



Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	14/1743/FL	FIBBERSLEY PARK PRIMARY SCHOOL, NOOSE LANE, WILLENHALL, WV13 3BB	PROPOSED TWO STOREY EXTENSIONS TO PROVIDE ADDITIONAL CLASSROOMS, AMENDED RECEPTION, LIBRARY SPACE AND HALL AND AMENDED CAR PARK LAYOUT INCLUDING UPGRADE OF THE MEMORIAL PARK CAR PARK	DELEGATE TO THE HEAD OF PLANNING, ENGINEERING AND TRANSPORTATION TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO OVERCOMING THE OBJECTION RAISED BY THE COAL AUTHORITY.
2	13	15/1281	THE TANNERY, BURROWES STREET, WALSALL, WS2 8NX	ERECTION OF 4 X 4 BED HOUSES, 4 X 1 BED AND 2 X 2 BED FLATS WITHIN A SINGLE THREE STOREY BLOCK.	GRANT PERMISSION SUBJECT TO CONDITIONS

3	27	16/0186	PACIFIC NURSERIES, CHESTER ROAD, ALDRIDGE, WALSALL, WS9 0PH	EXTENSION TO EXISTING GARDEN CENTRE COFFEE SHOP.	GRANT PERMISSION SUBJECT TO CONDITIONS AND A PLANNING OBLIGATION
4	37	16/0524	LAND TO THE R/O 147, FOLEY ROAD WEST, STREETLY, SUTTON COLDFIELD, B74 3NY	NEW TWO STOREY 3 BEDROOM DWELLING AND GARAGE.	REFUSE SUBJECT TO NO NEW MATERIAL PLANNING OBJECTIONS FOLLOWING RE- CONSULTATION ON AMENDED OWNERSHIP CERTIFICATE.
5	51	16/0358	LAND BETWEEN VICTORIA STREET AND BLOXWICH ROAD SOUTH, WILLENHALL, WV13 1DW	RESERVED MATTERS APPLICATION TO PLANNING PERMISSION 12/1604/OL (6 HOUSES) TO DETERMINE APPEARANCE, LANDSCAPING AND SCALE.	APPROVE RESERVED MATTERS SUBJECT TO CONDITIONS
6	65	16/0223	UNIT 8, COPPICE SIDE INDUSTRIAL ESTATE, WEST COPPICE ROAD, BROWNHILLS, WALSALL, WS8 7HB	RETENTION OF PORTABLE BUILDING FOR USE AS A HOT FOOD CAFE (CLASS A3)	GRANT PERMISSION SUBJECT TO CONDITIONS (TEMPORARY FOR 5 YEARS).

7	73	16/0527	129, WALSALL WOOD ROAD, ALDRIDGE, WALSALL, WS9 8RD	REAR DORMER EXTENSION, SIDE FACING WINDOW, 3 FRONT VELEX WINDOW AND FRONT GABLE WINDOW (RETROPSECTIV E)	GRANT
8	83	15/1884	RUSHALL HALL LODGE, LEIGH ROAD, WALSALL, WS4 2DS	PART DEMOLITION OF EXISTING REAR EXTENSION, TWO STOREY REAR EXTENSION AND GLASS PORCH TO FRONT.	GRANT PERMISSION SUBJECT TO CONDITIONS
9	97	16/0385	322, SKIP LANE, WALSALL, WS5 3RA	PART RETROSPECTIVE - DETACHED OUTBUILDING IN REAR GARDEN.	GRANT PERMISSION SUBJECT TO CONDITIONS
10	109	16/0009	46, SKIP LANE, WALSALL, WS5 3LP	TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION.	GRANT PERMISSION SUBJECT TO CONDITIONS
11	121	16/0552	89, STONNALL ROAD, ALDRIDGE, WALSALL, WS9 8JZ	CONVERSION AND EXTENSION OF EXISTING GARAGES AND WORKSHOP TO LIVING UNIT AND CREATION OF A NEW ACCESS.	GRANT SUBJECT TO CONDITIONS

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

Report of Head of Planning, Engineering and Transportation on 04-Aug-2016

Plans List Item Number: 1.

Reason for bringing to committee: Major Application

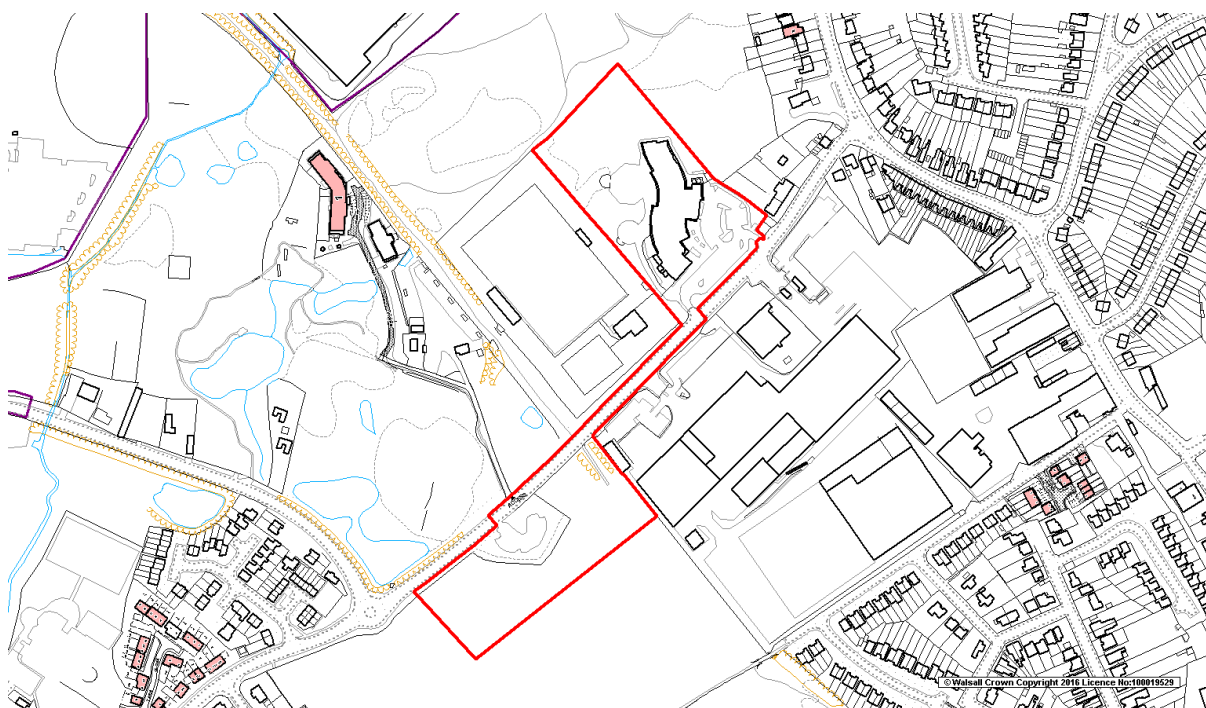
Location: FIBBERSLEY PARK PRIMARY SCHOOL, NOOSE LANE, WILLENHALL, WV13 3BB

Proposal: PROPOSED TWO STOREY EXTENSIONS TO PROVIDE ADDITIONAL CLASSROOMS, AMENDED RECEPTION, LIBRARY SPACE AND HALL AND AMENDED CAR PARK LAYOUT INCLUDING UPGRADE OF THE MEMORIAL PARK CAR PARK

Application Number: 14/1743/FL
Applicant: Walsall Childrens Services
Agent: Horsley Huber Architects Ltd
Application Type: Full Application

Case Officer: Paul Hinton
Ward: Willenhall South
Expired Date: 16-Apr-2015
Time Extension Expiry: 14-Jul-2015

Recommendation Summary: Delegate to the Head of Planning, Engineering and Transportation to grant planning permission subject to conditions and subject to overcoming the objection raised by the Coal Authority.



PAGE 1 OF 134

Application and Site Details

This application seeks planning permission for two storey extensions at the front of the school to provide six additional classrooms, toilets, supporting offices, food technology room, library space and extension to the existing assembly hall. The extension would occupy a block paved and landscaped area and part of the car park. Six disabled and six standard parking spaces would be displaced. The current car park has six disabled spaces and 53 standard spaces, with a drop off area for up to seven vehicles. The application proposes to re-design the existing car park to provide 59 standard spaces with the drop-off area also serving as disabled parking. The application also proposes upgrading the car park that serves Willenhall Memorial Park, the car park is 240m from the school. This car park is currently used as an occasional drop-off /collection point, the proposed refurbishment would provide for 28 parking spaces.

The extensions would be a mix of matching brickwork, aluminium glazing and curtain walling, insulated screen cladding in terracotta and white with grey aluminium rainwater goods. The roof would be low pitch where it is proposed to install ten photovoltaic solar panels.

The existing school was built in 2006 and is single storey on the edge rising to two storeys within the middle with the school hall punctuating the roof line. The school is on the northern side of Noose Lane, with a football ground to the one side and two houses to the other. Fibbersley Nature Reserve is to the north and east boundaries and is part of Waddens Brook Site of Importance for Nature Conservation. Opposite the site is a haulage depot (Asprays). The north and south ends of this part of Noose Lane each have a small roundabout at the junctions with other roads. Noose Lane is traffic calmed with a cycle path for part of the road.

The application was amended in June 2016 due to issues in regard to great crested newts, loss of playing fields and mine shafts that arose from the proposed extension originally at the rear of the school.

Design and Access Statement

- In recent years there has been an increase in the birth rate with a need to provide additional place in the Willenhall area.
- The extensions would facilitate the increase in pupil numbers, allowing the reception intake to increase to 90 pupils. This increase will only be in reception and this increase will work through the school until every year group has 90 pupils.

Transport Statement and Travel Plan

- School is accessible by non-car modes and pedestrian and cycle facilities integrate the school
- Majority of pupils live within 1.6km of the school
- The additional intake of pupils will not result in increased travel distances
- School is registered with A STARS (Active Sustainable Travel and Road Safety) programme which is designed to encourage sustainable travel and road safety for journeys to and from schools and colleges.

- There are two designated offsite car parks for a 'park and stride' initiative; at the memorial park car park and at the Navigation PH located off Fibbersley.

Herpetofauna Survey (May 2015)

- There are water bodies within 250m of the school that support a large population of great crested newt. The closest occupied pond is within 10m of the site boundary.
- Development activities are of such a type, scale and location that an offence is highly likely. The scheme should be re-designed or a licence applied for.

Great Crested Newt Scheme of Mitigation (2016)

- By taking into consideration the extent of potential sheltering places within the proposed development areas (principally small flower beds) and implementing avoidance measures development activities are of a type, scale and location that it is highly unlikely that any offence would be committed should the development proceed.
- Development proposals will not result in the loss of significant areas of potential sheltering habitat.
- Existing boundary fences and hardstanding mean that newts are unlikely to disperse across the front car parking area.
- Piles of temporary building material could provide temporary sheltering habitat for newts.
- The car park upgrade will not destroy great crested newt sheltering habitat, but migrating newts could be disturbed. A schedule of avoidance measures are recommended.

Ground investigation (2016)

- Negligible risk to human health and low risk to controlled water receptors
- Potential for mine workings at depth, recommended that the footprint of the extension is subject to a scheme of drilling and grouting.
- Strip/trench fill or pad foundations are required.
- No gas protection measures are necessary.

Relevant Planning History

05/2170/FL/W1 – New two form entry primary school including a children's centre, playgrounds and playing fields. Granted subject to conditions 17/1/2006.

14/0180/FL – Erection of canopies, relocation of car park access gates and erection of access central barriers to the car park. Granted subject to conditions 1/8/2014.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 7 - Requiring good design***
- ***NPPF 8 - Promoting healthy communities***
- ***NPPF 11 - Conserving and enhancing the natural environment***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- HOU5: Education and Health Care Facilities
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development

- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV3: Design Quality
- ENV7: Renewable Energy

Unitary Development Plan

- 3.6: Environmental Improvement
- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T1: Helping People to Get Around
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T10: Accessibility Standards - General
- T11: Access for Pedestrians, Cyclists and Wheelchair Users
- T12: Access by Public Transport
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.7: Education, Health and Community Facilities
- LC1: Urban Open Spaces

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW10 Well Designed Sustainable Buildings

Conserving Walsall's Natural Environment SPD

- NE1: All relevant applications to be supported by an adequate impact assessment.
- NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.
- N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees

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

Consultation

Highways – no objection subject to recommended condition regarding implementation of proposed parking provision.

