
 - No new material considerations being received;
 - The amendment and finalising of conditions;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed;

End of Officers Report

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

Report of Interim Head of Planning and Building Control on 17-Sep-2020

Plans List Item Number: 2.

Reason for bringing to committee:

Location: AUTO BITS, CLARKES LANE, WILLENHALL, WV13 1HY

Proposal: CHANGE OF USE OF LAND FROM METAL WORKS TO SCRAP YARD, TO BE UTILISED AS PART OF EXISTING AUTOBITS FOR THE DEPOLLUTION OF CAR VEHICLES AND METAL STORAGE, REMOVAL OF INTERNAL FENCE, RETENTION OF PART OF THE UNAUTHORISED 3.5M HIGH FENCE WITHIN THE SITE AND ERECTION OF 3M HIGH BOUNDARY TREATMENTS.

Application Number: 18/0260

Applicant: Darren Harris

Agent: ACP Architects

Application Type: County Matters: Waste Application

Case Officer: Devinder Matharu

Ward: Short Heath

Expired Date: 07-Aug-2018

Time Extension Expiry: 30-Jun-2019

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

- Seeking amended plans showing the proposed 3m high galvanised boundary fencing along Clarkes Lane reduced to 2.5m high.
- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions.



Officers Report

Proposal

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

Autobits is an existing company and recently have purchased two adjacent parcels of land, one to the north of the existing site and one to the south of the existing site. The existing access to the site is to the north of the access to the fire station on Clarkes Lane.

There is another vehicular access to the south of the site, within the extended part of the site adjacent 33 Clarkes Lane.

The proposed site plan illustrates materials to be stockpiled throughout the site. On the southern western part of the site is a vehicle depollution area. The south eastern part of the site adjacent the access is an area for vehicle storage and part removal, there are other storage areas on site and seven parking spaces towards the entrance to the site, including disabled parking, cycle and motor cycle parking areas.

The plans show the 3.5m high fence to the rear of the site to remain, along with the existing 2.1m and 1.8m high concrete block wall to the northern boundary fronting Clarkes Lane. Behind this existing wall a 3m high fence is proposed which would form part of the boundary to the site entrance. A 3m high fence is also proposed to the south of the site by the existing access. The boundary fencing adjacent 33 Clarkes Lane to be 1.2m and 2m high close board fencing.

There are two weighbridges straight ahead of the access with an office to the left of the access.

The proposed site plan shows area where machinery on site would be located, the baler to the northern part of the site and the material handler to the southern part of the site.

Within the southern part of the site highlighted orange on the location plan are two buildings and a weighbridge that formerly belonged to Stourbridge Cold Mills to the rear of the site.

The planning agent has confirmed the following:

- A Terex TM 350 material handler machine and a Terex TN 270 material handler machine to move material around the site, a baler to crush materials and three forklift trucks to be used on site.
- Two weighbridges within inner area of site.
- A depollution unit, an open sided shelter which houses a hydraulic ramp upon which vehicles are lifted to allow oils and petrol/diesel to be removed from vehicles.
- Stock piles of materials on Sites A and B will remain at a maximum 3m high.
- In accordance with conditions attached to Appeal T/APP/5109/C/83/1854-6-7/2671/P6 no scrap material is burnt on site. Burning with oxy-acetylene equipment is used in cutting processes as allowed under this condition.
- In accordance with conditions attached to Appeal T/APP/5109/C/83/1854-6-7/2671/P6 no sale by retail shall take place on the site save of material recovered from vehicles brought there as scrap.

- Sites A and B are to be used for storage of materials only.
- Current hours of use are as follows: Monday to Friday 07:30 to 18:00, Saturday 07:30 to 18:00, Bank Holidays (Fridays only) 07:30 to 18:00 Sundays and Bank Holidays (other than Fridays) closed.
- There is a 150mm difference in levels at one corner there was no need to supply existing and proposed levels details.
- Conditions proposed by Highways are accepted.
- We are happy to commission a noise impact report.
- We are happy to commission a land contaminated report.
- The applicant's existing site is covered by security lights and a monitored CCTV system.
- There is a 24 hour security presence on the site.
- The annual waste recycle tonnage is approximately 5000t.
- This is an industrial site and as such may be contaminated as a result of previous industrial processes and uses.
- The applicants operation is strictly controlled under license by the Environment Agency and as such has to ensure measures are taken to not contaminate the ground.
- The applicant acknowledges the concerns relating to land contamination, which may be present as a consequence of previous industrial processes on the site. The applicant operates a recycling license, which is issued under the strict control of the Environmental Agency. Under this license, the applicant is required to safe guard against possible pollutants entering the water system. We do not consider that a land contamination report is necessary at this stage.

Furthermore they confirm:

- a) The applicant does not burn refuse on their existing site.
- b) A noise impact assessment will determine if the noise is within acceptable levels taking into account this is an established industrial site use.
- c) The recycling use is not operational seven days a week.
- d) The height of recycling stock piles can be conditioned. As can be the distance of such stock piles from boundaries to residential properties. As indicated on the drawings it is not proposed to locate stock piles adjacent to boundaries with residential properties.

A noise impact assessment has been submitted which states a 4.5m acoustic fence or bund would be required to mitigate against noise.

Site and Surroundings

Autobits is located on the western side of Clarkes Lane.

The site is within Ashmore Lake core employment area and also in a high risk coal mining area with potential contamination.

To the north of the site beyond the extended part is a domestic property, to the north west are domestic properties fronting Charles Street, to the south of the extended part of the site are residential properties fronting Clarkes Lane. The nearest property is 33 Clarkes Lane. Beyond the south western corner of the extended part of the southern part of the site is number 45 Slater Street, an end terrace property that is set at a lower level than the application site.

On the opposite side of Clarkes Lane is the fire station and domestic properties to the north of the fire station.

To the west of the application site is the former ductile mill site which is now currently vacant and also within the core employment area. Part of the site is being utilised by Dawson Vans for B1/B2/B8 to Storing, leasing and selling vans including an office portacabin, valet bay shed, vehicle wash bay, and ancillary external lighting and CCTV and retention of boundary fence, planning permission was granted under planning permission 20/0051 on 15th July 2020.

Relevant Planning History

18/0331- Demolition of warehouse. Permitted development 13-04-18

The existing site does have permission for a reception, storage and dismantling of vehicles granted on appeal in 1984 under appeal reference T/APP/5109/C/83/1854-6-7/2671/P6 on 13-09-1984 with the following conditions:

- Formation of a car park
- improved access
- erection of fencing on eastern and southern boundaries
- materials shall not be stacked or deposited on any part of the car park
- materials not stacked or deposited within 3m of the screen fencing
- materials not stacked or deposited elsewhere on the site exceeding 3m high
- no sale by retail shall take place on the site save of material recovered from vehicles brought there as scrap
- no scrap material shall be burned on site provided that this condition shall not preclude oxy-acetylene equipment used in the cutting process.

18/0659 - Proposed new fencing to southern and western boundaries, withdrawn and now part of the current proposals.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV26: Industrial Archaeology
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- JP8: Bad neighbour industrial uses
- S7: Out of centre and edge of centre developments
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP3: Environmental Infrastructure
- EMP3: Local Quality Employment Areas
- EMP4: Maintaining a Supply of Readily Available Employment Land
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN7: Controlling out of centre development.
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality
- WM1: Sustainable Waste and Resource Management
- WM4: Local consideration for new waste management facilities

Walsall Site Allocation Document 2019

IND3: Retained Local Quality Industry

W3: New Waste Management Development- Waste Treatment and Transfer

T5: Highway Improvements

Supplementary Planning Document

Designing Walsall

DW3 Character

Air Quality SPD

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

Consultation Replies

Fire Officer – General comments regarding adequate water for firefighting supplies.

Environment Agency – No objection but makes comments that the site being located on superficial deposits of Devensian Till which are designated as a secondary undifferentiated aquifer. The application form refers to sustainable drainage and soak-aways, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. Only clean water should be directed to such systems. The working plan will also need to be updated

Coal Authority – No objection but state their records indicate the potential presence of two recorded mine entries (shafts) within the planning boundary, with a further two within influencing distance of it. These coal mining hazards could pose a very serious risk both to public safety and ground stability. The applicant should be made aware of this by way of an informative note on any permission given.

Police – No objection however makes comments on perimeter security, lighting on site, plant equipment being stored on site, register of items within approved industry owned initiative, CCTV and landscape and trees not to interfere with security.

Pollution Control – No objection subject to an acoustic barrier to be agreed with the LPA and to be erected prior to activities commencing and restricting the movement of HGV's on site. The contamination report was requested to establish a baseline for the existing contamination; thereby if they were required to remediate it then they would only have to remediate to the extent of any pollutants that they may have added. If the Applicant is unwilling to establish a baseline then Pollution Control are fine with this, as it would appear that the Applicant is willing to remediate all pollution on the land if required to do so in the future.

Transportation – No objection subject to conditions regarding parking.

Public Rights of Way – No objection

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Strategic Policy – No objection subject to planning condition restricting retail sales on an employment site and given the site is an out of centre site.

Flood Risk Officer – No objection the site will have to operate within its Environment permit.

Representations

Twelve letters from eight neighbouring occupiers have been received objecting to the proposal on the following grounds (*case officer's comments in italics*)

- Residential area
- Environmental damage
- Exact details of fence removal required
- Visual amenity including: Scrap piles on site are getting larger and seen from neighbouring houses, Concerns over the scrap pile heights, mound reaching 6m, metal fence eyesore
- Increased air pollution
- Noise issues including existing noise problems are intolerable and increased noise issues, at night hear the scrap metal falling from the piles, DS logistics lorries travelling past neighbouring properties day and night, cars dropped from crane causes noise and vibration that can be heard in neighbouring homes, existing noise starts early in the morning and runs 7 days, wagons start loading at 6am in the morning, increased scrap coming into the yard, closer to neighbouring properties
- Disturbance with smell and smoke on site from fires and hydraulic crane machinery
- Ground pollution issues with neighbouring land
- Constant smell of petrol
- Detrimental to wildlife
- Trees on site cause nuisance to neighbours
- Congestion with extra vehicles
- Since the application has gone in there are no piles of metal and work in the morning starts at 8am
- Devalue homes – *not a material planning consideration.*

Determining Issues

- Principle of development
- Design, layout and visual amenity
- Contaminated land, ground water and drainage
- Trees and ecology
- Impact upon neighbouring residential and commercial occupiers
- Access and parking

Assessment of the Proposal

Principle of development

Part of the existing site has permission to be used for storage and the dismantling of vehicles. The proposal to expand the site is considered acceptable, because the existing site and expansion land sites A and B as shown on the submitted plan is designated as Retained local quality industry land in the Black Country Core Strategy and the SAD. A scrap metal recovery use is acceptable on this category of employment land in accordance with BCCS Policies EMP3 and WM4 and SAD Policies IND3 and W3. The proposal would also help retail local employment and support a local business.

Whilst there are residential properties beyond the site boundaries fronting Charles Street and adjacent along Clarkes Lane, the site is allocated as retained local quality and although the land use is acceptable in principle, the suitability of the proposal will be assessed against

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the criteria in BCCS Policy WM4, consideration of impacts on the environment and amenity of neighbouring land uses. As this is a potentially 'bad neighbour' use, UDP Policy JP8 will apply and these issues will be considered elsewhere in the report.