Pollution Control – to be reported.

Sport England – no objection.

Trees – no objection.

Landscape – no objection subject to use of a recommended condition to compensate for any tree and landscaping lost in the development.

Natural England – no objection to impact on nature conservation sites. .

Coal Authority – Objects. Report fails to sufficiently consider the potential risks posed by historic unrecorded underground coal mining at shallow depth below the car park site or provide an assessment as to what influence the mine entries within the sit have on the development proposal.

Environmental Health – no objection.

Severn Trent Water – no objection.

Public Participation Responses

Surrounding occupiers notified by letter, site notices displayed and advertised in local press.

No comments received.

Determining Issues

- Principle of development
- Impact upon visual amenity
- Impact upon residential amenity
- Impact upon ecology and trees
- Impact upon ground conditions
- Impact upon highway safety

Observations

Principle of development

The increased education facilities within the existing school are consistent with the NPPF which gives great weight to the expansion of schools. The extension would be to the front of the school where there is currently a hard surface and part of the parking provision. The proposal would not result in a loss of outdoor sports area.

Impact upon visual amenity

The existing school is mainly single storey with a small first floor and two storey hall. The school has a series of shallow mono pitch roofs. The extension would blend in with the roof of the existing school hall and would create a two storey element to the front of the school which continues the shallow roof pitch of the existing. The design would be modern and includes features from the existing school design. The massing and appearance would be appropriate and the extension would be visually acceptable. A pallet of materials has been provided which ensures the extension would not have an adverse impact upon the visual amenities of the area.

Impact upon residential amenity

The extension would be sufficient distance away from nearby houses to cause no significant impact on amenity. Conditions in regard to control over construction times are recommended.

Impact upon ecology and trees

Great Crested Newts have been identified within a pond within the Nature Reserve. Due to the existing boundary treatment and intervening hard surfacing newts are unlikely to disperse across the front car parking area. There is a lack of intervening sheltering places within the proposed development areas and by implementing recommended avoidance measures the development activities are of a type, scale and location that it is highly unlikely that the proposal would adversely impact upon the Great Crested Newts.

Three trees planted around the time of the school construction in 2006 within the hard landscaped area at the front of the school would be removed to facilitate the development. While their loss is regrettable, on balance their amenity value can be compensated for by replacement planting, and a condition is recommended. The upgrade works within the Memorial car park is surrounded by trees which are subject to group Tree Preservation Order 8/1981. Four trees adjacent to the edge of the hardsurfacing are proposed to be removed on the grounds that they are either dying or leaning over the car park spaces which pose a safety issues. The Tree Officer considers that the overall amenity value afforded from the group TPO would not be unduly impacted upon from the loss of these C category trees.

Impact upon ground conditions

The Coal Authority records indicate the site and surrounding area there are coal mining features and hazards. The Ground Investigation report states there is the potential for mine workings at depth, and recommends that the footprint of the extension is subject to a scheme of drilling and grouting. The Coal Authority objects saying that the report fails to sufficiently consider the potential risks posed by historic unrecorded underground coal mining at shallow depth below the car park site or provide an assessment as to what influence the mine entries within the site have on the development proposal.

The Coal Authority goes on to say that this could include further intrusive site investigation. While the Coal Authority object based on the information currently provided, they do not object on the grounds that the risks are insurmountable.

Officers therefore recommend that the decision is delegated subject to resolving the concerns of the Coal Authority. If the concerns cannot be resolved the matter would be brought back before the committee.

When the school was built, ground gas protection measures were incorporated. The agent has indicated such measures will be used within the extension. A condition is recommended to secure the precise details and validation.

Impact upon highway safety

The development is to construct six new classrooms which are required to address an increase in local birth rates. The Transport Assessment notes that the school is accessible by non-car modes with pedestrian and cycle access/facilities and the majority of the pupil catchment area within 1.6km of the school. Currently the car park can accommodate 59 parking spaces (including six disabled bays) plus a drop off area. The proposed re-designed car park would provide for 59 standard parking spaces with the drop off area also serving as disabled parking. Access to these parking spaces is controlled by an automatic barrier system to prevent unauthorised access and there are parking restrictions along this part of Noose Lane.

It is unlikely that there will be sufficient parking on site to meet demand. To mitigate this and in order to minimise on-street parking within the vicinity of the school during the school run, the school is committed to the Council's ASTARS initiative to promote sustainable travel modes and reduce the reliance on the car for both parents and staff. Improvements to the existing Willenhall Memorial Park car park off Noose Lane are proposed to improve surfacing to encourage the use of 28 spaces here as a 'Park and Stride'. There is also further 'Park and Stride' parking available at the Navigation PH with capacity available and on street parking capacity available a little further from the school.

On balance the Highway Authority considers that the development will not have severe transportation implications and is acceptable. Conditions in regard to providing the revised on site car parking and the proposed refurbished Memorial Park Car Park are recommended.

Positive and Proactive working with the applicant

The original scheme had constraints in regard to ground conditions, ecology and loss of playing area. The amended scheme proposed the extension in a different location which overcome these concerns to enable full support to be given to the scheme.

Recommendation: Delegate to the Head of Planning, Engineering and Transportation to grant planning permission subject to conditions and subject to overcoming the objection raised by the Coal Authority.

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

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

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

- Location plan received 18/1/15
- Topographic survey received 27/5/16
- Existing site elevations received 18/11/14
- Existing school plan received 18/11/14
- Existing site plan received 18/11/14
- Proposed site plan 27/5/16
- Proposed east and west elevations received 27/5/16
- Proposed ground floor plans received 27/5/16
- Proposed first floor plans received 27/5/16
- Proposed north and south elevations 27/5/16
- Proposed hall roof plan received 27/5/16
- Proposed classroom and hall roof plan received 27/5/16
- Proposed all elevations received 27/5/16
- Proposed sections received 27/5/1
- Proposed parking layout received 27/5/16
- Proposed Memorial Car Park plan received 19/7/16
- Outline specification for the project elevational material treatment specification received 27/5/16
- Great Crested Newt Scheme of mitigation received 29/6/16
- Transport Statement and Travel Plan received 15/12/14
- Arboricultural Report received 15/12/14
- Report on Ground Investigation received 1/7/16

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

3. Great Crested Newt survey work has identified Great Crested Newt breeding pond within 250m of the site (as identified in Great Crested Newt Scheme of Mitigation by Calumma Ecological Services dated March 2016). The mitigation measured contained within the report shall be undertaken during the duration of the development of the site.

Reason: To conserve local Great Crested Newt populations.

4a. No development shall commence until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority.

4b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

5a. Prior to the commencement of the development, a construction methodology statement shall be submitted to and approved in writing by the Local Planning Authority, including details of

- i) where the access, parking and turning facilities for site operatives and construction deliveries will be located,
- ii) how deliveries to the site and construction works will be controlled to minimise conflicts between construction traffic and pupil, staff and visitors,
- ii) the temporary parking and access arrangements for school staff and visitors as a result of the potential displacement by the construction works,
- iii) full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

5b. The approved details shall be implemented and retained during construction.

Reason: In order to minimise potential disruption to the free flow of traffic on the local highway network and in the interests of highway safety.

6. Following the completion of any arboricultural works but before any equipment, materials or machinery are brought onto the site in connection with the development, protective fencing and ground protection such as geomembrane or scaffold boards shall be installed around all retained trees. Such protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the Borough Council

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005, and Policies NE8 and NE9 of the Walsall SPD 'Conserving Walsall's Natural Environment'.

7. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation) and deliveries to the site, shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 on Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

8. The materials used shall be those defined within outline specification for the project elevational material treatment document received 27/6/16.

Reason: To ensure the satisfactory appearance of the development

9a. Prior to the commencement of development details for ground gas protection shall be submitted to and approved in writing by the Local Planning Authority.

PAGE 10 OF 134

9b. The development shall be completed in accordance with the approved details.

9c. Prior to the development first being brought into use a validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted for written approval by the Local Planning Authority.

Reason: To achieve safe development and protect the health and safety of building occupiers and users.

10a. The development hereby approved shall not be occupied for use until full details of replacement tree planting, and a timetable for planting has been submitted to and approved in writing by the Local Planning Authority.

10b. All tree planting shall be carried out in accordance with those details and at those times.

10c. If within a period of five years from the date of the planting of any replacement tree, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted in the same place.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005, and Policies NE8 and NE9 of the Walsall SPD 'Conserving Walsall's Natural Environment

11a. Prior to the development first coming into use, the expansion and improvements to the Willenhall Memorial car park off Noose Lane, used as a 'Park and Stride' car park for parents and pupils, shall be fully implemented in accordance with the approved details and brought into use.

11b. The car park shall be available for the drop off and collection of pupils during school terms times.

Reason: To discourage school gate parking in the interests of highway safety and the free flow of traffic on the public highway.

12a. Prior to the development first coming into use, the revised parking arrangements and layout within school site shall be fully implemented and brought into use, including all parking bays being clearly demarcated on the ground.

12b. The approved car park shall thereafter be retained for no other use.

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

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

Report of Head of Planning, Engineering and Transportation on 04-Aug-2016

Plans List Item Number: 2.

Reason for bringing to committee: Major Application

Location: THE TANNERY, BURROWES STREET, WALSALL, WS2 8NX

Proposal: ERECTION OF 4 X 4 BED HOUSES, 4 X 1 BED AND 2 X 2 BED FLATS WITHIN A SINGLE THREE STOREY BLOCK.

Application Number: 15/1281

Applicant: Mr Raj Kumar

Agent: Mr Bhav Mistry

Application Type: Full Application (Major)

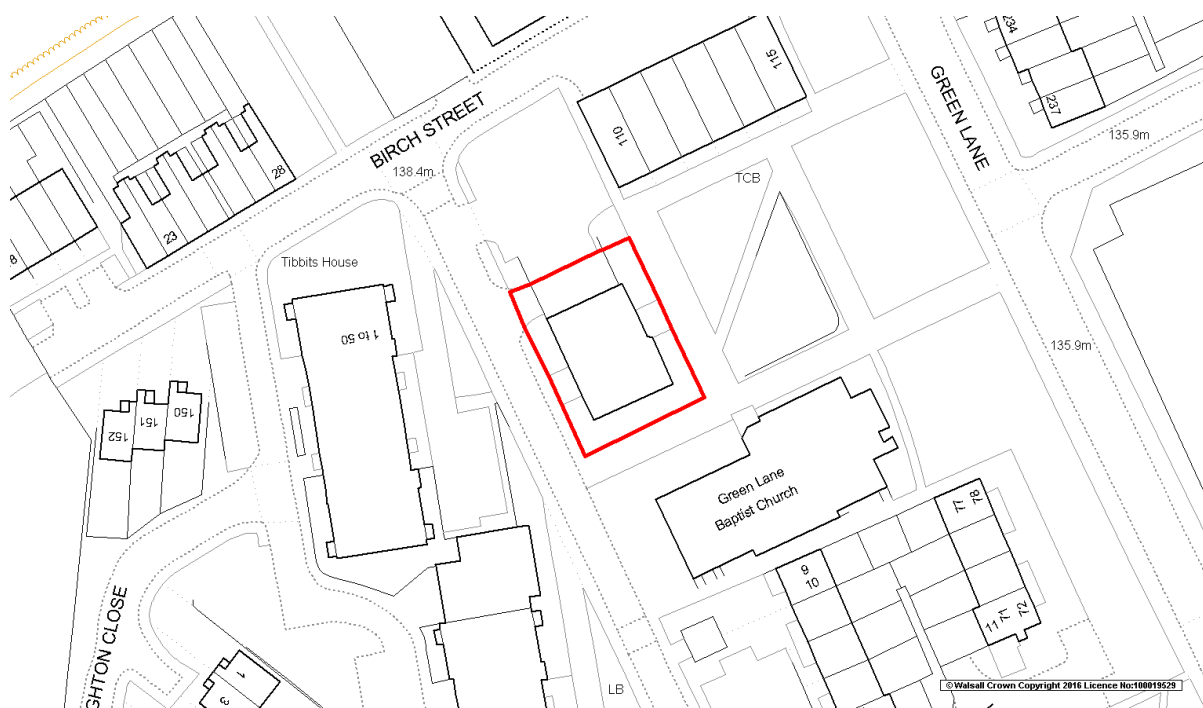
Case Officer: Barbara Toy

Ward: Birchills Leamore

Expired Date: 30-Nov-2015

Time Extension Expiry: 12-Aug-2016

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The site sits on the eastern side Burrowes Street and comprises vacant land formerly occupied by The Tannery PH, a 1970's building that was in poor condition and subsequently demolished in November 2014. The site currently has a poor visual appearance and has been the subject of a number of complaints regarding tipping and poor condition and appearance.