Neighbouring occupiers adjacent the site have raised concerns over increased scrap metal coming into the site and the scrap metal piles getting higher. Under appeal reference T/APP/5109/C/83/1854-6-7/2671/P6 there is a limit of materials not being stacked more than 3m high. If the applicant is stacking material higher than 3m then this is a matter for planning enforcement to pursue as a breach of planning condition. Furthermore, the condition prohibits materials to be stacked within 3m of the screen fencing, again this could be a matter for planning enforcement to pursue as a breach of planning condition.

The planning agent has confirmed the site is a waste management development and the annual waste recycle tonnage is approximately 5000t. They also advise the acquisition of additional land will not increase the annual tonnage but will help improve operations on site and site efficiency.

The 1984 enforcement appeal restricted the retail sale on site. As the proposal is now to increase the size of the site, this retail sales restriction will need to include this additional land. The LPA would not want retail sales taking place on any part of the expanded site as the whole site is identified as Local Quality Employment in the SAD (Site IN69.4), and this is also an out-of-centre location. Retail sales would therefore represent a departure from the site allocation in the development plan (BCCS Policy EMP3 and SAD Policy IND3). Furthermore, unless the applicant is able to demonstrate that the sequential test is met, retail sales would be contrary to NPPF paras. 86 – 87 and BCCS Policy CEN7 and 'saved' UDP Policy S7.

Design, layout and visual amenity

The submitted plans do show scrap material to be stockpiled along the western boundary of the site, northern boundary and along part of the eastern boundary of the site fronting Clarkes Lane. However, material will be stockpiled 3m away from the boundary fencing along the western, northern and eastern boundaries of the site.

A planning condition can be attached, as previously allowed on appeal, to ensure external storage of materials on site are not stacked more than 3m high to safeguard the visual amenities of neighbouring occupiers through long views across the site and the visual amenities of the area. The materials would not be stacked against boundary fencing as the submitted plan shows materials will be stacked 3m away from boundary fencing.

Along the southern part of the site, the materials would be stacked a greater distance from the boundary protecting neighbouring amenity in terms of visual impact.

The existing boundary along the northern part of the site fronting Clarkes Lane would remain, the proposal seeks to install a galvanised fence 3m high behind this existing boundary on the grounds of security. A 3m high fence is also proposed along part of the site adjacent 33 Clarkes Lane along the existing access to the site. It is considered that a fence a 3m high behind the existing fence would be visually intrusive especially along the frontage of the site and as such, notwithstanding this details, the boundary fencing should be reduced to 2.5m high in the interests of the visual amenities and character of the area.

It is considered the 3.5m high fencing along the western boundary of the site is acceptable, as it is between commercial sites and would provide a visual barrier between the sites.

Contaminated land, ground water and drainage

The Coal Authority have advised their records indicate the potential presence of two recorded mine entries (shafts) within the planning boundary, with a further two within

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influencing distance of it. They also advise these coal-mining hazards could pose a very serious risk both to public safety and ground stability and the applicant should be made aware of this by way of an informative note on any permission given.

The Environment Agency (EA) have advised that the site is located on superficial deposits of Devensian Till which are designated as a secondary undifferentiated aquifer, meaning that these superficial deposits could have properties of either a Secondary A or Secondary B aquifer. Secondary A aquifers are permeable strata capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers and secondary B aquifers are predominantly lower permeability strata which may in part have the ability to store and yield limited amounts of groundwater by virtue of localised features such as fissures, thin permeable horizons and weathering.

The superficial deposits are in turn underlain by mudstone, siltstone and sandstone of the Pennine Lower Coal Measures. This formation is designated as a secondary A aquifer as described above. The application form states that it is the intention to use sustainable drainage and soakaways systems. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems, as only clean water should be directed to such systems. As such, a planning condition can be attached to ensure drainage details are submitted and approved in writing in accordance with the Environment Agency.

The EA also advise that the working plan will need to be updated; this is an issue between the applicant and the EA to resolve as part of their license

Neighbouring occupiers have raised concerns over contaminated land issues with neighboring sites from the application site and air pollution concerns. Pollution Control have no objection as they have advised the applicant is willing to remediate all pollution on the land if required to do so in the future. There is no evidence to suggest the increase of the site will affect any existing air quality issues on site, as the applicant is not seeking to exceed the permitted existing waste output. Furthermore, any air pollution matters are for Pollution Control to resolve through environmental health legislation. The applicant has a working permit with the Environment Agency to ensure the land is not contaminated. Any environmental issues would be a matter for the Environment Agency to regulate.

Trees and Ecology

The site is in an established employment area, any wildlife in the area would be limited in such an environment and it is considered that an ecological survey is not required in this case. Any impact upon wildlife would be negligible given the industrial nature of the site.

Neighbouring occupiers have raised concerns over existing trees on the site and causing a nuisance, this is a matter between the applicant and neighbouring occupiers to resolve. It is thought that existing trees on site would have provided some welcomed screening for neighbouring occupiers to interrupt views and break the visual impact of the commercial use of the site.

Impact upon neighbouring residential and commercial occupiers

There are residential properties along Charles Street and Clarkes Lane adjacent the site. Neighbouring occupiers have raised concerns over existing and potential noise issues with the site including scrap metal falling from the piles, logistics lorries travelling past neighbouring properties day and night, cars dropped from crane causes noise and vibration that can be heard in neighbouring homes, existing noise starts early in the morning and runs 7 days and wagons start loading at 6am in the morning.

The applicant has indicated that the proposed activity will not differ greatly to that currently being undertaken at the site. Following discussions with the planning agent, it has been

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indicated that the proposal for the site extension is predominantly for storage and not processing of materials, which will continue in the existing parts of the site. Furthermore, the applicant is proposing to ensure there will be a 3-metre buffer distance between the fence and storage/processing areas, which should provide a greater level of protection for neighbours. Conditions are also recommended to safeguard residential amenities.

The Noise Impact Assessment undertaken was based on a previous proposed site layout, which identified that the scrap yard activity has the potential to cause disturbance to nearby residential premises. The assessment concluded that to mitigate noise impacts the applicant will need to undertake acoustic boundary treatment. As the proposal is now to only use the new areas for storage purposes, Pollution Control is of the opinion that the use of a continuous solid fence of at least 3.5-metres height along the western boundary of the site should not result in any greater noise to nearby residential premises compared to that which they currently experience. It is recommended that a condition is included within any permission, requiring the fence to be maintained in a continuous solid state.

Based on the noise impact assessment and discussions with the applicant, the main noise impact from the expanded activity will be from the tipping of metals by HGV deliveries. To minimise these impacts it is recommended that restrictions on HGV deliveries of metals is controlled by planning condition. This will allow the business to continue operating with the public, who generally visit the site in smaller vehicles. Furthermore, the planning statement includes current operating hours; it is recommended that these be controlled by condition too.

During the meeting with the Planning Agent, it was mentioned that there were currently restrictions on the site regarding storage height. It is recommended that these be repeated in any new permission that is granted.

With regards to the issues raised by neighbours relating to existing scrap metal piles getting larger, disturbance from fire, smoke and smells from the use of the site these would need to be investigated by planning enforcement as breach of conditions with the assistance of pollution control and the Environment Agency under the license terms

Neighbouring occupiers have also stated that since the application has gone in there are no piles of metal and work in the morning starts at 8am. The current site has no restriction on the operating hours. The LPA would have to consider whether an hours of operation hours attached to sites A and B as shown on the plans would meet the planning tests as set out in the NPPF.

A planning condition will also be attached to ensure no lighting adjacent neighbouring properties is erected to safeguard the amenities of these neighbouring occupiers.

To the west of the site is the former Ductile Mill, the site is now partly vacant. Two planning applications have been submitted to use the site for commercial purposes with one having been approved and supported by planning committee on 15th July 2020. It is considered the use of site would not unduly harm the amenities of any future commercial neighbouring occupiers.

Access and parking

Whilst neighbouring occupiers raise concerns over congestion and extra vehicle movements, the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with the NPPF in this respect. Furthermore, the proposal is not seeking to increase the waste output, as such, this would not impact upon existing vehicle movements around the site

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2018 paragraph 109.

Conclusions and Reasons for Decision

The principle of development is considered acceptable. The proposal does not seek to increase the existing waste management and as such, the use of the site would not unduly harm the amenities of neighbouring residential occupiers. The amenities of neighbouring occupiers can be safeguarded through planning conditions. On balance, the use of these two parcels of land are considered acceptable as otherwise they would remain as unviable parcels of land. The proposal would not impact upon the highway network.

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

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

Positive and Proactive Working with the Applicant

Approve

Officers have confirmed to the applicant's agent that the submitted details are acceptable, further details have been sought for clarification.

Recommendation

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

- Seeking amended plans showing the proposed 3m high galvanised boundary fencing along Clarkes Lane reduced to 2.5m high.
- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions

Conditions and Reasons

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

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

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

- plan 100A entitled location plan submitted on 30-03-2020
- drawing number 410 entitled cycle parking submitted 30-03-2020
- drawing 400 entitled fencing detail F1 submitted 30-03-2020

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

3a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed

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

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

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

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

4a. The boundary fencing as identified as F6 on drawing number 300 entitled proposed site plan submitted 30-03-2020 shall be of a continuous solid nature with a minimum height of 3.5 metres along the western boundary of the site and installed prior to the change of use hereby approved first coming into operational use.

4b. A written validation statement confirming the installation of the boundary fence approved under part a of this condition shall be submitted to and approved in writing by the local planning authority.

Reason: to minimise noise impacts on nearby residential premises in accordance with Policy ENV10 of the UDP.

5. No sale by retail shall take place on sites A and B as identified on plan 100A entitled location plan submitted on 30-03-2020 save of material recovered from vehicles brought there as scrap.

Reason: To safeguard the site as an employment site under policies EMP3 and WM4 of the BCCS and SAD Policies IND3 and W3 and to prevent out of centre retailing in accordance with CEN7 of the BCCS and S7 of the UDP.

6. Other than the external storage areas as shown on drawing number 300 entitled proposed site plan submitted 30-03-2020 there shall be no other external storage areas on site.

Reason: To safeguard the visual amenities of neighbouring residential occupiers in accordance with Policies GP2, ENV10 and ENV32 of the UDP and to ensure the car park is available for parking in accordance with Policies T7 and T13 of the UDP

7. No scrap material shall be burned on site provided that this condition shall not preclude oxy-acetylene equipment used in the cutting process.

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

8. No external lighting shall be installed on any building/erected on floodlighting columns on sites A and B as identified on plan 100A entitled location plan submitted on 30-03-2020.

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

9. Prior to the change of use hereby approved first coming into operational use, the staff parking and HGV turning and manoeuvring areas as shown on drawing number 300 entitled proposed site plan submitted 30-03-2020 shall be fully implemented including the clear

demarcation of all parking bays and these areas shall thereafter be retained and used for no other purpose.

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

9a. Prior to the change of use hereby approved first coming into operational use, the proposed cycle shelter as shown on drawing number 410 entitled cycle parking submitted 30-03-2020 shall be fully implemented in accordance with the approved details.

9b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

10. No deliveries shall be taken at or despatched from the site and no collections otherwise than between the hours of 0730 hours to 1800 hours Mondays to Fridays and 0730 hours to 1300 hours Saturdays with no deliveries taken at or despatched from the site and no collections on Sundays, Bank and Public Holidays

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

11. The development hereby permitted shall not be open otherwise than between the hours of 0730 hours to 1800 hours Mondays to Saturdays with no opening on Sundays, Bank and Public Holidays.

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

12. The material stockpiles as shown on proposed site plan drawing number 300 submitted on 30-03-2020 shall not exceed 3m high.

Reason: In the visual amenities of the area and to protect the visual amenities of the neighbouring residential occupier in accordance with Policies GP2 and ENV32 of the UDP.

Notes for the Applicant: Highways

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

Notes for the Applicant: Environment Agency

We note on the application form that it is the intention to use sustainable drainage and soakaways systems. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. Only clean water should be directed to such systems.

Environmental Permitting Regulations

We would advise the applicant that the change in planning permission does not alter the conditions of the environmental permit.

Any alteration of the operations on the site as a result of the change in planning permission

may necessitate variation of the working plan or the permit.

Where any new areas are to be utilised there is a requirement to agree baseline data for soils and groundwater

We would also advise that the working plan needs updating and we would ask the operator to consider incorporating the terms of a Fire Prevention Plan in to the working plan and update the plan into a full Environmental Management System.

Notes for the Applicant: Coal Authority

General Information for the Applicant

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

Recommendation Summary:

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

- Seeking amended plans showing the proposed 3m high galvanised boundary fencing along Clarkes Lane reduced to 2.5m high.
- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;

End of Officers Report

Economy and Environment, Development Management

Planning Committee

Report of Interim Head of Planning and Building Control on 17-Sep-2020

Plans List Item Number: 3.

Reason for bringing to committee: Major application

Location: REDHOUSE NURSING HOME, 55 REDHOUSE STREET, WALSALL, WS1 4BQ

Proposal: CHANGE OF USE FROM NURSING HOME (C2) TO 11 NO. 1 BED APARTMENTS AND 3NO. 2 BED APARTMENTS (C3)

Application Number: 19/1266

Applicant: Mr Sidhu

Agent: J Mason Associates Ltd

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

Case Officer: Leon Carroll

Ward: Palfrey

Expired Date: 24-Jan-2020

Time Extension Expiry: 29-Feb-2020

Recommendation Summary: Grant Planning Permission Subject to Conditions and the satisfactory completion of a Section 106 legal agreement to secure a financial contribution toward the provision of off-site recreation open space.



Officers Report

Proposal

The proposal relates to the change of use of the existing building from residential nursing home in Use Class C2 to 11 one bedroom apartments and 3 two bedroom apartments falling in Use Class C3. The proposal also entails the demolition of an existing conservatory to the rear, formation of new parking areas, refuse collection points, construction of bin stores to the side and rear of the building, construction of a lockable cycle storage facility and landscaping.

Site and Surroundings

The site is a modern two storey red brick building and gardens situated in a predominantly residential area. The area is predominantly characterised by rows of terraced dwellings fronting directly onto the street, though to the south of the site there are a number of mid-20th century semi-detached and terraced dwellings with larger front and rear gardens. The application site currently has a car park to the rear accessed via an undercroft from Redhouse Street, with a further parking area to the front. The site has small garden area to the rear along with a rear conservatory.

Relevant Planning History

BC54314 for variation of condition 11 of BC37581 – premises shall be used as a Nursing Home and no other purpose was granted on 15 June 2020.

05/0908 for the demolition of 53 Redhouse Street, erection of two storey side extension, re-siting of vehicular cross over was approved on 05 July 2005.

06/0629 for the demolition of 53 Redhouse Street and extension to provide additional bedrooms, en-suites and lounge, re-siting of vehicular crossover was refused on the grounds on 3 July 2006 and the subsequent appeal was dismissed on 15 November 2006.

07/0240 for the demolition of 53 Redhouse Street and erection of ground floor and first floor extension to provide additional bedrooms, en-suites and lounge was granted on 12 June 2007.

08/1741 for two storey side and single storey rear extensions (amendment to 07.0240 was refused on 16 January 2009 on the grounds of highway safety.

09/0532 for two storey side and single storey rear extensions (amendment to 07/0240) was granted on 04 September 2009. Conditions 1 and 2 discharged under 09/1441.

11/1365 for demolition of 61 Redhouse Street and erection of two storey side extension adjacent nursing home, including conversion of bathroom to bedroom, installation of 2 windows on front elevation and creation of parking area was granted on 01 March 2012.

18/099 for works to protected trees part approved and part refused on 21 March 2018.

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Woodlands
- ENV32: Design and Development Proposals
- H6: Nursing Homes and Rest Homes for the Elderly
- T7 - Car Parking
- T9 – Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space

Black Country Core Strategy

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

EN1: Natural Environment Protection, Management and Enhancement
 HC2: Development of Other Land for Housing
 HC3: Affordable Housing and Housing for People with Special Needs
 T2: Bus Services
 T4: The Highway Network
 T5: Highway Improvements

Supplementary Planning Document

Designing Walsall

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

Open space, sport and recreation

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

Air Quality SPD

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

Consultation Replies

Highway Authority - Following the submission of the revised scheme Rev D reducing the number of units and revised parking layout, the Highway Authority now withdraws its previous concerns. The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2018 paragraph 109. No objections subject to conditions.

Pollution Control – No objections.

Network Rail – No comments.

Housing Standards – No objection.

Police Architectural Liaison Officer – No objection.

Strategic Planning Policy – The proposal is to remain in a residential use so acceptable in principle on planning policy grounds. However, given that future residents are likely to be more mobile than the existing ones, consideration should be given to the possible requirement for additional parking and the need to provide a contribution to off-site open space in accordance with the Open Space SPD. 19 December 2019.

The amended and additional plans raise no new strategic planning policy issues

Tree Officer- The Council's Arboricultural Officer objected to the proposal on the grounds that the alterations to the parking area to the front will necessitate the removal of a protected Beech tree.

Representations

11 letters of objection were received from 6 addresses. Grounds for objection were as follows (officer comments in brackets and italics):

Loss of light or overshadowing.

Overlooking/loss of privacy.

Impact on safety and security.

Noise and disturbance resulting from use. *(The existing site is residential in nature, albeit its last known use was as a nursing home for the elderly, however the proposed change of use to 14 residential apartments is not considered likely to result in any excessive antisocial noise or behaviour. Any such future issues would be a matter for Environmental health to investigate)*

Concerns expressed about “the type of tenants who will live there”. *(This is beyond the remit of the Local Planning Authority to control regarding the future end users of the building)*

Impact on property values. *(This is not a material planning consideration)*

Determining Issues

- Principal of Development
- Design and Character of the Area
- Amenity of Nearby Residents
- Community Safety
- Highway Safety
- Tree impact
- Impact on Air Quality and Climate Change
- Section 106 Obligations
- Local Finance Considerations

Assessment of the Proposal

Principal of Development

The site is within the development boundary and is unallocated on the Walsall Site Allocations Document, whilst its last known use was as a nursing home falling under Use Class C2. The site is sustainably located in an established residential area, with various local amenities such as shops, schools, pubs and places of worship within 300m. The site is also accessible by public transport with the nearest bus stop approximately 175m away on Weston Street. The proposed change of use will contribute to the districts housing targets by providing 14 new apartments for the open market. The proposal to change the use of the building to 14 apartments along with minor external alterations, parking, landscaping and ancillary bicycle and bin stores is considered to be acceptable in principle subject to a full assessment of the impact on the local environment.

Design and Character of the Area

The proposal includes relatively minor changes to the external appearance of the existing building, including replacement windows, external lighting and new fences and gates. The primary visual impact will be from the formation of the new parking areas to the front and rear and the landscaping of the shared amenity space. The proposal also entails the removal of an existing conservatory to the rear which is welcomed. The proposal is therefore in accordance with saved Policy ENV32 of the Walsall Unitary Development Plan, Policy ENV3 of the Black Country Core Strategy, the Designing Walsall Supplementary Planning Document and Section 12 of the National Planning Policy Framework.

Amenity of nearby Residents

Objections were received from neighbours on the grounds of overlooking and loss of privacy, overshadowing, noise and disturbance. The proposal does not include the construction of any extensions therefore the development will not result in any additional overshadowing of neighbouring properties. The only new window openings proposed are to be in the southern elevation of the front projection of the building overlooking the front car park. These windows will be 25m from the side boundary of 61 Redhouse Street to the south, which is greater than the 24m recommended separation distance for windows. As such the proposed windows are not considered to result in any loss of privacy for the occupants of the no 61. The impact on neighbours to north, east and west will be unchanged in terms of overlooking.

Whilst the proposal amounts to a change of use, the former use as a nursing home is residential in nature, and the impacts on the occupants of nearby dwellings are predominantly related to the use of the private amenity space, cycle store and bin stores.

The bin stores have been designed to be fully enclosed to reduce the noise impact on neighbours. The proposal is considered unlikely to result in undue noise and disturbance for neighbouring residents, and any such disturbance in the future would be a matter for Environmental Health to investigate.

Community Safety

The proposed change of use from nursing home to 14 residential apartments is not considered to result in any community safety implications. The Police ALO had no objection to the proposal and the development includes secure gated access to the rear of the building along with LED security lights to the front and rear of the building which will reduce the opportunity for crime and antisocial behaviour. In addition, a condition requiring the doors, windows to meet a security specification is considered reasonable. In addition, lighting, door call system, secure letter boxes are all reasonable elements to secure via a condition to ensure future occupiers of the flats are protected from fear of crime and anti-social behaviour, which will in turn assist in the property not becoming a target which will assist in reducing the fear of crime for neighbours

Highway Safety

The initial proposal included 8 parking spaces at 90 degrees to the carriageway with a continuous dropped kerb along the frontage of the parking spaces. This was considered unacceptable by the Highway Authority and amendments were sought from the applicant. The Highway Authority also expressed concern regarding the number of car parking spaces per unit. The applicant subsequently submitted a Transport Statement which demonstrates that car ownership in the local area is less than 1 per household. The applicant submitted a revised plan with the number of residential units reduced from 16 to 14 and the Highway Authority, noting the relatively sustainable location of the site in close proximity to local amenities and public transport, was therefore satisfied with the level of parking provided.

Following the submission of the revised Detailed Site Plan Rev D reducing the number of units and showing a revised parking layout, including a single access point to the front car park, the Highway Authority was satisfied that the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2018 paragraph 109. The proposal is therefore in accordance with Saved Policies T7 and T13 of the Walsall Unitary Development Plan, Policy TRAN2 of the Black Country Core Strategy, Policy T4 of the Walsall Site Allocation Document and the National Planning Policy Framework.

Tree impact

The proposed alterations to the car parking area to the front cannot be carried out without harm to, or removal of, the existing Beech tree which is the subject of a tree preservation order. The Council's Arboricultural Officer objected to the proposal on these grounds. The proposed site plan shows new planting of three Field Maple trees in the rear garden. The site plan shows a tree in the location of the existing Beech tree but without annotation. The existing Beech tree contributes to the character of the area, and its loss would be unfortunate. However, it is considered that other material considerations, namely the proposal to bring an empty building back into an appropriate use, are considered to outweigh the loss of the protected tree. Furthermore, the proposed replacement planting in the rear garden alongside a commitment from the applicant to enter into a legal agreement to provide a financial contribution to urban open space which will enable further planting in the area would mitigate against the harm caused by the Beech tree on the application site.