Immediately to the east of the site is an area of open space with a number of trees and pedestrian links through it between Green Lane and Burrowes Street, to the north east a flat roofed block of 6 retail shops with two storey flats above, to the north an open car park for the shops, to the west is Tibbets House an 7 storey block of 50 flats, to the south Green Lane Baptist Church with two storey residential properties beyond. There are existing pedestrian links between Burrowes Street and the open space at either end of the site. The area has a mixed character with a mix of uses and properties of varying ages, heights and design.

The site is within a short walk of Green Lane (Strategic Highway Network) and Walsall Town Centre which provides good public transport routes.

This application proposes the redevelopment of the site to provide a three storey block of 10 residential units comprising:

4 x 4 bed houses

4 x 1 bed apartments

2 x 2 bed apartments

The proposed building will extend the full length of the plot on the eastern side of the site, with parking and amenity space on the western side of the building towards Burrowes Street. Each of the 4 houses would have a single off street parking space and 4 spaces would be provided for the 6 flats. Each of the 4 houses would have a small private amenity space (18sqm) and a shared space of 44sqm would be provided for the 6 flats. Each unit would be dual aspect with entrance doors to the flats and each house to both the east (onto the open space) and the west (onto Burrowes Street). The flats are arranged either side of a central entrance lobby that would run through the building. Dedicated bin store and secure cycle storage is provided. The building would have a contemporary design with a flat roof and parapet detailing, with the use of different bricks in vertical form to break up each elevation.

A Design and Access Statement has been submitted in support of the proposals which discusses the site and its location, context, open spaces, issues, influences and opportunities, the development, access, sustainability and planning policy.

A financial appraisal has also been submitted for assessment by the District Valuer Service relating to the financial viability of the scheme.

Relevant Planning History

08/0460/FL, erection of 30 apartments with associated car parking and works to the public square to provide community play area following demolition of the public house, refused 13-11-08.

09/1552/FL, erection of 12 houses together with associated car parking, cycle parking, landscaping and access from Burrowes Street following demolition of the public house, granted subject to conditions 10-02-10.

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

NPPF1. Delivering sustainable development

NPPF4: Promoting Sustainable Transport

NPPF6: Delivering a Wide Choice of High Quality Homes

NPPF7: Requiring Good Design

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

Local Policy

The Black Country Core Strategy (BCCS) (2011)

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- CSP5: Transport Strategy
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- DEL1: Infrastructure Provision

It is considered in this case that the relevant provisions of the BCCS can be given full weight

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

GP2: Environmental Protection

- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites

- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Space

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

Supplementary Planning Documents (SPD)

Designing Walsall SPD

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings
- Appendix D
-

Urban Open Space SPD

Sets out the thresholds and contributions sought towards urban open space from residential developments.

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

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

Consultations

Transportation – No objections subject to conditions relating to requirements for new footway crossings, amended parking layout for plots 1 and 3, surfacing and drainage of parking spaces, cycle storage facilities and details of parking etc for site operatives during construction.

Whilst the proposed level of parking would fall short of Policy T13 usual requirements in this case and circumstances the level of parking is considered acceptable.

Severn Trent Water – No objections subject to standard drainage condition.

Pollution Control – No objections subject to conditions regarding ground contamination remediation measures and noise mitigation measures.

District Valuation Office—The Gross Development Value is £1,072,524 but the residual land value of the proposed scheme is negative at - £361,221. Given this negative residual land value, and on the basis that the S106 contribution of £16,824 for off-site open space is not paid, the site is not overly burdened with abnormal costs and considering that the most appropriate alternative use of the land for car parking would derive a positive land value, it has not been necessary to assess the Site Value.

Taking the above into account it is concluded that the scheme is not viable whether or not the open space contribution is paid.

Public Participation Responses

One letter of comment received.

Comments:

- No objections to the proposals that will improve this run down derelict site and enhance the area.
- Some concern about contractors using the adjoining shopper's car park during construction as this would cause a problem to customers of the shops.
- Clear access must be maintained during construction to allow the shops to consider trading.

Determining issues

- Principle of Residential Development
- Design and Layout
- Impact on the Amenities of the Surrounding Occupiers
- Access, Parking and Highway Safety
- Provision of Urban Open Space
- Local Finance Considerations

Observations

The Principle of Residential Development

The principle of redevelopment of the site to provide new residential accommodation was established under the previous approval in 2010 for 12 houses.

The site is within an established mixed use area with a large number of residential properties in the immediate vicinity, in a sustainable location close to Walsall Town Centre and good public transport available on Green Lane.

Since the demolition of the pub in November 2014 the site has been the subject of a number of complaints regarding its poor appearance and tipping. Redevelopment would remove this unsightly site and improve the overall appearance of the area. It would also make more positive use of a previously developed site. The applicant has advised of their commitment to implement the development within the near future should consent be granted. The principle of new residential development of the site is considered appropriate.

Design, Layout and Residential Environment

The scale and massing of the proposed building is considered appropriate, its height would reflect other buildings within the immediate vicinity (shops and church adjacent) as well as others that are significantly higher such as Tibbets House and other flats.

It is considered that the contemporary design would be appropriate in this location which has a wide variation of ages and designs of properties, the amended design which introduces different brick colours adds interest to each of the elevations and creates a vertical emphasis along the east and west elevations. The amended scheme also adds windows to the north and south elevations to allow some overlooking of the pedestrian walkways at either end of the site.

Each of the properties would be dual aspect, providing habitable room windows and entrance doors to both Burrowes Street and the open 'green', providing a pleasant outlook for residents and an active street frontage to Burrowes Street and the open space. The development would create a sense of enclosure to the public space to the east.

Whilst the levels of amenity space for the houses and the flats would fall short of the guidance within Appendix D of Designing Walsall this reflects the amenity space at other properties in the vicinity and within the previous approval. Sydenham playing fields open space is situated just a few meters to the north of the site (off Birch Street) and includes a children's play area. Green Lane open space and Reedswood Park lie further north. The reduced level of amenity space is considered acceptable in this case given the proximity to these alternative areas.

The design and layout is considered acceptable and would provide an acceptable level of residential amenity to the future occupiers.

Impact on the amenity of the surrounding occupiers

The existing pedestrian routes between Burrowes Street and Green Lane would be retained at both ends of the development.

The separation between the development and Tibbet House would exceed the 24m required by Appendix D of Designing Walsall.

It is considered that the proposals would have no adverse impact on the amenities of the surrounding residential or commercial occupiers and that the development would improve the visual appearance of the site within the local area.

Parking, Access and highway safety

The development would provide a parking spaces for each of the 4 houses (100%) and 4 further spaces for the 6 flats (67%), whilst this would fall short of the requirements of Policy T13 it should be recognised that this is a maximum standard and the individual circumstances of the site need to be considered.

The site is situated in a highly sustainable location within walking distance (approx 300m) of Walsall Town Centre and good bus services on Green Lane. This is the site of a former pub which attracted a level of parking demand but had no parking provision of its own. There is a currently unrestricted car park immediately to the north of the site. On street parking is permitted between 1830 hours and 0800 hours with some unrestricted parking in Burrowes Street. The previous approval on the site accepted 100% parking for the 12 houses proposed, the current scheme introduces flats which generally attract a lower level of parking demand. The 2011 Census data shows that 60% of households in this particular part of the Birchills ward do not own a car. Secure cycle storage would be provided within the entrance lobby of the flats. The level of parking is therefore considered acceptable and on balance it is considered that the development would not have severe transportation implications.

A construction methodology statement is recommended to be secured by condition to ensure that parking for site operatives is accommodated in order to address objectors concerns about parking on the shoppers car park or nearby streets.

Transportation have recommended a revised parking layout for plots 1 and 3 to allow a break between the proposed dropped kerbs to improve pedestrian safety along Burrowes Street.

Provision of Urban Open Space

In accordance with policies GP3 and LC1 of the UDP, policy DEL1 of the BCCS and Supplementary Planning Document: Urban Open Space the proposal triggers the need for urban open space contribution. In accordance with the policies an urban open space contribution of £16,824.00 is required.

The District Valuation Officer has reviewed the Financial Appraisal submitted by the applicant, as a case not to provide payment of the urban open space contribution. The District Valuation Officer has agreed that the development would not be viable with or without the contribution.

In the circumstances it is recommended that the requirement for a S106 Agreement to secure contributions towards provision of urban open space is waived.

Local Financial Considerations

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

This application proposes 10 new residential units.

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

Recommendation: Grant permission subject to conditions

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

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

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

Location and Existing Site Plan Drawing 15-101 SK00 submitted 25th August 2015
Site Plan Drawing 15-101SK01 Rev 05 submitted 23rd March 2016

Ground Floor Plan Drawing 15-101SK02 Rev 05 submitted 23rd March 2016

First Floor Plan Drawing 15-101SK03 Rev 05 submitted 23rd March 2016

Second Floor Plan Drawing 15-101SK05 Rev 04 submitted 23rd March 2016

Roof Plan Drawing 15-101SK05 submitted 23rd March 2016

Elevations Sheet 1 Drawing 15-101SK20 Rev 02 submitted 23rd March 2016

Elevations Sheet 2 Drawing 15-101SK21 Rev 02 submitted 23rd March 2016

Design and Access Statement submitted 23rd March 2016

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

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

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

4a. Prior to the commencement of the development details of the disposal of both surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be completed with the approved details and retained as such.

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

5a. 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.

5b. 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

6a. Prior to the commencement of any development on site details of contaminated land remediation measures shall be submitted to and agreed in writing with the Local Planning Authority.

6b. All agreed measures shall be implemented and a written remediation statement submitted to the Local Planning Authority that confirms the site has been remediated as agreed.

6c. The applicant shall provide written confirmation that all imported clean cover materials are not contaminated and are suitable for their intended use.

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

7a. Prior to the commencement of any development on site details of suitable noise mitigation measures to protect internal areas to ensure that the requirements of British Standard BS8233:2014 will be achieved, shall be submitted to and approved in writing by the Local Planning Authority.

7b. A validation statement shall be produced in writing to confirm that the acoustic mitigation measures have been implemented as agreed.

Reason: to ensure the satisfactory development of the site and protect the amenity of the future occupiers.

8. Prior to the development first coming into use, a revised parking layout plan shall be submitted to and approved in writing by the Local Planning Authority, showing the parking spaces for Plots 1 and 3 handed to create a break in the proposed dropped kerb crossing between the parking spaces to Plots 2 and 3 and the dropped kerb crossing to Plots 1 and 2 reduced in width.

Reason: To avoid an overlong, continuous dropped kerb across the site frontage in order to provide a pedestrian refuge area in the busy footway leading to local shops, in the interests of highway safety.

9a. Prior to the first occupation of any dwelling on the development, the parking area serving that dwelling shall be fully consolidated, hard surfaced and drained so that surface water run-off from this area does not discharge onto the highway or into any highway drain.

9b. The parking area shall thereafter be retained and used for no other purpose.

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

10. Prior to any parking area first coming into use, a new vehicle footway crossing to align with the parking area shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements. There shall be at least one full kerb height separation between the parking spaces of Plot 2 and 3.

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.

11. The cycle storage facilities within the flatted element of the development shall thereafter be retained and used for no other purpose.

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

12a. Prior to the first occupation of any residential unit hereby approved a detailed soft and hard landscaping scheme for the site, (including any necessary phasing of implementation) shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include; indication of all hard surfaces, walls, fencing, and full details and specifications of plant material.

12b. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use.

12c. If within a period of five years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted in the same place.

Reason: To ensure the satisfactory appearance of the development.

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

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

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

Notes to 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 expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossings within the public highway. For further information please contact the Traffic Management Team on 01922 654663.

Pollution Control recommends that any **soils imported onto site are accompanied with a 'topsoil verification' certificate** that the soils are suitable for intended use i.e. they are not contaminated

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

Report of Head of Planning, Engineering and Transportation on 04-Aug-2016

Plans List Item Number: 3.

Reason for bringing to committee: Major application and Variation of Existing Unilateral Undertaking

Location: PACIFIC NURSERIES, CHESTER ROAD, ALDRIDGE, WALSALL, WS9 0PH

Proposal: EXTENSION TO EXISTING GARDEN CENTRE COFFEE SHOP AND RELOCATION OF STORAGE CONTAINERS AND WATER TANK.

Application Number: 16/0186
Applicant: Mr Peter & Tom Beharrell
Agent: Mrs Rebecca Crann
Application Type: Full Application

Case Officer: Barbara Toy
Ward: Streetly
Expired Date: 17-May-2016
Time Extension Expiry: 01-Sep-2016

Recommendation Summary: Grant permission subject to conditions and a Planning Obligation



Application and Site Details

The site is situated on the eastern side of Chester Road (A452) which forms part of the Strategic Highway Network (SHN) within the Borough. The site is within the Green Belt.

The site comprises approx 2.8 hectares used as a garden nursery with retail sales. The owners operate a production nursery in Little Hay near Shenstone, Staffs, and a high percentage of plants sold at the application site are produced by themselves.

The site was redeveloped in 2004 and now comprises a nursery production area (a number of polytunnels set to the rear of the main building), retail sales area (within the main building), external display area, covered canopy display area, coffee shop (within main building) and outdoor café terrace together with 113 space car park (including 10 disabled spaces) to the frontage of the site, with an in and out access off the main road.

This application proposes the erection of a single storey pitched roof extension to the rear of the main garden centre building, part of existing service yard, to extend the existing coffee shop to provide an additional 192 sqm of floor space. This would include a new and extended kitchen as well as additional seating area. The proposals also look to regularise the already extended external seating area for the coffee shop, an additional 85sqm.

The extension would result in the loss of an existing portacabin which sits to the rear of the existing kitchen area, currently used for storage and the coffee shop office. It also requires the relocation of two existing metal storage containers (total of 35sqm) and a water tank (4.7m diameter x 2.3m high). The storage containers and water tank would be relocated to the north, to be sited between the existing polytunnels.

A 2009 Unilateral Undertaking for the site as a whole, restricts the floorspace for different uses and includes a comprehensive list of product groups that can be sold. The purpose for this was to regularise the use and operation of the site and to provide certainty to both the applicant and the Council with regard to its future use and operation. The proposed extension would require an amendment of both Schedule 1 and Schedule 2 of the Undertaking to ensure that it remains accurate to the proposed use and operation of the site.

The following have been submitted in support of the proposals:

A Retail Assessment

This provides a Sequential Analysis of available sites in Aldridge, Streetly, Lazy Hill, Walsall Wood/Streets Corner and Sutton Coldfield and concluded that there were no sites or units available within the centres identified suitable for the development.

Planning Statement

This looks at the need for the development, the history of the site, Design and Access Statement, planning policy and a summary.

Relevant Planning History

BC31760P, retention of offices, greenhouse and renewal of permission for covered link. Temporary approved 09-04-1991.

BC48447P, renewal of temporary planning permission BC31760P, retention of offices, greenhouse and covered link, approved 20-02-1997.

BC57231P, relocation and extension of existing polytunnels, approved 30-11-1998

BC60157P, extension to polytunnel, approved 24-12-1999.

03/1337/FL/E5, demolition of existing buildings and erection of buildings and polytunnels, extensions to plant sales area, nursery and car park. Approved 26-09-2003.

04/0034/FL/E5, amendments to 03/1337/FL/E5, demolition of 1916sqm of existing buildings, erection of 850sqm of buildings, 1065sqm of open sided polytunnels, extension of plant sales area and nursery and extension of car park for use of site as a nursery and garden/plant centre, approved 02-04-2004.

04/1332/FL/E5, extension to storeroom, approved 12-08-2004.

09/0580/FL, erection of a canopy structure (10m x 35m x 5.3m max height), retention of existing shade structure (3m x 26m x 3m max height), retention of existing uses and operation of the site as a nursery, granted subject to conditions and a Unilateral Undertaking to restrict the goods for sale and floor space for different uses 29-07-09.

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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

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

- Seek to secure high quality design and good standards of amenity for all existing and future occupants.
- Take account of the different roles and character of different areas.
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Contributing to conserving and enhancing the natural environment.

Key provisions of the NPPF relevant in this case:

NPPF1. Delivering sustainable development

NPPF7: Requiring Good Design

NPPF9: protecting Green Belt Land

NPPF11. Conserving and enhancing the natural environment

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

Local Policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

It is considered in this case that the relevant provisions of the BCCS can be given full weight

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

- GP2: Environmental Protection
- ENV2: Control of Development in the Green Belt
- ENV3: Detailed Evaluation of Proposals within the Green Belt
- ENV4: Major Development Sites in the Green Belt
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- S13: Nurseries, Garden Centres & Builders Merchants
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

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

Supplementary Planning Documents (SPD)

Designing Walsall SPD

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings
- Appendix D

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

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

Consultations

Transportation – No objections.

Pollution Control – No objections.

Landscape Officer – No objections.

Environmental Health – No objections, the agent has confirmed that the existing odour control system/equipment will be retained. There are no records of any complaints regarding odour/noise arising from their existing extract system. A note to applicant recommended to ensure contact with Environmental Health if any amendments to the existing equipment are proposed in the future.

Strategic Policy – No objections. It is considered that the proposed extension would be within scale to the other uses at the site and should mean that it would remain ancillary to the primary function of a garden centre. It is considered that the proposed extension would have little impact on the Green Belt as it would be contained between the existing building and the neighbouring buildings to the north and would fall within the exception of limited infilling of previously developed sites. The storage containers and water tank whilst inappropriate development in the Green Belt could be considered as fundamental to the operation of the garden centre and as such a very special circumstance.

Public Participation Responses

No comments received.

Determining issues

- Principle of the Development
- Impact of the proposed extension on the openness and character of the Green Belt
- Impact of the relocation of the storage containers and water tank on the openness and character of the Green Belt
- Impact of the development on the amenities of the surrounding occupiers
- Regularisation of the use and operation of the site.

Observations

Principle of the Development

The applicant has submitted a Retail Assessment and Planning Statement in support of their proposals which include a sequential assessment that demonstrates that the investment could not be better accommodated in a nearby centre. There is no evidence to suggest that there is an alternative location which would better meet the

business requirements in compliance with policies S7 of the UDP and CEN 7 of the BCCS.

It is considered that the proposed expansion of the coffee shop would be of an appropriate scale to the other uses at the site so that it would remain ancillary to the primary function of the garden centre. An update of the existing legal agreement is required to ensure that the coffee shop and retail uses at the site remain ancillary to the main function as a garden centre.

Impact of the proposed extension on the openness and character of the Green Belt

The proposed extension would increase the floor space of the existing coffee shop including the kitchen and servery from 193 sqm to 385 sqm, an increase of 192 sqm. The area currently forms part of the service yard of the garden centre, and includes a portacabin (17.5sqm), 2 metal storage containers and a water tank. The storage containers and the water tank would be relocated and the portacabin would be removed from site as the storage and office that it provides would be included in the new extension.

Whilst the proposals would be regarded as inappropriate development within the Green Belt it is considered that the works fall within the following exception within paragraph 89 of the NPPF:

Limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The extension would be contained to the west by the main garden centre building, to the north by existing out buildings and residential properties at 417 and 417a Chester Road, to the east by the existing polytunnels and to the south by the existing external display area and covered canopy structures of the garden centre. Given this context it is considered that the proposed extension would have minimal impact on the openness and character of the Green Belt.

Impact of the relocation of the storage containers and water tank on the openness and character of the Green Belt

The storage containers and the water storage tank would be relocated from the existing service yard behind the main building to an area to the north, to a gap between the seventh and eighth polytunnels. Whilst this is away from the main buildings the area is enclosed to the east and west by existing polytunnels that are permanent structures and to the northern and southern boundaries by existing 3m high hedging. The containers at 2.6m high and the tank at 2.3m high would therefore

be well screened and barely visible from the surrounding Green Belt. The proposed new location would allow for their continued use.

The two containers and the water tank are considered to be fundamental to the operation of the garden centre, for the storage of key equipment and to provide the necessary watering and irrigation systems for the plants and used on a daily basis. The fundamental requirement for the operation of the garden centre, the location between the existing structure and the existing 3m high screening to the area are considered to be very special circumstances sufficient to outweigh any harm to the Green Belt. It is considered that the proposals would have no adverse impact on the openness and character of the surrounding Green Belt.

Impact of the development on the amenities of the surrounding occupiers

The proposed extension would replace existing structures in the service area (portacabin, two storage containers and a water tank) situated to the rear of the main building and would not be visible within the street scene or from 407 or 409 Chester Road to the west of the site.

The closest premises to the south in Windermere Drive are situated some 123m from the proposed extension with the garden centre canopies and display area situated between.

The closest residential properties to the north are 417 and 417a Chester Road which are over 40m from the proposed extension with the existing boundary hedge retained.

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

Regularisation of the use and operation of the site.

Policy S13 of the UDP relates to nursery and garden centre uses, it recognises that these uses may need to trade from out of centre locations and as such should have conditions to limit the goods to be sold to those appropriate to the use and not those more appropriate to a retailing centre.

The existing S106 Unilateral Undertaking was sought during the course of the previous application in 2009 in order to regularise the use and operation of the site. At that time it was operating in breach of Condition 12 on the 2003 and 2004 approvals, which restricted the retail sale of goods at the site. Schedule 1 within the Undertaking refers to retail floor space provided within the separate areas of the site, identified on a series of plans, and Schedule 2 provided a list of product groups and maximum permitted floor space.

The plans in Schedule 1 and the content of Schedule 2 refer to the floor area of the coffee shop (including the outside seating area). The proposals to increase the floor space of the coffee shop and outside seating area therefore requires an amendment of the Undertaking. A draft agreement has been submitted by the applicant for consideration.

Positive and Proactive working with the applicant

The agent has provided further information and details on request from the case officer to enable full support to be given to the scheme.

Recommendation: Grant permission subject to conditions and a Planning Obligation

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

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

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

Site Location Plan Drawing M13.113.D.006 Rev A submitted 23rd March 2016

Existing Site Plan Drawing M13.113.D.007 submitted 11th February 2016

Existing Floor and Roof Plans Drawing M13.113.D.008 submitted 11th February 2016

Existing Elevations Drawing M13.113.D.009 submitted 11th February 2016

Proposed Floor and Roof Plans Drawing M13.113.D.010 submitted 11th February 2016

Proposed Elevations Drawing M13.113.D.011A submitted 11th February 2016

Proposed Site Plan Drawing M13.113.D.012 Rev F submitted 21st July 2016

Proposed Floor Areas Drawing M13.113.D.016 Rev B submitted 21st July 2016

Retail Assessment By RPS dated 10th February 2016 submitted 11th February 2016

Planning Statement submitted 11th February 2016

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

3. The facing bricks shall match in size, colour and texture those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

4. Prior to the first use of the extension hereby approved the existing office and store portacabin building shall be removed from the site and no other temporary buildings sited without the benefit of planning consent.

Reason: In order to define the permission and to protect the amenities of the area and the Green Belt.

Note to Applicant

Any changes to the existing extraction and odour control equipment should be discussed with Environmental Health on 01922 653014.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 04-Aug-2016

Plans List Item Number: 4.