Impact on Air Quality and Climate Change

Section 14 of the National Planning Policy Framework requires local planning authorities to consider the impact of development on climate change. The Black Country Air Quality Supplementary Planning Document 2016 sets out the details of how this will be achieved. Of particular relevance to the proposed development is the provision of electric vehicle parking charging points. The SPD requires proposals for residential apartments to provide 1 charging point per 10 parking spaces. Following discussion with the applicant, the proposed site plan has been amended to show one EV charging point in the front car park and one in the rear car park. A condition will also be attached to any approval requiring all boilers installed in the apartments shall be low NOx type.

Section 106 Obligations

The development of 14 units on this site will require Section 106 requirement for off-site open space.

A contribution to off-site open space would be required in accordance with BCCS Policy DEL1, UDP Policies GP3 and LC1, and the Open Space SPD. Based on the proposed development and the Council's ready reckoner, the urban open space contribution would be **£11,101**.

Planning obligations may only constitute a reason for granting planning permission if they meet the 3 following statutory tests to make the development acceptable in planning terms:

- 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.

These tests are set out in The Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 and National Planning Policy Framework paragraph 56.

Based on the three tests in the legislation, it is considered that an urban open space contribution and affordable housing are considered necessary to make the development acceptable in planning terms.

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 14 new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

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

Conclusions and Reasons for Decision

The proposed change of use will contribute to the housing targets for Walsall Council and is not considered to have any significantly adverse impact on the character of the area, residential amenity or community and highway safety. Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. The National Planning Policy Framework encourages pre-application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long as they safeguard the natural and built environment, highway safety and the amenity of citizens. In this instance the council has been able to support the proposed development and has worked with the applicant as detailed in the planning report.

Recommendation

The application is recommended for approval subject to the following conditions and the satisfactory agreement of a Section 106 legal agreement for a financial contribution to the provision of off-site recreation open space.

Conditions and Reasons

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

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

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

Location and Block Plan Dwg No JMA-XX-SI-A-9001 Rev D received 5th May 2020
Proposed Plans and Elevations Dwg No JMA-XX-GA-A-0002 Rev E received 5th May 2020
Proposed Detailed Site Plan Dwg No JMA-XX-SI-A-0003 Rev D received 2nd September 2020

Reason: To ensure the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of

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

b) This provision shall be retained during construction in accordance with the approved details.

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

4 a) Prior to the first occupation of any dwelling on the development, the parking areas and vehicle manoeuvring space shall be consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays. At least one parking bays shall be allocated for disabled users located as near as possible to an accessible building entrance and marked out accordingly. The vehicle parking and manoeuvring areas shall thereafter be retained and used for no other purpose for the life of the development.

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

5. Prior to the first occupation of any dwelling on the development, the cycle shelter shall be fully implemented in accordance with the approved details and thereafter retained and used for no other purpose.

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

6. Notwithstanding the details as submitted no boilers shall be installed in any of the units hereby permitted, save for:

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

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

7. a) Prior to first occupation of the development full details of the electric vehicle charging points indicated on the Detailed Site Plan JMA-XX-SI-A-0003 Rev D received on 2nd September 2020 shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

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

8. Notwithstanding the information shown on submitted plans, the development hereby permitted shall not be carried out otherwise than to meet the following minimum-security measures and thereafter the security measures shall be retained;

-All external doors to individual flats and the external doors to the building to be PAS24; 2016

-All ground floor windows and over accessible roofs to be PAS24; 2016

-All ground floor windows and over accessible roofs to have not less than one pane of 6.4mm laminated glass.

-There should be an area of defensible space in front of all ground floor rear facing windows

-No Lead or metal should be used on the ground floor,

- Dusk until dawn lights (white light source) to be installed adjacent to each external door
- Mail boxes shall be located at the primary entrance/exit lobby point of the building, covered by CCTV, 1.5mm steel letterboxes of robust construction, lockable individual letterboxes, secure, anti-identity theft proof and wall mounted
- Recycling and refuse areas as shown on plan JMA-XX-SI-A-0003 rev D dated 24/6/19 shall be a lockable storage facility
- All external doors including those to the shared passage shall have a door entry phone system and electronic lock release
- All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)
- All pedestrian access gates shall be self-closing, lockable, designed to not create any climbing aids and flush with the front of the building
- All vehicular access gates shall be self-closing, lockable and designed to not create any climbing aids

Reason: To ensure the safety and security of the development and its occupiers in compliance with NPPF 12 and saved policy ENV32 of Walsall's Unitary Development Plan.

Recommendation Summary: Grant Planning Permission Subject to Conditions and the satisfactory completion of a Section 106 legal agreement to secure a financial contribution toward the provision of off-site recreation open space.

End of Officers Report

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

Report of Interim Head of Planning and Building Control on 17-Sep-2020

Plans List Item Number: 4.

Reason for bringing to committee:

Location: STROUD AVENUE FAMILY CENTRE, STROUD AVENUE, WILLENHALL, WV12 4EG

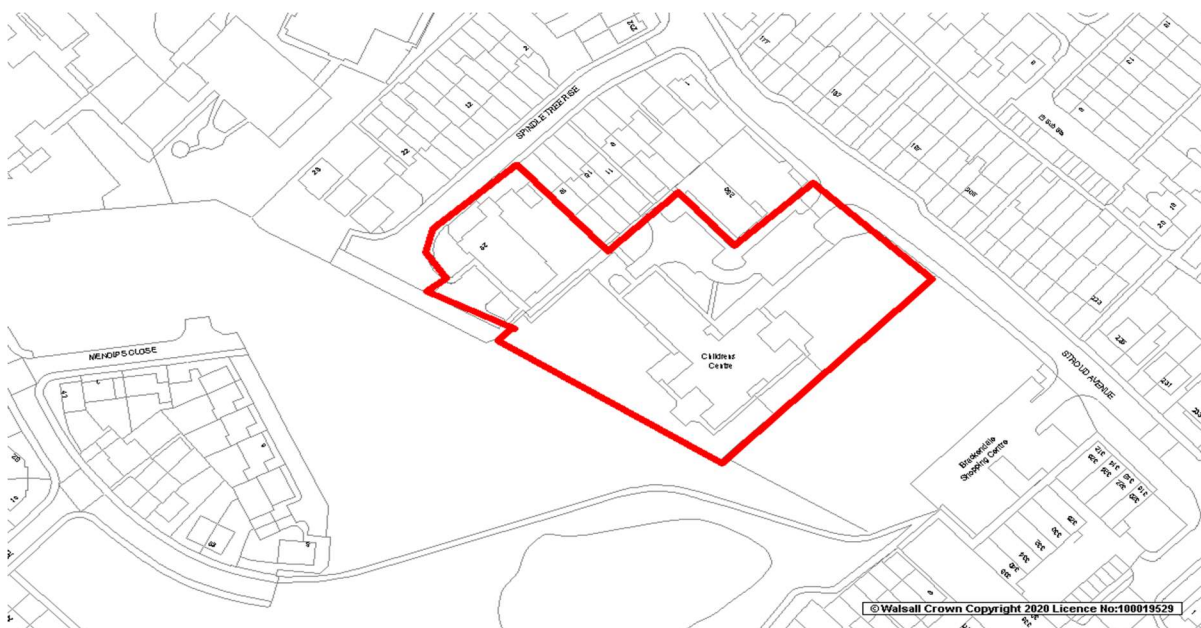
Proposal: TEMPORARY CHANGE OF USE FROM C2 (CHILDREN'S HOME) TO D1 (PUPIL REFERRAL UNIT), CONSTRUCTION OF NEW MUGA PITCH, REDEVELOPMENT OF CAR PARK AND NEW 2.5M BOUNDARY FENCING.

Application Number: 20/0434
Applicant: Walsall Council
Agent: Harriet Sage
Application Type: Regulation 3: Minor Application (SI 1992/1492)

Case Officer: Gemma Meaton
Ward: Short Heath
Expired Date: 15-Jun-2020
Time Extension Expiry: 24-Sep-2020

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

- Final comments being received from the Tree Officer
- The amendment and finalising of conditions



Officers Report

Proposal

It is proposed to change the use of the existing buildings at the Stroud Avenue Children's Centre, including the building at 29 Spindle Tree Rise from a Children's Home (Use Class C2) to a Pupil Referral Unit (Use Class D2). The change is proposed for a temporary period of two years while a dedicated building is constructed elsewhere. The unit will accommodate a maximum of 60 pupils and 34 staff. No external changes are proposed to the building in order to accommodate the change of use.

According to the information provided by the applicant, the facility will cater for children from 5 to 16. Pupil Referral Units or PRUs are a type of school that caters for children who aren't able to attend a mainstream school. Pupils are often referred there if they need greater care and support than their school can provide.

Children who attend a PRU may be from a variety of backgrounds, including, a new starter who missed out on a school place, experiencing severe bullying, experiencing emotional or behavioral difficulties, including problems with anger, mental health issues, and school phobia/refusal, suffering from a short- or long-term illness that makes mainstream school unsuitable, diagnosed with special educational needs (SEN) or in the process of getting a diagnosis or permanently excluded from their mainstream school for behavior reasons, or at risk of permanent exclusion

Some pupils will have all their lessons at a PRU, while others split their time between the mainstream school where they're registered and a PRU.

It is proposed that the school operate for teachers from 7.30 am to 6.30pm, with occasional evening meetings and from 8.45am to 3.15pm for pupils.

It is proposed to construct an area of hard surfacing for outdoor play and sports use (Multi Use Games Area – MUGA) in the existing grassed area to the rear of the main building on the site, between 4 and 12m from the rear boundary. The MUGA is intended for the use of the school only, and will be built level with the rear access to the main building, such that a short retaining structure provided to the rear of the property. No information has been provided as to the boundary treatment or materials proposed for the MUGA.

The grassed area to the front of the building will be retained as green space. It is also proposed to replace the existing boundary fencing with 2.5m high weld mesh fencing, with a powered gate and pedestrian access set 15m back from the road on Stroud Avenue. The car park will be re-configured and re-surfaced such that 38 parking spaces can be provided, including two disabled access spaces close to the entrance and four visitors' spaces outside the access gate. A taxi drop-off space will be provided in front of the building and a large turning area. Lighting is proposed on the main building facing the internal areas of the campus.

Site and Surroundings

The application site is the former children's centre at Stroud Avenue. The area includes the existing buildings on the site accessed from Stroud Avenue and Spindle Tree Rise.

The main building is a single storey purpose-built family centre that occupies the rear of the site in a rough 'T' shape. The building is set well back from Stroud Avenue with a large area of green space and a car park located in front of it, with existing street lighting installed. There is an additional detached two storey care home building at no 29 Spindle Tree Rise

which backs onto the centre, and faces the end of the cul-de-sac, with parking in front. An area of green space separates the two buildings.

The land around the site is relatively flat, but the main building has been built slightly below this level, meaning that the surrounding grassed areas slope downwards towards the building, with a maximum fall of approximately 800mm. There is a large oak tree to the rear of the property in the southern corner of the site, no construction is proposed in this area.

The surrounding area is mixed in nature with residential properties to the north and east along Spindle Tree Rise and opposite on Stroud Avenue, a green space directly to the south with the Brackendale Shopping Centre (Local Centre) beyond that. To the west and behind the property is a large area of urban open space at Pennine Way. Behind the buildings on the open space is an area of dense vegetation with some small trees, which screen the property from this direction.

Relevant Planning History

04/0582/FL/W3 - Erection of a new 6 bedroom Childrens' Home, to replace the present Lew Joseph House, (to be demolished), Grant Permission Subject to Conditions, 02/08/2004

04/0377/PD/W3 - Prior Notification of Demolition: Two storey building built in the 1970's, pitched roof, traditional construction, Demolition Application not required, 15/06/2004

14/1388/FL - To increase the number of bedrooms to the care home from 6 to 8. Inclusion of window on the side elevation and proposed access ramp to front elevation, Grant Permission Subject to Conditions, 06/02/2015

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- ENV10: Pollution
- ENV11: Light Pollution
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- LC6: Sports Pitches

Black Country Core Strategy

- CSP4: Place Making
- HOU5: Education and Health Care Facilities
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Walsall Site Allocation Document 2019

OS1: Open Space, Sport and Recreation

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW8 Adaptability

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points

Consultation Replies

Public Health Department – No objection, recommend cycle storage

West Midlands Fire Service – No objection subject to compliance with building regulations, note barrier across access requires provision for fire service

Pollution Control Department – No objection subject to conditions regarding use of the MUGA, construction management plan and Black Country Air Quality SPD

West Midlands Police Service – No objection, recommend secured by design principles are followed

Highways Department – No objection subject to condition restricting pupil numbers, providing parking and access as per proposed plans

Public Rights of Way – No objection, would not impact footpath recommend note to applicant should impacts become necessary

Local Access Forum – No objection

Strategic Planning Policy – No objection

Representations

A total of 17 different surrounding occupiers objected to the application. Objections related to the following issues:

- Litter
- Anti-social behaviour, including impact on vulnerable elderly residents in the area
- Appearance of fencing
- Proposal will be detrimental to the safety of the community
- Parking issues as a result of the proposal
- Impact on traffic flows, particularly increased during school pick-up and drop off
- Request confirmation that the proposal is for temporary use
- Request confirmation of use after temporary period
- Devaluation of surrounding properties (not a material planning consideration)
- Impact on trees
- Impact of lighting to rear gardens of surrounding properties

Determining Issues

- Amenity Impacts
- Ecology and Trees
- Traffic and parking

Assessment of the Proposal

Amenity Impacts

No new buildings are proposed as a result of the scheme, so there will be no new overlooking or privacy issues as a result of the development. The property has recently been used as a children's home, where there was 24-hour use and access, whereas the proposed use would only be during school hours and not during the night.

Objectors have highlighted the potential for anti-social behaviour as a result of the proposed use. The proposal includes provision for 60 pupils and 34 staff, the high ratio of staff to pupils means that pupils attending the school will have a high level of supervision that will minimise the opportunity for anti-social behaviour. There will also be weld-mesh boundary fencing at 2.5m in height around the buildings and intercom access at the gate, ensuring that access control to the property is maintained. Cars and buses will enter the site to pick up and drop off pupils attending the unit, meaning that attendees will be supervised at all times while within the premises. The applicant has indicated that they are aware of the need to control such situations and that there are robust procedures in place to deal with any anti-social behaviour. It is considered that these provisions are sufficient in order to minimise potential anti-social behaviour in so much as it has an impact on surrounding amenity.

There is no lighting proposed on the MUGA and new lighting on the building will be positioned and cowed such that it shines onto the footways leading to the car park only. New street lights are proposed to replace the existing ones already on the site. Since the property is already provided with external lighting it is considered that no new amenity impact will be created as a result of the scheme, however it is recommended that a detailed lighting scheme be submitted to ensure that the amenity of surrounding occupiers is protected.

The proposed MUGA will be for the use of the users of the unit only and hours will be restricted according to the use of the school. The MUGA will be positioned to the rear of the

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property and surrounded by the existing buildings on three sides and by the vegetation and open space to the west. The outside playing area will be below the level of the surrounding area which will further mitigate any noise impacts. Pollution control has recommended that no chain-link fencing be used to minimise the potential noise from ball-strikes. A condition has been recommended to ensure that weld-mesh fencing or similar is used on the boundary and on the fencing around the MUGA.

The appearance of the boundary fencing was also highlighted as a concern of surrounding neighbours. The proposal includes a 2.5m high weld-mesh fence in green, to replace the existing approximately 1.8m high chain link fence which surrounds the property. While the fence would be visually prominent due to its height, it is considered that the green colour would effectively minimise the impact. The fenced area will also be well set back from Stroud Avenue meaning that the appearance in the street scene and to occupiers opposite will be effectively mitigated. It is considered that the addition of the higher fence than the existing boundary would not have a harmful impact on the character of the area.

Ecology and Trees

A preliminary ecological appraisal was submitted with the application. The report found that there would be no adverse impacts on the surrounding area, but recommended conditions be applied to enhance the ecological contribution of the scheme. Conditions proposed include the provision of bat and bird boxes on the existing buildings, it is recommended that these be applied to the decision in order to comply with the NPPF and ensure a biodiversity nett improvement.

The existing Oak Tree on the will not be impacted by the proposal since no development is proposed in the southern corner of the site close to its location. Further comment has been requested from the Tree Officer with regard to potential need to protect the surrounding trees as a result in the change of levels around the proposed MUGA pitch. It is considered that subject to the application of suitable conditions, trees surrounding the site can be adequately protected.

Traffic and Parking

A traffic impact statement has been included with the application which indicates that the provision of 34 on-site parking spaces would be sufficient to accommodate the proposed 34 staff, and 4 visitors spaces located on the property for drop off of pupils. The study concludes that there would be no significant impact on the surrounding area in terms of parking for the surrounding streets.

An analysis of the modes of travel to and from Oakwood School in Walsall Wood, which is a similar school to the proposed PRU, has been undertaken. This shows that almost 50% of the pupils travel by minibus. This will significant reduce the number of car borne trips to the PRU by parents to around 60 two-way trips. Staff travel mostly by car so the PRU has the potential to generate a predicted 90 two-way trips by car and minibus.

A number of these private car trips may be staggered over the period before and after the start and end of the day in reflection of children attending clubs. This would result in the arrival and departure profile of trips being spread through the period between 07:30 and 09:00 and 15:00 – 18:30. However, the majority of trips would be focused on the periods close to the start and end of the teaching day.

On balance, taking into account the PRU is for a temporary period, the Highway Authority considers the additional trips are manageable for a temporary period and that the development will not have an unacceptable impact on road safety or have severe cumulative

impacts on the operation of the road network and is acceptable in accordance with the NPPF 2018 paragraph 109.

The Highways Officer has supported the proposal and recommended that the access on Spindle Tree Rise be restricted to emergencies only, this will prevent the day-to-day use of the cul-de-sac by pupils and parents. It is recommended that a condition be included to control this.

Conclusions and Reasons for Decision

The proposal will allow for the provision of a Pupil Referral Unit on a temporary basis in a building that is currently being under-utilised.

The proposal will not require construction of any buildings and only minor modifications are proposed to allow for the temporary use. The proposed MUGA will be located behind the buildings and will only be used by the school.

There will be sufficient parking on the site for staff and visitors, there will be no adverse impact on the highway network. The proposed boundary fencing will be adequately mitigated by using a green colour and being located away from the road on Stroud Avenue.

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

Positive and Proactive Working with the Applicant

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

Recommendation

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

- Final comments being received from the Tree Officer
- The amendment and finalising of conditions;

Conditions and Reasons

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

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

2. The use of the site for a pupil referral unit hereby permitted, shall cease prior to the expiration of 2 years from the date of this permission.

Reason: In the interests of the amenity of the area in accordance with saved policies GP2, ENV 10, ENV32 of Walsall's Unitary Development Plan

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

- Site Location Plan , drawing 4100 Rev. 1, submitted 20-04-20

- Existing Car Park Plan , drawing 4200 Rev. 1, submitted 20-04-20
- Proposed Car Park Plan , drawing 1200 Rev. 1, submitted 20-04-20
- Proposed Fire Appliance Plan , drawing 1210 Rev. 1, submitted 20-04-20
- Design and Access Statement, prepared by bailey Garner LLP, submitted 20-04-20
- Transport Statement, prepared by Milestone Transport Planning ref 20-068-N, submitted 21-04-20
- Preliminary Ecological Appraisal, prepared by CGO Ecology Ltd. submitted 21-04-20
- Additional Information Document provided by Walsall Council Children's Services submitted 27-08-2020

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

4a. Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- i. Construction working hours
- ii. Measures to prevent flying debris
- iii. Dust mitigation measures
- iv. Measures to prevent site drag-out

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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

5a. Prior to commencement of the development hereby permitted, a bat box shall be fixed to a mature tree on the site and shall thereafter be retained. The bat box shall be located at a point not lower than 4metres from ground where there are no branches below the box that would impede the direct flight of bats into and out of the bat box. The bat box shall be made of timber or woodcrete.

5b. Prior to commencement of the development hereby permitted, a two bird boxes shall be attached to the existing buildings and shall thereafter be retained. The bird boxes shall be located at a point not lower than 4metres from ground. The birdboxes shall be made of timber or woodcrete, and may take the form of sparrow terraces or swift cups.

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

6a. Prior to the commencement the development hereby permitted details of the proposed boundary treatment of the site, and of the Multi Use Games Area, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, and no chain link fencing, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

6b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

6c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development, protect surrounding trees and reduce noise impacts in accordance with the saved policies GP2 and ENV18, ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

7a Prior to the Pupil Referral Unit first coming into use, the widened access, all parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained, together with the clear demarcation of all parking bays, drop-off points and hatched Keep Clear zones.

7b These areas shall thereafter be retained and used for no other purpose.

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

8. Prior to the widened access first coming into use, the existing bellmouth access on Stroud Avenue shall be suitably modified and extended to align with the widened access including the provision of a tactile pedestrian crossing point. The works shall be undertaken to the specification of and satisfaction of the Local Planning Authority. All works within the public highway shall be in accordance with all statutory requirements.

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

9. The development hereby permitted, including the MUGA pitch, shall not be open to pupils otherwise than between the hours of 07:30 hours to 18:30 hours Mondays to Fridays, and not at all on weekends, Bank and Public Holidays.

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

10. The Pupil Referral Unit shall have a capacity of no more than 60 pupils in attendance at any one time.

Reason: The predicted vehicle trips to the site has been assessed for the impact on the local highway network on basis of 60 pupils and associated staff levels, in the interests of maintaining the free flow of traffic along the public highway and highway safety.

11. The building entrance on Spindle Tree Rise shall not be brought into use unless in the event of emergencies.

Reason: To minimise indiscriminate parking in the residential street, in the interests of maintaining the free flow traffic along the public highway, highway safety and the amenity of residents.

12a. No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

12b. No external lighting shall be installed on the site otherwise than in accordance with the approved details.