Reason for bringing to committee: Councillor Application

Location: LAND TO THE REAR OF 147, FOLEY ROAD WEST, STREETLY, SUTTON COLDFIELD, B74 3NY

Proposal: NEW TWO STOREY 3 BEDROOM DWELLING AND GARAGE.

Application Number: 16/0524

Applicant: Amers Kudhail

Agent: Spooner Architects

Application Type: Full Application

Case Officer: Stuart Crossen

Ward: Streetly

Expired Date: 13-Sep-2016

Time Extension Expiry:

Recommendation Summary: Refuse subject to no new material planning objections following re-consultation on amended ownership certificate.



Application and Site Details

The proposal is for erection of a two storey house on land at the rear of 147 Foley Road West. The former bungalow at number 147 has been demolished and a new 5 bedroom house has been erected following planning permission granted in September 2008. The proposed plot is created using the rear 22m section of the existing garden of 147 Foley Road West and utilising a shared driveway off Egerton Road for access.

The area is predominantly residential comprising a variety of residential properties within generous plots. Foley Wood, protected woodland, adjoins the western boundary of the site. The site is relatively flat.

The proposed application follows a previous refusal for a similar scheme, the differences are the design from a low hipped roof to a two storey gable design, the relocation of the house closer towards 2a Egerton Road (the bungalow at the head of the private access) and further away from 147 Foley Road West, 2m² reduction in the footprint, an increase in plot width coming closer to the rear of number 147 by 2 metres and a detached garage to the front of the proposed house.

The proposed house is “L” shaped and positioned 21m away from the facing elevation of the approved new dwelling at 147 and 14m away from 2a Egerton Road.

On the ground floor would be an open plan lounge and dining room, toilet and kitchen and on the first floor would be a bathroom, 3 bedrooms one with an en-suite and an airing cupboard. The main habitable room windows would be on the front and rear elevations with additional side windows to serve the dining room/ lounge and two of the bedrooms.

The main garden area is on the Eastern side of the house nearest to 147 Foley Road West although other smaller areas are available to the north and south side of the building.

The elevations are brick and the roof incorporates pitch and hipped design. There are dormer windows serving the bedrooms. There is also a chimney serving the lounge.

The main views from the property would be from the access off Egerton Road which is used by up to 8 neighbouring houses and from the rear gardens and windows of houses numbered 137, 139, 141, 143, 145 and 147 Foley Road West and 2, 2a and 4 Egerton Road

A design and access statement has been provided which explains the access from Egerton Road, confirms the garden space to be 137m² in excess of the minimum standard of 68m², that the separation to 2a Egerton Road and 147 Foley Road West is in excess of the minimum standards and that all trees and planting currently on the site would be retained.

Relevant Planning History

Land to the Rear of 147 Foley Road West

13/1488/FL - Erection of a dormer bungalow – refused on the 15/04/16 for the following reasons:

1. The small backland site has resulted in a cramped, contrived design with no street presence or identity which is out of keeping with the character of the surrounding area. It would not provide a satisfactory residential environment for future occupiers, due to the size of the dwelling in proportion to the size of the plot, limited depth of garden areas and proximity of the dwelling and garden to the boundary with Foley Wood which would create overshadowing and be likely to lead to demands from future occupiers for severe pruning or removal of protected trees.
2. The proposed development has failed to demonstrate that there is adequate off street parking and vehicle manoeuvring space within the site curtilage to meet the operational needs of the development.

12/1556/FL- Erection of a dormer bungalow – refused on the 18/04/13 for the following reasons:

1. The small backland site has resulted in a cramped, contrived design with no street presence or identity which is out of keeping with the character of the surrounding area. It would not provide a satisfactory residential environment for future occupiers, due to the size of the dwelling in proportion to the size of the plot, limited depth of garden areas and proximity of the dwelling and garden to the boundary with Foley Wood which would create overshadowing and be likely to lead to demands from future occupiers for severe pruning or removal of protected trees.
2. The proposed development fails to demonstrate adequate manoeuvring, turning and circulation space within the site to enable vehicles to enter and exit the car port and parking space in a satisfactory manner.

147 Foley Road West

BC63597T – Application to fell eight self-set Sycamores within the adjacent woodland – Granted Subject to Conditions 04/07/01

Tree Preservation Orders 10/1964 & 17/2005 relating to the woodland to the west of the site.

08/0306/FL - Demolition of existing bungalow and erection of a 5 bed detached two storey house – Refused 18/04/08 for 3 reasons relating to: 1) the scale, depth, massing and appearance of the building having a cramped and overbearing effect upon the street scene, 2) rear projection and height of the building conflicts with the 45° code adversely affecting the residential amenities of the neighbouring property due to loss of light, outlook and privacy; 3) potential damage to the adjacent trees covered by TPO due to the proximity of the building and potential pressure for future pruning.

08/1288/FL - Demolition of existing bungalow and erection of new five bedroom dwelling and garage. Granted Subject to Conditions 30/09/16

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- find ways to enhance and improve places in which people live their lives
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- encourage the effective use of land by reusing land that has previously been developed

Paragraph 32 states all developments should have safe and suitable access to the site for all people.

Paragraph 49 advises housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 50 aims to deliver a wide choice of high quality homes and advises local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Paragraph 53 states local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

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

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

Paragraph 58 supports high quality design and highlights several criteria including the need for development that will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, and are visually attractive as a result of good architecture and appropriate landscaping.

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

On **planning conditions** the NPPF says:

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

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

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

The Spatial Objectives include

6. A high quality environment

The above are supported by the following policies:

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

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

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

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

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

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

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

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

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

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

ENV18: The Council will ensure the protection, positive management and enhancement of trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

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

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

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

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

T7 – Car Parking

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

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

T10 (a): Refers to accessibility standards.

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

2 and 3 bed houses – 2 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;
DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;
DW3 – Character -design to respect and enhance local identity;
DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;
DW 10 – new development should make a positive contribution to creating a sustainable environment.

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

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

Conserving Walsall's Natural Environment SPD

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

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

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

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

Consultations

Transportation – No objection

Pollution Control– No objection.

Fire Service – No objection

Police – No objection subject to Secure by Design.

Environmental Health – No objection

Severn Trent Water – No objection subject to drainage condition

Arboricultural Officer – Objection, impact of existing protected trees

Public Participation Responses

6 responses have been received from 7 residents objecting to the proposal on the following grounds:

Overlooking and loss of privacy to gardens and windows

Out of character - proportion of house size to garden

Loss of view

Hasn't disclosed he is a Councillor on the application forms (*this has been amended by the agent who submitted the application*)

The applicant has been nibbling away at Foley Wood, felling trees.

Doesn't overcome previous refusal reasons

Larger than previous refused submissions

Not enough space for vehicles to manoeuvre.

Access rights might not be granted (*not a material planning consideration*)

Impact on neighbouring trees

Lack of light for occupiers

Noise and disturbance through construction, with events and issues the owners have had with the recent works next door (*these are not listed as they are not material to the determination of this case*)

Access not suitable for emergency services and sprinkler system not optional.

Loss of neighbouring property value (*not a material planning consideration*)

This application is to try and claim neighbouring land for free (*not a material planning consideration*)

Increase in traffic

Impact on condition of right of way

Impact on wildlife

If the two spaces are filled, how can anyone visit and manoeuvre out of the site.

Determining Issues

Whether the proposal overcomes the previous reasons for refusal in respect of:

- Character of the area
- Residential environment for future occupiers
- Shading and Protected trees
- Manoeuvring and turning space within the site

Observations

Character of the area

Whilst the Council has an adequate 5 year supply of residential land this does not preclude development of windfall sites. Policy ENV14 seeks to bring forward under used land for new uses and policy H3 encourages provision of additional housing through windfall sites provided a satisfactory residential environment can be achieved. Although this site could be considered as underused garden land redevelopment for residential purposes would only be acceptable provided an appropriate layout and design can be achieved. In this instance the constrained site, relationship to surrounding properties and adjacent woodland, and inadequate access are considered unlikely to be able to be addressed by any layout or design.

The character of the area is defined by traditional semi-detached and detached development with direct street frontage. The only exception is 2a Egerton Road which is an existing detached bungalow located at the head of the access.. A single house does not define the character of the area and this is an existing situation which would not be improved by the current proposals which are considered out of character. Objections from residents have been received on this point.

The relationship between the proposed house and plot is not in character with the wider area, the plot is unusually small in relation to the neighbouring plots and the mass of the house is at odds with this. The density of the existing houses fronting Foley Road West and 2 – 8 Egerton Road is 19 dwellings per hectare whereas the density of the application site would be 29 dwellings per hectare, a significant increase which does not reflect the spacious character of the area.

Although the footprint of the proposal has been reduced by 2m² there would be a significant increase in mass from the previously refused dormer bungalow to a two storey gable roof house. This is considered out of keeping with the existing neighbouring bungalow which although itself is a backland development, is not

PAGE 46 OF 134

visible from the street or prominent from neighbouring houses. The proposal due to its excessive mass would be visible from Egerton Road down the shared access and from at least 9 other houses. The layout of the dwelling within the plot is contrived to fit within it and is out of keeping with the surrounding dwellings. This concurs with neighbour objections received who consider the dwelling is “contrived”.

The proposal for the above reasons would have a poor visual relationship with the adjacent houses and street, is out of character contrary to UDP policy ENV32 and does not overcome the 1st refusal reason of planning refusal 13/1488.

Residential environment for future occupiers

The proposed garden would be to the North of the proposed house and just 9.5 metres deep from the side wall of the house which combined with the existing West boundary to the wood, would create significant shading to this amenity area resulting in a poor private amenity space.

The design and access statement explains that the proposed garden exceeds the minimum requirements of Designing Walsall. However it would be expected that these minimum requirements might apply to higher density housing in more densely populated areas rather than this suburban location. The quality of the housing stock in this area which defines the character, already significantly exceeds the minimum requirements of Designing Walsall, which also states that “the requirement to design longer rear gardens to reflect as area’s character is also equally applicable and for these purposes the guidelines below should not be understood by developers to mean the maximum achievable distances for development.” The proposal for these reasons does not accord with Appendix D of Designing Walsall.

The side elevation bedroom windows would be less than 22 metres from the approved rear bedroom windows of number 147 Foley Road West, less than the 24 metres required by Designing Walsall. It might be argued that these windows are secondary, however this position is not supported as the rear window to bedroom one would be 1 metre from the trees of Foley Wood and as such would have no outlook, also bedroom 2 would be 4 metres from the rear side boundary to number 145 Foley Road West which has planting outside of the applicants control which also impact on this window.

The distance between the rear habitable room windows and Foley Wood, the adjacent protected woodland is just 1m and 2m which is likely to lead to overshadowing or calls for severe pruning or felling of the protected trees and is a concern of the Tree officer and neighbouring residents.

There is no distinction along the boundary with the woodland at present and the concern by residents is that further encroachment may occur if the dwelling is granted. The close proximity of the proposed dwelling to the woodland and the tree within an adjacent garden are likely to cause problems of overshadowing and create an unsatisfactory living environment for future occupiers.

For the above reasons the proposed development is cramped and out of keeping with the surrounding area and would have an adverse impact on residential amenities and surrounding trees and woodland contrary to policies GP2, ENV18, ENV32 and H3 and SPD: Designing Walsall, does not overcome the 1st refusal reason of planning refusal 13/1488.

Neighbouring Residents

Existing residents consider the approved new dwelling at 147 Foley Road West to be out of keeping and restrict light to surrounding properties but full consideration of this proposal was made under application 08/1288/FL.

The remaining garden for number 147 is 11m long and gives at least 106m² useable garden area, this reduction to the previous refused scheme is considered insufficient for the remaining 5 bedroom house falling below the minimum standards of Designing Walsall SPD. The relationship to number 147 Foley Road West is considered cramped, the previous relationship was considered acceptable "on balance" and this proposed further reduction in garden length does not provide an acceptable level of amenity for occupiers of number 147 and falls significantly short of what amenities should be expected at a house of this size and of this character along Foley Road West contrary to UDP policies GP2 and ENV32.