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

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

13b. Prior to first occupation of the development the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

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

Notes for Applicant

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

2. The applicant will be required to obtain the necessary Road Opening Permit from the Highway Authority for the modification of the existing access within the public highway. For further information please contact the Highway Development Control Team at Stephen.Pittaway@walsall.gov.uk

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

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

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

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

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

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

- Institute of Engineering and Technology (IET) Code of Practice for Electric Vehicle Charging Equipment Installation.

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

- Final comments being received from the Tree Officer
- The amendment and finalising of conditions

End of Officers Report

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

Report of Interim Head of Planning and Building Control on 17-Sep-2020

Plans List Item Number: 5.

Reason for bringing to committee: Significant Community Interest

Location: LAND ADJACENT 99, WOOD LANE, PELSALL

Proposal: ERECTION OF 3NO NEW DWELLINGS

Application Number: 18/0719

Applicant: Dairy Fresh Ltd

Agent: JS Designs

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

Case Officer: Devinder Matharu

Ward: Pelsall

Expired Date: 18-Jul-2019

Time Extension Expiry:

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

- Amended plans being sought for the design of the dormers and reduce the height of the proposed dwellings
- To address issues of land ownership
- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions



Officers Report

Proposal

The proposal seeks the erection of 3no new dwellings

The proposed dwellings would

- Split into a pair of semi-detached and a detached dwellings with the semi-detached adjacent number 99 Wood Lane
- 5.3m to the eaves and 9.1m to the pitch
- Approximately 10m in length
- Set 12.4m back into the site
- Project 1.5m beyond the rear of 99 Wood Lane.
- Have rear garden lengths of 13m
- Have flat roof dormers on the front elevation.
- Side windows

The proposed dwellings would be 1.1m higher than the existing dwellings along Wood Lane, in particular 99 Wood Lane.

Two trees will be lost as part of the proposals.

Site and Surroundings

The application site is a rectangular parcel of land to the eastern side of Wood Lane adjacent number 99 Wood Lane. The area is fenced off and currently untidy.

To the north of the site is Green Belt; on the opposite side of the road are residential properties and the former Free Trade Inn public house which has now been converted into residential. Towards the rear of the site is number 1 Oak Road. Adjacent the site is number 99 Wood Lane, one half of a pair of semi detached houses, which is 8.5m deep and the side window and door at ground floor serve a hallway.

Wood Lane and the residential street around the application site are within the development boundary with the Green Belt extending to the rear of neighbouring properties. Numbers 182 and 184 Wood Lane are in the Greenbelt.

The former public house is located at the back of footpath between houses on the opposite side of Wood Lane. The houses stop just north of the site where the road terminates giving way to open countryside and Wyrley & Essington Canal further north. There is a car park opposite for visitors to Pelsall North Common. The site is otherwise surrounded by open land within the Green Belt forming part of Pelsall North Common.

There is a telegraph pole outside 99 Wood Lane.

Relevant Planning History

17/0094- Erection of 3 no. new town houses. Grant subject to conditions 16-Jun-2017

Free Trade Inn

09/0154/FL – Change of use of Free Trade Public House to 2 dwellings and construction of a pair of 4-bed semi-detached houses on former car park opposite - Withdrawn May 2009. There applicant withdrew the application with a view to re-submitting when further information was available to support the proposals.

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10/1085/FL - Change of Use of free trade public house to 2 dwellings and construction of pair of 4 bed semi-detached houses on former car park – GSC 28/01/11

15/1865 – Change of use of public house to three dwelling houses, partial demolition of existing buildings, front facing dormer windows and external alterations – GSC 21/10/16

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV11: Light Pollution
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T7 - Car Parking
- T10: Accessibility Standards – General
- LC1: Urban Open Spaces

Black Country Core Strategy

- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Walsall Site Allocation Document 2019

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

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility

- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

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

Consultation Replies

Severn Trent Water – No objection

Transportation – No objection but makes comments regarding telegraph pole outside site and section 278 works.

Natural England – No objection.

Fire Officer- No objection but makes comments relating to fire appliance access, water supplies etc

Public Rights of Way – No objection but makes comments to consult Clean and Green as it may impact on adjacent car park

Pollution Control – No objection subject to construction management plan, low NOx boilers and electric charging points

Arboricultural Officer – No objection

Police – No objection but refers to secure by design

Representations

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

- Encroachment on third party land
- Boundary line does not follow that on the purchased land from the Council
- Boundaries are incorrect
- Land used as dumping ground when renovating Free Trade PH
- Poor quality of the plans
- Proposed dwellings are too high
- Overlooking
- Hours of work cause nuisance
- Bonfires on site caused damage to neighbours property

Determining Issues

- Principle of development

- Design and character of the area
- Impact upon neighbouring occupiers
- Access and parking
- Local Finance Considerations

Assessment of the Proposal

Principle of development

Policy HC2 of the SAD supports development of other land for housing purposes providing the other detailed design criteria can be met and Policy HOU2 of the BCCS supports a mixture of housing. In this instance, the application proposes houses in a predominantly residential location near to local shops and Wolverhampton Road where there are good links to Brownhills, Bloxwich and Walsall. The principle of residential development is also established by a previous permission for houses at this site.

The public rights of way officer has stated to consult Clean and Green, however, the principle of development has already been established on this site.

Neighbouring occupiers have raised concerns that the proposal encroaches onto third party land the plans do not line up with the parcel of land the neighbour has purchased from the Council. This matter has been raised with the planning agent to ensure the certificate of ownership is correct and to demonstrate site ownership. The recommendation is to delegate to the Interim Head of Planning and building Control to delegate until this matter has been resolved.

Design and character of the area

The design of the proposed dwellings is considered acceptable, as there are a number of housing styles and designs along Wood Lane. The proposed dwellings follow some of the design characteristics of 99 Wood Lane in respect of the flat roof dormer. The proposed dwellings are also 1m higher than the existing dwellings along Wood Lane. It is considered these dwellings at the edge of the Green Belt would be visually prominent and would stand out as prominent features in the street scene. Amendments have been sought to reduce the height of the dwellings and to split the single flat roof dormer on the semi-detached dwellings to two single flat roof dormers. Once these plans have been received further consultation with neighbours will be undertaken. The recommendation is to delegate to the Interim Head of Planning and building Control to delegate to officers to secure amended plans and undertake necessary consultation.

The proposed dwellings would be set off the boundaries which is reflective of the character of the area.

The use of this land for residential development would allow the land to be used effectively and in effect remove the dumped waste on site, improving the character of the area.

Landscaping within the site can be sought by way of planning condition to enhance the proposed development and to provide some effective screening between neighbours.

Impact upon neighbouring occupiers

The proposal shows side facing windows, there is no details of the layout plans and as such these plans would need to be sought up front and further consultation undertaken on them. Any side facing windows can be conditioned to be obscurely glazed to protect the amenities of neighbouring residential occupiers.

The separation distance between the rear of the proposed dwellings and the rear of number 1 Oak Road would be 23m, falling short of the Council's 24m separation distance between

habitable rooms by just 1m. It is considered on balance, the proposal would not unduly harm the amenities of these neighbouring occupiers as any views would be interrupted with boundary fencing, planting towards the rear to the site could also be sought by way of a planning condition to protect the amenities of these neighbouring occupiers.

The proposed dwellings would not unduly harm the amenities of both the neighbouring occupiers, number 1 Oak Road and 99 Wood Lane in respect of overlooking or loss of privacy to warrant refusal of the application.

Any issues regarding environmental nuisance of the use of the site for bonfires and unsociable working hours can be dealt with through Environmental Health legislation.

Access and parking

The Highway Officer has no objection to the proposal, as the development provides adequate off road parking in line with Policy T13 of the UDP but makes comments that the existing telegraph pole that will need to be relocated out of the adoptable footway construction. Highways have also advised the footway fronting the development will need to be dedicated to the Highway Authority via a section 38 agreement as part of the works.

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 3 new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

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

Conclusions and Reasons for Decision

The principle of development is considered acceptable. The design of the scheme will need to be amended to address officers comments. The proposal would not unduly harm the amenities of neighbouring occupiers to warrant refusal of the scheme. The proposal meets the requirements of policy T13.

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

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

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

- Amended plans being sought for the design of the dormers and reduce the height of the proposed dwellings
- To address issues of land ownership
- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
-

Conditions and Reasons

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

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

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

- Proposed site plan drawing WL100_C/A submitted 09-03-2020
- Proposed block plan drawing WL050_C submitted 09-03-2020
- Proposed elevations drawing WL301_C/A submitted 09-03-2020

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

3a. Prior to the commencement of development, a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway

- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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

4a. Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks within the rear of the dwellings shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

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

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

5a. Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

6a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

6b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

6c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

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

7a. Prior to first occupation of the development hereby permitted details of electric vehicle charging points, to be provided for each dwelling shall be submitted in writing to and agreed in writing by the Local Planning Authority.

7b. Prior to first occupation of the development the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

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

8a. No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

8b. No external lighting shall be installed on the site otherwise than in accordance with the approved details.

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

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

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

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

Notes for Applicant: Severn Trent Water

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

Please note that there is no guarantee that you will be able to build over or close to any

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

Notes for Applicant: Highways

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

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

- The Applicant will be expected to either enter into an agreement under Section 278 of the Highways Act 1980 with the Local Highway Authority or obtain a Road Opening Permit from the Local Highway Authority for all works within the existing public highway. For further advice please contact the Highway Development Control Team on 01922 655 927.

Notes for Applicant: Police

Use of the proposed 2.2 timber fence to secure the whole of the development site.

Lockable gate at the front elevation for all 3 dwellings Use of 3rd party PAS24;2016 doors - to ensure Approved Document Q (Q1) adhered to Use of 3rd party PAS24;2016 windows - where easily accessible as required by Approved Document Q (Q1)

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

- Amended plans being sought for the design of the dormers and reduce the height of the proposed dwellings
- To address issues of land ownership
- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions

End of Officers Report

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

Report of Interim Head of Planning and Building Control on 17-Sep-2020

Plans List Item Number: 6.

Reason for bringing to committee: Significant Community Interest

Location: BESCOT LODGE HOME, 76-78, BESCOT ROAD, WALSALL, WS2 9AE

Proposal: EXTENSION TO EXISTING CAREHOME TO CREATE 7 NUMBER ADDITIONAL ROOMS

Application Number: 19/1605

Applicant: Mr Khera

Agent: Chintan Shah

Application Type: Full Application: Minor Use
Class C2 (Residential Institutions)

Case Officer: Jasmine Kaur

Ward: Pleck

Expired Date: 16-Mar-2020

Time Extension Expiry: 30-Apr-2020

Recommendation Summary: Grant Subject to Planning Conditions



Officers Report

Proposal

Extension has been proposed to the care home to provide additional seven bedrooms.

The proposal would provide much needed improved care facilities for the elderly within the built-up area boundary and is therefore acceptable in principle. The development would therefore be of an acceptable design with no detriment to the visual amenities of the surrounding area. The scheme would also have no undue impact on residential amenities or highway safety and amenity.