There are no side elevation windows on the south elevation so there is no potential overlooking to occupiers of number 2a Egerton Road, the 14.7 metre separation and orientation is also considered acceptable not to result in any significant loss of privacy.

In relation to the other neighbouring houses the new dwelling is considered not to create significant harm to the amenities of adjoining occupiers in terms of loss of privacy, outlook or daylighting.

Shading and Protected trees

The design and layout of the building, in close proximity to a protected mature woodland, indicates a significant conflict will arise from shading, dominance and

other tree associated issues (leaves, movement in high winds etc). The Council will be placed under severe pressure to allow the severe pruning or removal of trees within the wooded area to the west (in third party ownership) to the detriment of the amenity value of the area.

There are also other maturing trees in adjacent residential properties which contribute to the natural character of the area. They will have an effect on the proposal through shading, which will increase as the trees mature. They are of good, shape, form and condition and are worthy of retention.

Manoeuvring and turning space within the site

The application differs to the previous refusal and now illustrates parking for 2 cars which accords with T13 parking policy. The access is 4.5m wide increasing to 6m private shared access road off Egerton Road which the Highways Officer considers adequate to provide sufficient space for turning and manoeuvring.

The Highway Authority considers the development will not have severe transportation implications and is acceptable.

For these reasons the proposed parking layout is considered to overcome refusal reason 2 of 13/1488.

Objection has also been raised by a resident that the access not suitable for emergency services and that a sprinkler system is not an optional. West Midlands Fire Service has been consulted on the application and no objections have been raised.

Positive and Proactive Working with the Applicant:

There have been previous applications on this site the decisions of which have provided guidance, further guidance has also been secured through pre-application advice. It is considered that the previous refusal reasons are not overcome and there is little potential for amendments to secure an acceptable design.

Recommendation Refuse subject to no new material planning objections following re-consultation on amended ownership certificate.

1. The small backland site has resulted in a cramped, contrived design with no street presence or identity which is out of keeping with the character of the surrounding area. It would not provide a satisfactory residential environment for future occupiers, due to the size of the dwelling in proportion to the size of the plot, limited depth of garden areas and proximity of the dwelling and garden to the boundary with Foley Wood which would create overshadowing and be likely to lead to demands from future occupiers for severe pruning or removal of protected trees. As such, the proposal represents poor design and is contrary to the aims and objectives of the

National Planning Policy Framework and sustainable development, policy CSP4, ENV2 and HOU2 of the Black Country Core Strategy and Saved policies GP2, ENV18, ENV32 and H3 of the Walsall Unitary Development Plan and the

Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.

2. The reduction in depth of the rear garden of number 147 Foley Road West would result in a garden space which would not adequately serve the needs for the occupants of a large detached house and the proximity of the proposed house to this garden space and the main rear windows of number 147 Foley Road West would result in an overbearing impact and unacceptable overlooking of occupants of this house. As such, the proposal represents poor design and is contrary to the aims and objectives of the National Planning Policy Framework and sustainable development, policy CSP4, ENV2 and HOU2 of the Black Country Core Strategy and Saved policies GP2, ENV18, ENV32 and H3 of the Walsall Unitary Development Plan and the Supplementary Planning Document Designing Walsall.

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

Report of Head of Planning, Engineering and Transportation on 04-Aug-2016

Plans List Item Number: 5.

Reason for bringing to committee: Significant community interest

Location: LAND BETWEEN VICTORIA STREET AND BLOXWICH ROAD SOUTH, WILLENHALL, WV13 1DW

Proposal: RESERVED MATTERS APPLICATION TO PLANNING PERMISSION 12/1604/OL (6 HOUSES) TO DETERMINE APPEARANCE, LANDSCAPING AND SCALE.

Application Number: 16/0358
Applicant: Indi Singh
Agent: Damian Field
Application Type: Reserved Matters

Case Officer: Barbara Toy
Ward: Willenhall South
Expired Date: 02-May-2016
Time Extension Expiry:

Recommendation Summary: Approve Reserved Matters subject to conditions



Application and Site Details

This is a reserved matters application following the approval of an outline application (12/1604/OL) in March 2013 for the erection of 6 houses, 3 fronting Victoria Street and 3 fronting Bloxwich Road South. Access and layout were approved under the outline consent with appearance, landscaping and scale now for consideration under this application.

The site comprises two parcels of land, a former industrial premises fronting Victoria Street comprising buildings and a fenced yard and open land fronting Bloxwich Road South. Victoria Street is predominantly Victorian terraced houses and is a tree lined road. Bloxwich Road South has a variety of residential properties. The nearest adjacent house, 16 Bloxwich Road South, is positioned directly at the back of footway, there are modern semi-detached houses opposite the site and a private garage court adjoining the eastern boundary. Modern two storey houses are situated on Granville Street opposite the end of Victoria Street. The area comprises a mix of properties mix of varying ages and styles.

The approved layout shows a detached house and pair of semi-detached houses fronting Victoria Street and three detached houses fronting Bloxwich Road South. The houses would be positioned close to both street frontages with private gardens at the rear.

The site area is 0.11 hectares with the outline approval giving a density of 54 dwellings per hectare.

The submission includes details of the external appearance, scale and landscaping:

External Appearance and Scale

Plots 1 – 3 would front Victoria Street and Plots 4 – 6 would front Bloxwich Road South.

Plots 1-3 and 5-6 would be two storey 3 bed houses with single garage set back to the side with a bedroom above

Plot 4 would comprise a 2 storey 4 bed house with double garage set back to the side with a bedroom (with ensuite) above.

The houses would all be constructed from the same materials: red facing brick (including soldier and cill courses) with blue brick on the set back element and black roof tiles. Each house would have a two storey projecting front gable with the set back element to the side at a lower roof level. All windows and rainwater goods would be a graphite grey.

Landscaping

The landscaping plan shows a tree in each rear garden with a further tree and landscaping on the frontage/side of plot 4 and lawns to the rear gardens. The submission also includes details of hard surfacing and boundary treatment.

Ground Investigation Report submitted in support of the application.

Relevant Planning History

BC9860 – Change of use for blending and producing plastic pigment – Planning permission not required – July 1978.

BC26128P – Provision of a landscaped area of public open space – Granted May 1989.

12/1604/OL – outline application for 6 houses, layout and access only, granted subject to conditions 08-03-13.

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

NPPF1. Delivering sustainable development

NPPF4: Promoting Sustainable Transport

NPPF6: Delivering a Wide Choice of High Quality Homes

NPPF7: Requiring Good Design

NPPF11. Conserving and enhancing the natural environment

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

Local Policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- CSP5: Transport Strategy
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

It is considered in this case that the relevant provisions of the BCCS can be given full weight

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

GP2: Environmental Protection

- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

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

Supplementary Planning Documents (SPD)

Designing Walsall SPD

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings
- Appendix D

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

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

Consultations

Transportation – No objections subject to conditions relating to highway works, visibility splays and the surfacing and drainage of driveways. A condition is also recommended to ensure that the garages within the development remain available for parking of vehicles. The level of on-site parking within the development would meet the requirements of Policy T13.

Pollution Control – No objections subject to conditions. The submitted Ground Investigation Report indicates that there is contamination present and suggest remedial measures which are appropriate. Conditions recommended to ensure submission of proposals to remediate the land, to ensure that ground gas protection measures are incorporated into each house, bedrooms facing

Bloxwich Road South are fitted with acoustic glazing and acoustic ventilation and a condition to restrict hours of working onsite.

Landscape Officer – No objections. The site provides little opportunity for landscaping, but condition recommended for additional details of planting, soil and tree stakes.

Public Participation Responses

Three objections received.

Objections:

- Large numbers of properties in Victoria Street resulting in high on street parking demand, no space available evenings and weekends.
- More houses not needed, this will reduce on street parking availability outside the new houses
- A car park should be provided at the rear of the new properties with access onto Bloxwich Road South where there is more space
- Cars parked on street close to the junction with Granville Street, which causes difficulties for HGVs.
- Victoria Street used as a 'rat run' with high speed vehicles
- Consideration should be given to parking restrictions in the area, particularly as this is a bus route
- Dust and inconvenience during construction work.

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

Determining issues

- External Appearance and Scale
- Landscaping
- Parking provision
- Residential Amenity

Observations

External Appearance and Scale

As per the outline approval the 3 houses fronting Victoria Street would follow the existing building line with the terraced properties to the north and the 3 houses fronting Bloxwich Road South would be slightly further set back and staggered slightly to bridge the change in building lines between 16 and 36 Bloxwich Road South that adjoin the site either side. Each house would be two storeys with a set back garage with bedroom above at reduced height. Five plots would be 3 bedrooms (with additional small study) and a single garage and plot 4 would be a 4 bed house

with a double garage. Whilst the outline consent included a condition to restrict the houses to 3 bedrooms only, the purpose of this was to ensure an appropriate level of off street parking provision. As a double garage has been added to the larger house type the proposals would continue to provide parking in compliance with policy T13 and on this basis the Transportation officer does not object to the proposals. and the revised layout and design is considered acceptable.

All the houses would be constructed of the same materials, red facing brickwork with blue brick in the set back element and matching soldier and cill courses to add interest to the appearance. Each property would also have a two storey front projecting gable.

It is considered that the proposed scale, design and appearance of the properties would be appropriate to fit in with the existing mixed character within both street frontages.

Landscaping

Due to the size and constraints of the site there is little opportunity for landscaping. The proposals do however include a new tree to each rear garden and a further tree and landscaping to the side/frontage of plot 4, which will contribute to the street scene in Bloxwich Road South and mitigate for the loss of the existing open land that includes a number of self set trees.

The landscape officer considers the proposals are acceptable but recommends a condition to ensure that further details of the size of the planting, tree stakes and depth of soil are submitted for approval.

The proposed hard surfacing and boundary treatment to both rear gardens and frontages are considered acceptable and appropriate for the street scene.

Parking provision

The proposed development provides adequate off-street parking for each dwelling to comply with policy T13 of the UDP. Despite this objectors all refer to the existing on street parking issues particularly in Victoria Street.

Plots 1, 2, 3, 5 and 6 would all have a single garage and driveway parking space in front of the garage, providing 2 off street parking spaces in compliance with policy T13 of the UDP for a 3 bed house. A condition is recommended to remove permitted development rights for garage conversions for these plots to ensure that the garage remains available for parking.

Plot 4 would have a double garage with 2 driveway parking spaces in front of it, providing 4 off street parking spaces which exceeds the requirement for 3 spaces required by policy T13 for a 4 bed house.

The objectors concerns over the potential loss of on-street parking space are noted. Whilst it is understood that the existing industrial premises are disused, it is evident that there are two existing drop-kerbed vehicular entrances leading directly into the premises from Victoria Street. It is considered that if business activities were to resume at the premises, frequent vehicular movements would be expected through these entrances as well as a potential associated increase in on-street parking level by employees, clients and visitors.

The proposed residential development would lead to the loss of two legitimate on-street parking spaces but the development provides parking spaces in compliance with policy. It is considered that the proposed development would have a negligible effect on on-street parking levels in the immediate surrounding area and not sufficient to have an adverse impact on highway safety or justify refusal of permission.

Residential Amenity

Any potential inconvenience to neighbours during construction would be minimised by the recommended condition to restrict the hours of working on site.

Positive and Proactive working with the applicant

The agent has provided further information and details on request from the case officer to enable full support to be given to the scheme.

Recommendation: Approve Reserved Matters Subject to Conditions

1. The development to which the permission relates must be begun not later than the expiration of 2 years from this approval of reserved matters.

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

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

Proposed Elevations Bloxwich Road South Drawing 242L(--)07 Rev B submitted 5th March 2016

Proposed Elevations Victoria Street Drawing 242L(--)08 submitted 5th March 2016

Site Location Plan Drawing 242L(--)10 submitted 5th March 2016

Proposed General Arrangement Ground Floor – Victoria Street 242L(--)-13 submitted 5th March 2016

Proposed General Arrangement First Floor – Victoria Street Drawing 242L(--)-14 submitted 5th March 2016

Proposed General Arrangement Ground Floor – Bloxwich Road South Drawing 242L(--)-15 submitted 5th March 2016

Proposed General Arrangement First Floor – Bloxwich Road South Drawing 242L(--)-16 submitted 5th March 2016

Proposed Site Layout, Boundary Treatment and Landscaping Drawing 242L(9)-17 submitted 5th March 2016

Proposed Roof Plans & Typical Site Drainage Drawing 242L(--)-18 submitted 5th March 2016

Proposed Side Elevations Victoria Street Drawing 242L(--)-19 submitted 5th March 2016

Proposed Side Elevations Bloxwich Road South 242L(--)-20 submitted 5th March 2016

Non-Residential Coal Authority Mining Report submitted 5th march 2016

Supplementary Ground Investigation Interpretative Report Ref OB358-17/NM/JC/CO submitted 5th March 2016

Email from Agent dated 19th July 2016 detailing materials for the build.

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

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

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

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

4. Prior to built development commencing:

i) a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their

implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

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

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

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

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

5a. Prior to installation acoustic mitigation measures to bedrooms facing Bloxwich Road South shall be submitted to and agreed in writing with the Local Planning Authority.

5b. The agreed acoustic mitigation measures shall be installed and a written validation report submitted to the Local Planning Authority confirming the installation prior to first occupation.

Reason: To protect the amenities of the future occupiers.

6a. Prior to the commencement of the development, full engineering details of the following highway infrastructure works shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority;-

i) The widening of the public footway to 2 metres along the Bloxwich Road South frontage,

ii) The installation of new vehicular footway crossings to align with the new access points along Bloxwich Road South and Victoria Street frontages, together with the reinstatement of any redundant footway crossings back to full kerb height. Note: The relocation of the existing street lighting column shall be with the agreement of Walsall's street lighting partner Amey.

6b. Prior to the first occupation of any dwelling on the development, the highway infrastructure works detailed in 1 a) i) and ii) above shall be fully implemented in accordance with the approved details to the satisfaction of the Highway Authority.

Reason: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety.

7. No structures or planting exceeding 600mm in height above footway level shall be permitted at any time within the 2.4m x 3.4m pedestrian visibility splays at each vehicle access point. Note: the existing BT cabinet outside Plot 3 shall be relocated outside the visibility splays at Plots 3 and 4.

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

8a. Prior to the first occupation of any dwelling on the development, all driveways/vehicle hard standing areas serving that dwelling shall be fully consolidated, hard surfaced and drained so that surface water from these areas does not discharge onto the public highway.

8b. 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 accordance with UDP Policy GP2, T7 and T13.

9a. Prior to first occupation of any of the dwellings hereby approved additional landscaping details shall be submitted to and approved in writing by the Local Planning Authority:

- Grass type
- Pot size and height of plants and trees at the time of planting
- Soil quality and depth
- Tree staking

9b. The approved scheme shall be completed in accordance with the approved details before the development is first occupied. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of plant which dies, becomes seriously diseased, damaged or is removed

shall be replaced with a tree. Shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to define the permission and safeguard the visual amenity of the area.

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

Reason: To enable the Local Planning Authority to retain effective control over the site to protect the amenities of the future occupiers.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the garages approved under this consent shall remain available for the parking of vehicles at all times.

Reason: In order to maintain a satisfactory level of parking for each house.

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

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

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

Notes for Applicant

Contaminated Land

CL1

Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 “Investigation of potentially contaminated sites – Code of Practice”; British Standard BS5930: 1999 “Code of practice for site investigations”; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA

C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential

retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

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

CL3

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

Highways

The applicant will be expected to enter into a S38/278 Agreement for the adoptable highway works and works within the existing highway.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 04-Aug-2016

Plans List Item Number: 6.

Reason for bringing to committee: Significant community interest

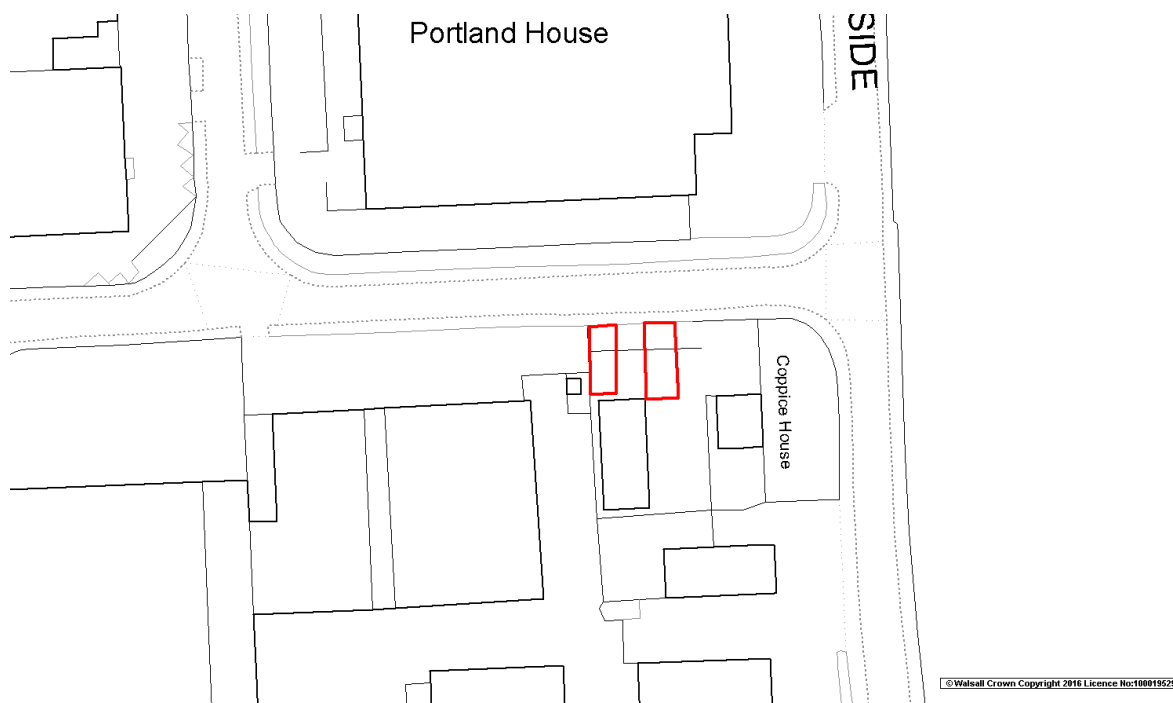
Location: UNIT 8, COPPICE SIDE INDUSTRIAL ESTATE, WEST COPPICE ROAD, BROWNHILLS, WALSALL, WS8 7HB

Proposal: RETENTION OF PORTABLE BUILDING FOR USE AS A HOT FOOD CAFE (CLASS A3)

Application Number: 16/0223
Applicant: Mr G Norgrove
Agent: Mr Roger Palmer
Application Type: Full Application

Case Officer: Alison Ives
Ward: Brownhills
Expired Date: 07-Apr-2016
Time Extension Expiry: 12-Aug-2016

Recommendation Summary: Grant permission subject to conditions (temporary for 5 years).



Application and Site Details

The proposal is to retain a temporary building in front of Unit 8 Coppice Side Industrial Estate, facing West Coppice Road, for use as a Class A3 cafe.

The building was formerly used as offices. It is 28m² and will provide for a kitchen and food preparation area, tea preparation area and 15 seats. There is a ramped access to the premises. The proposed operating hours are between 07.00 and 15.30 hours Monday to Friday and between 07.00 and 14.00 hours on Saturdays with no Sundays or bank holidays.

Four off-street parking spaces are located adjacent to the access for unit 8 which remains unaffected.

This is a core employment area and there are industrial premises surrounding the site. There is an electricity sub-station to the rear of the building on the adjacent site.

Relevant Planning History

13/0460/FL – Office extension (Unit 8) – Granted subject to conditions 21/05/13. The approved office extension was not implemented but the portable building was installed instead.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

- *NPPF 1 - Building a strong, competitive economy*
- *NPPF 2 - Ensuring the vitality of town centres*
- *NPPF 7 - Requiring good design*

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP3: Local Quality Employment Areas
- EMP4: Maintaining a Supply of Readily Available Employment Land
- EMP5: Improving Access to the Labour Market
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- GP6: Disabled People
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- JP5: Core Employment Areas
- JP7: Use of Land and Buildings in Other Employment Areas
- JP8: Bad Neighbour Industrial Uses
- S6: Meeting Local Needs
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets5
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings

Policies are available to view online:

Consultations

Environmental Health – No objections.

Transportation – No objections subject to conditions to secure parking provision, reinstatement of the dropped kerb and retention of access to unit 8. The proposal is to retain a mobile building for use as a Class A3 cafe. UDP policy T13 requires 4 parking spaces for a Class A3 cafe use where the GFA is below 50m². The proposals indicate 4 parking spaces which meets the policy. Vehicular access to unit 8 which is under the control of the applicant is also retained. There are no parking restrictions along this section of West Coppice Road within the vicinity of the site. On balance the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with the NPPF paragraph 32, subject to the imposition of suggested conditions.

Public Participation Response

Three objections have been received, two from Coppice Side Cafe (a competitor) and one from their parent, plus a petition with 70 signatures objecting to the proposals. These are summarised as follows:

- Already an eating establishment on the estate since 1986
- No need for another eating establishment on the industrial estate – not enough trade
- Existing cafe owner worked 7 days a week for two years to build up business and employs 5 staff
- Existing cafe graded 4 star rating by Environmental Health
- Recent Environmental Health inspection of existing cafe found nothing wrong with hygiene or quality of food
- Existing cafe caters for industrial estate workers and elderly people living near that depend on the cafe for hot meals especially on Sundays
- Proposed cafe less than 0.1 miles away from existing cafe
- Applicant has little or no experience running a cafe
- If the existing cafe closes the owner and staff would be unemployed and go back on benefits
- Query need for business hours beyond 13.30 in the week and Saturday business is slow
- Lack of parking

- Traffic congestion leading to possible accidents – particularly when lorries are parked

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

Determining Issues

- **Principle of cafe use**
- **Layout and Design**
- **Relationship to surrounding properties**
- **Access and parking**

Observations

Principle of development

The site is within a core employment area where employment uses are encouraged. Although the proposal is for a Class A3 cafe use it is small scale (28m²), reuses a redundant building and will provide a local facility for businesses in the local area without harming the viability of an established local centre. Policy S6 supports new small scale local facilities including eating and drinking places where it will meet a local need, has no adverse impact on an established local centre, where it will be in safe walking distance of the community it is intended to serve, has no significant loss of amenity and servicing and parking provision does not create significant traffic problems.

On this basis the principle of the cafe use is acceptable. The matters relating to amenity, servicing and parking provision is discussed in the following sections of the report.

The objections to the potential impact on an existing cafe business in the area relate to matters of competition between businesses which is not a material planning consideration.

Layout and Design

The portable building is already in position in front of unit 8 and is in a good state of repair. The building has a ramped access for customers. The design is typical of portable buildings and is in a good state of repair. It is considered appropriate given the surrounding context.

Given that the building is portable and the fabric could deteriorate to the detriment of the amenity of the area it is recommended that a temporary five year permission is granted to enable the planning authority to consider whether the building is appropriate for retention beyond the five years if the applicant seeks to renew that permission.

Relationship to surrounding properties

The proposed cafe is positioned amongst existing industrial premises and is small scale and does not cause any significant harm to the amenities of surrounding industrial occupiers.

The objections and petition regarding the existing cafe refer to their business operation, client base, environmental health rating and employee numbers. These are not material planning considerations in the determination of this application as they primarily relate to the competition between businesses. The experience of the applicant in running a cafe and likely potential for the business to be open beyond 13.30 hours are also not material planning considerations. The hours proposed are considered to be appropriate and do not extend into the evening or exceed those times recommended in policy S10 for cafes near to residential premises (which this property is not). A condition is recommended to define the permitted hours of opening.

The proposal maintains access to the front of unit 8 which is also in the applicant's control so does not prevent the availability of the access.

Access and parking

There are four off-street parking spaces proposed which accords with the level of parking required in UDP policy T13 for a development of this nature and size. There are also no parking restrictions on the highway in the vicinity of the application site so there is available on-street parking acknowledging that there is no need to rely on availability of on-street parking.