South Side Elevation

The proposed extension would measure 4.3m in depth, 8.7m wide, 8.6m high and 6m at eaves level. This proposed extension would be located near the Monfort Road and it would be set in from the boundary by 4.3 from the boundary and in relation for No 2 Monfort Road the proposed extension would be set in from the boundary over 21 metres.

North Side Elevation

The proposed extension would measure 10.9m in depth, 4m wide, 6.2m at eaves level and 7.9m at pitch level. This extension would sit on the existing ground floor addition. In relationship to the adjoining property No 74 Bescot Road, the proposed extension would be set in from the boundary by 7.2 metres and does not result to have loss of light in the habitable areas or any overbearing impact due to the distance; also the extension has been well incorporated within the existing bulk of the building. However, there are five windows in the side elevation which could have potential overlooking impact on No 74 Bescot Road. A condition has been recommended for obscure glazing to overcome any overlooking issues.

The external finishing of the proposed extension would comprise of painted and rendered finish to match the host building. The pitch roof would be tiled and white UPVC windows have been proposed.

Site and Surroundings

The application site is located within the predominately within the residential area on the eastern side of Bescot Road and is known as 'Bescot Homes'. It is a two-storey building which has been extended and altered. The application site benefits from hardstanding to the rear which is also access point for the vehicles and visitors. The private area to the front and side contains area of softscape. The site is accessed from Monfort Road application site is bound by adjoining properties namely 2 Monfort Road and 74 Bescot Road. The street scene consists of mixed types of dwellings.

03/2228/FL/W3 – Proposed extension Planning Granted 10-Feb-2004

05/0288/FL/W5 - Extension to proposed conservatory to care home Permission Granted 23-5-2005

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

NPPF 12 – Achieving well-designed places

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP6: Disabled People
- ENV32: Design and Development Proposals
- H6: Nursing Homes and Rest Homes for the Elderly
- T7 - Car Parking

Black Country Core Strategy

- CSP4: Place Making
- ENV3: Design Quality

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

Consultation Replies

- Highways: No objection
- Crime Prevention Officer: planning conditions have been recommended secure by design
- Coal Authority: No objection
- Severn Trent: No Objection
- Archaeology: No Objection
- Fire Officer: No objection

Representations

Petition has been received from the 35 Neighbours on the following grounds:

- Proposed building would sit in the green land which is owned by the LPA;
- Historically the land was owned by the LPA and care home took the responsibility by putting the fence and this was to preserve the land and not build any development;
- The proposed development would increase noise and traffic and there are parking issues in local vicinity;
- The extension will cause overlooking, block light and it has close proximity to the adjoining dwellings.

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Officer's response:

- *South side of the boundary - restricted covenants – applicant has provided the copy the land registry – this matter falls outside the remits of planning control; Redline defines the ownership of site and this has been accurately shown on the proposed site and block plan;*
- *The extension is also set in from southern boundary by 2.3m from the frontage of the road and 4.3 from side boundary from Monfort Road;*
- *In regards to the overlooking issue on the southern boundary –windows serve WC facilities they would be obscured glazed and windows in the rear (first floor) due to distance from No 2 Monfort road would not cause any direct overlooking;*
- *Extension proposed on the south elevation would not block or view as it located on the corner of the site adjacent to Monfort Road and southern elevation extension would be set in by 7.2m from the boundary of No 74 and also extension would sit on the existing ground floor extension and height at eaves level is 6.1m;*
- *Parking issues no objection received from the local highway authority in relation to the proposed extension;*
- *In terms of noise issue during construction hours – A condition could be recommended to limit the impact.*

Determining Issues

- Impact upon the character and appearance of the area
- Impact upon residential and neighbouring amenity
- Impact upon highway safety

Assessment of the Proposal

Impact upon the character and appearance of the area

Unitary Development Plan policy H6 supports extension to the care homes where the extension are designed to complement the character of the area and existing building.

The rear extension near on the northern boundary is an infill extension and would sit on the existing ground floor structure and it will to provide three additional bedrooms. The pitched roof would join the existing roof, to match the appearance of the existing roof form. Whereas, the extension proposed on the southern boundary is two storey extension which would provide an additional four bedrooms. The extension would replicate the design of the host building and pitched roof. This extension would be visible from the public domain and considered to reflect the character and the appearance of the area. Overall scale the development is considered to reflect the evolving character of the building and the street scene.

Residential Amenity

Unitary Development Plan policy H6 supports extension to the care homes and the extensions should not result in an unacceptable loss of landscaping, parking or garden space or reduce the amenities of neighbouring properties through overlooking or loss of light. "There is a well-established trend towards the provision of nursing homes, particularly for the elderly, which the Council expects will continue in the future. The Council recognises that the need for suitable accommodation to be provided, and the above policy provides guidance which responds to this need, but also safeguards the amenity of neighbouring properties."

The impact of the proposed extension adjacent to the northern boundary in relation to No 74 Bescot is limited. The proposed extension is set in from the boundary by 7.2m and does not result to have loss of light in the habitable areas due to the distance and that the extension is within the existing bulk of the building. The distance from windows to the boundary is below the threshold as stated in the SPD 'Appendix D'. In weighing any potential impact, the length of number 74's garden and overall orientation of the property, plus a large tree on the boundary; the proposed extension would not have significant overbearing impact on the adjoining property.

In relation to the overlooking issues associated with No 74, the windows have been proposed in the northern elevation. A condition would be imposed for obscure glazed top hung windows which would enable the residents to receive natural light in the bedrooms whilst mitigating harm for overlooking. The windows proposed in the first floor extension (southern boundary) would serve the WC facilities and would be obscured glazed. Whereas the windows in the rear elevation would not cause overlooking into the habitable area or private amenity space in relation to the No 2 Monfort Road. It is also noted that extension is set in by approximately 21m from the boundary.

Other matters raised by the residents in the petition have been addressed earlier in the report. Overall the proposal is considered to be in compliance with adopted planning policies and considered to limit or mitigate any significant impact on the residential amenities of the adjoining dwellings.

Highways Safety

Although there is a shortfall in car parking provision of three spaces against the UDP it would not be possible to sustain an objection on these grounds as these proposals would not have an unacceptable impact on highway safety nor result in a severe cumulative impact on the road network.

Paragraph 109 of the National Planning Policy Framework published in February 2019 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the national and local planning guidance and neighbour comments, it is considered the proposed retention and refurbishment of the premises as offices would reflect the use and design of the other properties in the locality. The proposal is considered acceptable in land use planning terms, to have a limited impact on the character of the wider area and the amenity for neighbouring occupiers.

The development is considered to meet the aims and objectives of the National Planning Policy Framework, adopted planning policies CSP4 and EVV3 from Black Country Core Strategy and saved policies GP6, ENV32, H6 and T7 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall.

The proposals would have a low or minimal impact on the neighbouring buildings in the locality.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above. Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested. Officers have spoken with the applicant's agent and in response to concerns raised and amended plans and Coal Mining Assessment have been submitted which enable full support to be given to the scheme.

Recommendation

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Block plan: drawing number 4600 REV A (Received on 7th September 2020)

Site plan: drawing number 4100

Proposed amended elevations: drawing number 4500 (Received on 7th September 2020)

Proposed floor plans: drawing number 4400

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the details submitted of the development hereby permitted the proposed first floor side facing window serving the proposed bedrooms to be created as shown on reference drawing number 4500 in the south side elevation in the first floor facing No 74 Bescot Road shall be glazed in obscure glass glazed to Pilkington privacy level 4 and there shall be non-opening below parts lower than a height of 1.7 metres measured from the internal finished floor level of the room they serve and the windows shall thereafter be retained for the lifetime of the development. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reasons: To satisfactorily protect the residential amenities of the nearby occupiers and to comply with the policies saved Walsall's Unitary Development policies ENV32 and H10, and the Residential Development Standards.

Notes for Applicant

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

Recommendation Summary: Grant Subject to planning Conditions

Petition

ECONOMY AND
ENVIRONMENT

13 FEB 2020

BESCOT LODGE CARE HOME - Application 19/1605

RECEIVED

Petition to stop extension to Bescot Lodge Care Home

We, the undersigned, are opposed to the proposed building work on the corner of Bescot road and Montfort Road by the private care home, namely Bescot Lodge Care home. We call on Walsall Council to: reject the proposed plan to extend the build, for the following said but not limited to reasons:

- Proposed building is suggested on the green land which is the premises of the local authority
- Historically this land was looked after by the council, however the care home took the responsibility to take care of the land by putting a fence round the said area
- This was to preserve the land and not to build on
- The said extension will increase the noise and traffic, particularly in respect of visitors and deliveries taking place at anti social hours
- Currently there is a parking issue, this will lead to increase issue in respect of the same
- The suggested building will start over looking houses in close proximity, invading privacy as well as blocking light

Bescot Lodge Care Home has requested once again to extend their premises. Previous proposals by the previous owners were rightly rejected by the Council, however the current new owners have now requested to again extend the building. This causes various issues to the immediate neighbours as well as for all locals within close proximity. Please sign our petition to voice and reject the said proposals. Full details of the extension can be found on the Walsall Council website, go.walsall.gov.uk/planningsearch 19/1605

Name	Address & postcode	Signature
1. [REDACTED]	1 Montfort Rd	[REDACTED]
2. [REDACTED]	4 Montfort Rd	[REDACTED]
3. [REDACTED]	3 MONTFORT ROAD	[REDACTED]
4. [REDACTED]	12 Montfort Rd	[REDACTED]
5. [REDACTED]	18	[REDACTED]
6. [REDACTED]		[REDACTED]

End of Officers Report

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Economy and Environment, Development Management

Planning Committee

Report of Interim Head of Planning and Building Control on 17-Sep-2020

Plans List Item Number: 7.

Reason for bringing to committee: Significant Community Interest

Location: LAND REAR OF 32, NEW ROAD, ADJACENT TO 1A CORMORANT CLOSE, BROWNHILLS, WALSALL, WS8 6AT

Proposal: CONSTRUCTION OF 2 NO. DETACHED THREE BEDROOM DWELLINGS AND ASSOCIATED GARAGE BLOCK ON LAND ADJACENT TO 1A CORMORANT CLOSE

Application Number: 20/0372

Applicant: Mr G NORGROVE

Agent: PALMER DESIGN

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

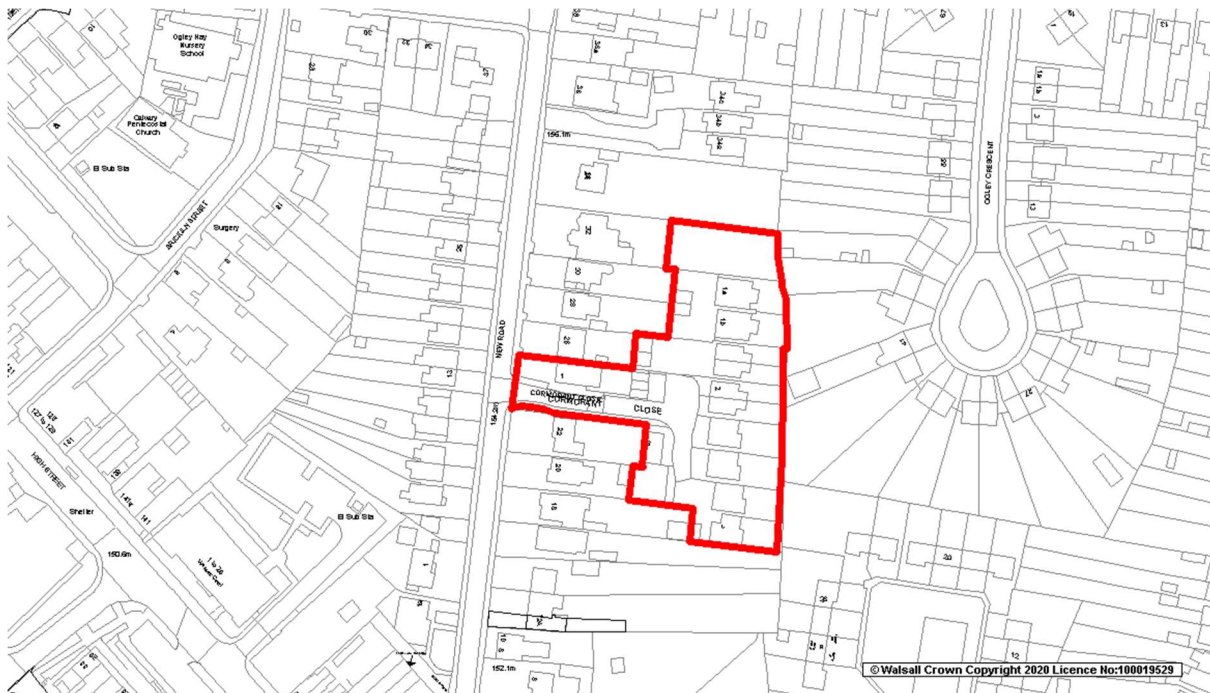
Case Officer: Devinder Matharu

Ward: Brownhills

Expired Date: 10-Jun-2020

Time Extension Expiry: 30-Sep-2020

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



Officers Report

Proposal

Construction of 2 No. detached three bedroom dwellings and associated garage block on land adjacent to 1a Cormorant Close.

The application site sits to the rear of number 32 New Road and at the side of 1a Cormorant Close

The proposed two storey, three bedroom houses are irregular in shape with the longest part of the house measuring 13.5m in length and the shortest part measuring 10.5m in length. The houses would measure approximately 6.6m in width, 4.6m to the eaves and 7.6m to the pitch and set 0.7m apart from each other. The rear of the houses would be a single storey rear projection with a roof lantern.

Plot 2 adjacent number 1a Cormorant Close would be set on the boundary whereas plot 1 to the north of the site would be set 0.9m off the northern boundary.

A detached double garage would be located some 8m away from the front of the houses and to the rear of number 32 New Road measuring approximately 8m by 6m, 2m to the eaves and 4.3m to the pitch. Two parking spaces either side of the proposed garage block would be provided for each dwelling. Access to the site would be from Cormorant Close.

The plots would have rear garden length of 7m and total amenity areas of 49 square metres each.

Site and Surroundings

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

To the north of the site is number 34 New Road is a two storey detached dwelling. The property has a side and front gable roof, chimneys, rear pitched roof dormer with double fronted bay windows. The side elevation facing number 32 has secondary habitable room windows with main windows facing the front and rear of the site. The property has a front garden measuring approximately 11m in in length with a driveway and garage to the northern boundary of the site. The rear garden measures some 56m in length and is relatively flat. The front garden is enclosed with low boundary hedges. There is a lamppost in front of the property adjacent the driveway. There are a number of trees in the rear part of the garden. The boundary treatments with neighbouring properties is a 2m high close board fence.

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

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

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

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

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

Relevant Planning History

36 New Road

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

Land r/o18-24 New Road

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

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

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

34 New Road

19/1566 Outline application: Construction of 2no dwellings to rear of 34 New Road with all matters reserved refused 25-Aug-2020 for the following reason:

The proposal impacts on the amenity of number 32 New Road due to the proximity of the driveway which passes the down stairs bedroom window at a distance of less than 1 metre would harm the amenities of these neighbouring occupiers and the proposal for two dwellings on the site represents overdevelopment of the site. The proposal is contrary to the NPPF, Saved Policies GP2 and ENV32 of the UDP, Policy ENV3 of the BCCS and Policy HC2 of the SAD.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

HOU2: Housing Density, Type and Accessibility

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

Walsall Site Allocation Document 2019

T4: The Highway Network

HC2: Development of Other Land for Housing

Supplementary Planning Documents

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility

- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

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

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Consultation Replies

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

Transportation- No objection but advice Cormorant Close is not an adopted public highway but is privately maintained.

Strategic Policy – No objection

Pollution Control –No objection subject to planning conditions to secure a construction management plan, and the applicant install electric vehicle charging points and a low NOx boilers.

Fire Officer - No objection but makes comments on adequate water supplies and access for fire appliance.

Representations

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

- Intensification
- Backland development
- Proposed garage block closer to neighbouring houses
- Proposed garage block not in line with other garage blocks
- Garage block overwhelming
- Loss of privacy
- Noise nuisance work men's machinery and their radios, being working from home due to Covid would be disturbed,
- Loss of trees and wildlife
- New planting should be encouraged
- Access and parking including: extra traffic, parking issues from contractors and heavy lorries pulling up in front of our drive to reverse into cul-de-sac,
- Loss of view – *not a material planning consideration*

Determining Issues

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

Assessment of the Proposal

Principle of development

Planning policy CSP2 of the BCCS supports housing development outside of the growth network with Policy HC2 of the SAD supporting other land for housing development subject to detailed criteria which will be considered below.

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

The proposal to erect dwellings at the rear of number 32 New Road and adjacent 1a Cormorant Close would be in keeping with the existing pattern of development along this part of New Road.

On balance, the development of the site would provide much needed housing in the Borough to meet housing needs.

Design and Character of the area

The proposal for two dwellings follows the existing established pattern of development along Cormorant Close. There is ample space within the site to accommodate two dwellings that would follow the existing pattern of development along Cormorant Close with the front of the properties along Cormorant Close facing the rear of the properties on New Road.

It is considered that the design of the proposed dwellings is considered acceptable, along Cormorant Close there is a mixture of two storey dwellings and dormer bungalows. The proposed dwellings would be the same height as numbers 1a and 1b Cormorant Close. The design is in keeping with the design of the existing dwellings along Cormorant Close.

The proposed rear amenity space is reflective of the existing dwellings along Cormorant Close and as such can be supported.

The proposed garage block would be positioned further back than the existing garage blocks, these have been placed further back to utilise the land effectively, as if this garage block is placed in line with the existing garage blocks then it would provide an area that would be underused and maybe allow easy access to the rear of the neighbouring properties on New Road. The design of the proposed garage block is in keeping with the existing garage blocks along Cormorant Close.

Impact upon neighbouring residential occupiers

Neighbouring residents have raised a number of objections regarding loss of privacy and overlooking. The separation distance from the front of the proposed plots to the rear of number 32 is approximately 36m at the furthest distance and 27m at the closest distance, meeting the Council's 24m separation distance between habitable rooms. The proposal exceeds these residential standards by 12m and 3m respectively. On Balance, the proposal would not unduly harm the amenities of these neighbouring residential occupiers in respect of loss of privacy or overlooking.

The separation distance from the rear of numbers 45 and 47 Ogley Crescent is some 40m and 36m respectively, meeting the Council's 24m separation distance. On Balance, the proposal would not unduly harm the amenities of these neighbouring residential occupiers in respect of loss of privacy or overlooking.

Neighbouring occupiers have raised concerns that the proposed garage block would be closer to the properties on New Road. The proposed garage block would be located approximately 19m away from the existing conservatory at 32 New Road. The boundary details between number 32 New Road and the application site haven't been provided but these details can be secured by planning condition. The garage up to the eaves would be 2m high, so above any proposed boundary treatment, the garage wall would not be visible, whilst the roof would be 2m higher, the roof slopes away from the boundary. It is considered that the proposed garage block would not unduly have the visual amenities of this neighbouring occupier to warrant refusal of the application.

Any issues regarding noise and general disturbance from construction works can be dealt with under Environmental Health legislation should it become an issue during construction works. Furthermore construction works are for a limited time and not permanent. This would assist in protecting the amenities of neighbouring residential occupiers.

A construction management plan would be sought by way of planning condition to ensure there is adequate parking for contractors during construction works.

Impact upon trees and ecology

There are no trees on the application site which has been cleared. However, on the adjacent land to the north, 34 New Road there are a number of trees on site. The site has no significant trees or prominent trees on this adjacent site that would merit protection or retention. Outside the north boundary of the site is a number of mature TPO Sycamore trees (title no. 07/2004), however, the development of the site as proposed is unlikely to have any long term detrimental effect on their health and stability. A number of the trees on site fell over due to the storms in February 2020.

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

Neighbouring residents have stated that there should be opportunities for planting, the existing cul de sac is built up with limited landscaping opportunities, the proposal would be reflective of the existing character of the cul de sac and no additional requirements are necessary.

Access and Parking

The Highway Officer has advised that Cormorant Close is a private driveway and as such there are no comments from a highway point of view.

The proposal seeks to provide two off road parking spaces for each plot in accordance with Policy T13 of the UDP.

Neighbouring residential occupiers have raised concerns regarding the increase of extra traffic, the proposed development provide adequate off road parking for the proposed development, there is no evidence to suggest the proposal will exacerbate any existing parking issues along New Road or Cormorant Close.

Local Finance Considerations

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

This application proposes two new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

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

Conclusions and Reasons for Decision

The principle of residential development on the site is supported. The design, scale, appearance, layout and access are considered acceptable, the proposal would provide much needed housing in the Borough. The proposal would not unduly harm the amenities of neighbouring residential occupiers.

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

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

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

Conditions and Reasons

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

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

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

- Location and block plan PD500/01B submitted 15-04-2020
- Site plan PD500/02A submitted 30-03-2020
- Floor plans and elevations PD500/03A submitted 30-03-2020

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

3a. Prior to the commencement of development, a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- xii. Construction working hours
- xiii. Parking and turning facilities for vehicles of site operatives and visitors
- xiv. Loading and unloading of materials
- xv. Storage of plant and materials used in constructing the development
- xvi. A scheme for recycling/disposing of waste resulting from construction works
- xvii. Temporary portacabins and welfare facilities for site operatives
- xviii. Site security arrangements including hoardings
- xix. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- xx. Measures to prevent flying debris

- xxi. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xxii. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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

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

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

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

5a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

5b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

5c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

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

6a. Prior to first occupation of the development hereby permitted details of electric vehicle charging points, to be provided for each dwelling shall be submitted in writing to and agreed in writing by the Local Planning Authority.

6b. Prior to first occupation of the development the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

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

7a. Prior to occupation of the development hereby permitted a brick bat box shall be incorporated into the proposed southern elevation of both dwellings and shall thereafter be retained as such. The bat box shall be located at a point not lower than 2.5m from ground level and shall not be positioned directly above any doors or windows.

7b. The entrance to the brick bat box shall be kept clear from obstructions at all times.

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

8a. No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

8b. No external lighting shall be installed on the site otherwise than in accordance with the approved details.

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

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

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

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

Notes for Applicant: Severn Trent Water

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our

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assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Note to Applicant Air Quality SPD

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

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

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

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

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

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

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

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

End of Officers Report