Whilst objectors consider there to be a lack of parking and that increased traffic congestion could lead to possible accidents particularly when lorries are parked on surrounding highways the Transportation officer has fully considered these matters and on balance considers the development will not have severe transportation implications and is acceptable subject to the imposition of suggested conditions to secure parking, reinstate a dropped kerb and maintain access to unit 8.

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant amended forms and amended plans to illustrate parking have been submitted. In light of the submitted details officers are able to support the scheme.

Recommendation: Grant permission subject to conditions (temporary for 5 years).

1. The development hereby permitted shall be removed prior to 5th August 2021 and all materials arising from its removal demolition shall be removed and the site left in a neat and tidy condition.

Reason: The permanent retention of the portable building would be inappropriate for this site within the core employment area.

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

- Location and Block Plan (PD312/01 Rev B) received 21/06/16
- Existing & Proposed Floor Plans (PD312/02 Rev B) received 24/05/16

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

3. The proposed cafe premises shall only be open to the public between the hours of 07.00 and 15.30 Mondays to Fridays and 07.00 and 14.00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To define the permission and protect the amenities of the area.

4a. Within one month of the date of this permission, the four parking spaces allocated for the cafe shall be clearly demarcated on the ground and clearly signed for the use of cafe customers only.

4b. The customer parking spaces shall thereafter be retained and be available during the operational hours of the cafe.

Reason: To ensure adequate off street parking is available in accordance with UDP Policy GP2, T7 and T13 and the free flow of traffic along the public highway.

5. Within six months of the date of this permission, the section of existing dropped kerb fronting the cafe which is made redundant as a result of the development, shall be reinstated back to full kerb height to a specification to be agreed with and implemented to the satisfaction of the Highway 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 point, in accordance with UDP Policy GP2, the Council's footway crossing procedure and in the interests of highway safety.

6. Vehicular access to Unit 8 shall be retained at all times during the operational hours of both businesses.

Reason: To ensure Unit 8 can continue to operate satisfactorily and to minimise any potential displacement of vehicular traffic, such as parking and deliveries, onto the public highway, in the interests of the free flow of traffic along the public highway and to highway safety.

Notes for applicant - Highways

The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654663.

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

Report of Head of Planning, Engineering and Transportation on 04-Aug-2016

Plans List Item Number: 7.

Reason for bringing to committee: Councillor Call in

Location: 129, WALSALL WOOD ROAD, ALDRIDGE, WALSALL, WS9 8RD

Proposal: REAR DORMER EXTENSION, SIDE FACING WINDOW, 3 FRONT VELEX WINDOW AND FRONT GABLE WINDOW (RETROPSECTIVE).

Application Number: 16/0527

Applicant: Alistair O'Neil

Case Officer: Stuart Crossen

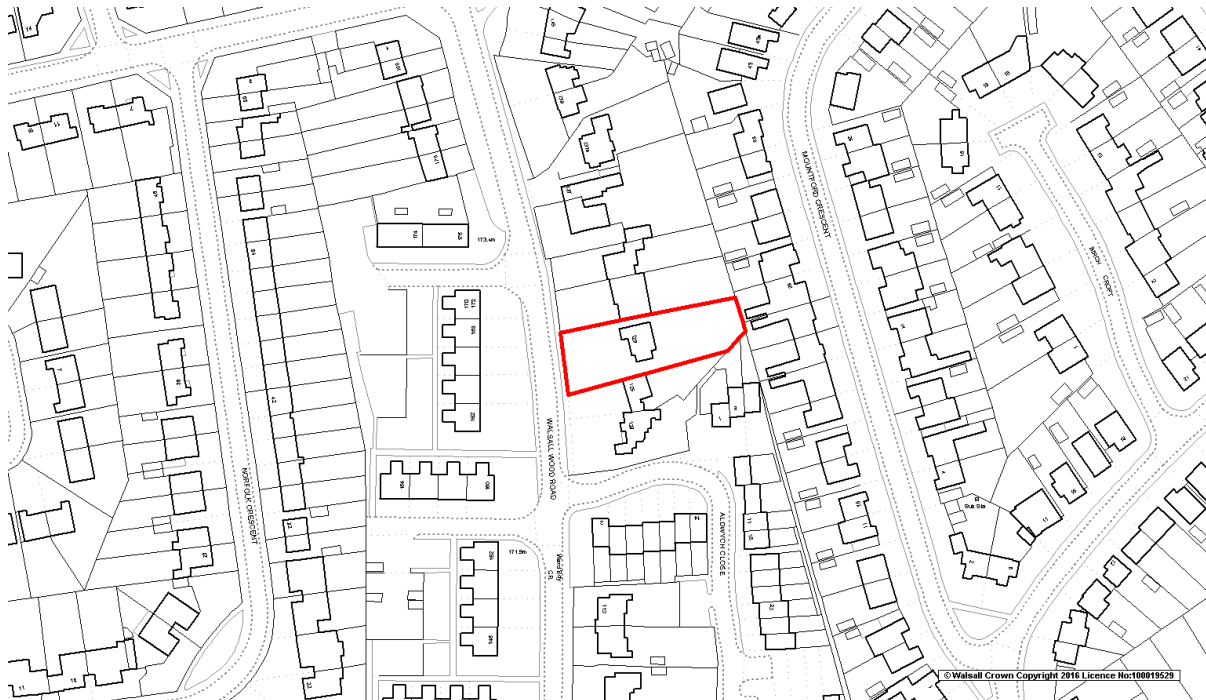
Ward: Aldridge North And Walsall Wood

Agent:

Application Type: Full Application

Expired Date: 11-Jul-2016

Time Extension Expiry:

Recommendation Summary: Grant

Application and Site Details

The application proposes to retain a rear dormer extension with side facing window, 3 front velux windows and front gable window which provides 4 bedrooms, an en-suite and a bathroom. The application property is a side gable bungalow with traditional styled front gable and bay window projection. The property is in a row of similar traditional styled bungalows, of varying designs and material finishes.

The dormer extension has a flat roof, lower than the main roof and is built upon the original rear wall of the bungalow at ground floor level with three rear facing windows serving 3 bedrooms. On the side elevation is an obscure glazed window to the landing area.

On the front elevation a square window has been inserted into the original gable to serve a bedroom and there are three velux windows on the main roof.

The existing driveway of the application house provides enough space for at least 3 car parking spaces.

Number 125 is the nearest neighbouring bungalow to the south which has recently been extended to the rear by 3 metres, the original rear elevation of the application property projects 1.8 metres further back. The proposal would be between 500mm and a metre from the shared boundary to this house which is defined by a 1.8 metre high wall and fence.

Number 131 is to the north, a dormer bungalow with an existing two storey extension defining the shared boundary, projecting over 3.5 metres from the dormer extension of the application house with a rear facing bedroom window.

Number 29 Mountford Crescent is to the rear, the rear shared garden boundary is 28 metres from the dormer to be retained, defined by a 1.8 metre high fence and is on higher ground by approximately 500mm. The main rear windows of this house are over 30 metres away.

Relevant Planning History

13/0647/FL - Front, side and rear extensions to include double width garage at 129 Walsall Wood Road. Refused 09/07/13 for the following reasons:

1. The massing, scale and design of the new extension is considered to be out of proportion and poorly relate to the design of the existing house because of the following design features:

- the front gable is larger than the original feature gable and would project further forward competing with the original feature gable focal point, a characteristic of this traditional style of house;
- The plain front elevation gable design including double garage doors does not reflect the traditional character of the house;
- the side hipped roof, the same height as the main roof, would not reflect or be subservient to the original design

The accumulative impact of these design features would also have a poor visual relationship with the neighbouring traditional styled bungalows, failing to improve the character and quality of the area.

2. The proposal would extend over 5 metres along the shared boundary at between 2.4 metres and 6 metres high of number 125 Walsall Wood Road which would result in an unacceptable overbearing impact and loss of light to the occupiers garden area and rear sitting room window, would not accord with the Councils 45 degree code.

15/0075/FL - Alterations to ground floor layout & alterations to roof to provide additional accommodate at first floor - including 3 dormer windows to the front elevation. At 131 Walsall Wood Road. Granted subject to conditions 18/03/15

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF was published on Tuesday 27th March 2012. It cancels and replaces all PPGs and PPSs (except for PPS10 'Planning for Sustainable Waste Management'), several Mineral Policy Statements and Planning Guidance, a number of Circulars and several Letters to Chief Planning Officers.

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

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

- Seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

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

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

7: Requiring Good Design

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

58. Policies should set out the quality of development that will be expected of an area, including:

- Will function well and add to the overall quality of an area
- Establish a strong sense of place
- Optimise the potential of the site to accommodate development
- Respond to local character and history and reflect the identity of local surroundings and materials
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion
- Are visually attractive as a result of good architecture and appropriate landscaping

59. Consider using design codes where they could help deliver high quality outcomes. Design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

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

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

On **planning conditions** the NPPF says:

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

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

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

The key planning policies include ENV2 and ENV 3

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

Walsall's Unitary Development Plan (UDP)

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

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

Key planning policy references include saved policies:

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

ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

T7: All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

1, 2 & 3 bedroom houses 2 spaces per unit

Supplementary Planning Document (SPD)

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

Designing Walsall (Feb 2008) refers to the development respecting massing, scale and rhythm of adjacent buildings, plots sizes and built density will relate to their local context, privacy and aspect distances between buildings must ensure all occupants have a satisfactory level of amenity, whilst reflecting the emerging and existing character of the area, ground floor activity and natural surveillance will be maximised, a clear definition between private and public realm and building frontage to overlook the public realm, common building lines along road frontages must be maintained with buildings have a clear relationship with their neighbours and new development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment.

Annexe D: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where

communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

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

Consultations

None

Public Participation Responses

One objection has been received on the following grounds:

These extensions were refused in 2013,

Loss of privacy to living room, kitchen and garden.

Not in keeping with the surrounding bungalows.

Determining Issues

- Permitted Development Rights
- Design and Character of the Area
- Neighbouring Amenity
- Access and parking

Observations

Permitted Development Rights

The applicant has attempted to build the dormer under their permitted development rights and in all but one respect the proposals would normally be permitted development. Because the original roof overhang to the rear has been removed what has been built does not meet the conditions of permitted development which requires that the original eaves are maintained or reinstated and where practicable the dormer is 200mm from the eaves.

In this instance due to the location of the original rear wall it is considered that it would not be practicable to maintain the 200mm gap to the eaves as the original overhang was 170mm.

To regularise the breach of planning the applicant could choose to either reinstate the eaves or submit a planning application to retain what has been built.

These permitted development rights are considered to be a material consideration and a fallback position should the application be refused.

Design and Character of the Area

The loss of the rear roof eaves have little if any impact on the character of the area especially as they are so low, this being a bungalow.

The front square window in the gable does look awkward due to the size of the window and steepness of the gable pitch, however it is recognised that the gable is an unusual design with unusually steep pitch and that the installation of this window does not have a significant impact on the original design or character of the area.

The design in all other respects would similar to what can be built under permitted development rights, those changes visible from the public realm would not be significant and the location of the flat roof to the rear minimises any visual impact on the character of the area.

An objection has been raised that the proposal is not in keeping with neighbouring bungalows. Number 131 already has a flat roof design and two storey rear extension which is significantly larger than the application house. Also other bungalows could achieve similar extensions without planning permission. For these reasons the proposal is considered to reflect the emerging character of the area.

Neighbouring Amenity

The dormer does not project beyond the original rear elevation of the application house, about 3.5 metres short of a recently built two storey rear extension at number 131 and 6 metres away from the shared boundary to number 125. For these reasons the dormer is considered has not resulted in any significant loss of amenity to these neighbouring houses.

An objection has been received on the grounds of a loss of privacy to living room, kitchen and garden of a nearby house at the rear. The windows of the nearest house in Mountford Crescent are over 30 metres away from the dormer which exceeds the Council's minimum separations standards in Designing Walsall. The rear bedroom window of number 131 is closer and the dormer windows would be in the same position should the applicant choose to implement their permitted development rights if the application is refused. For these reasons the dormer is considered acceptable and does not result in any significant loss of privacy or overlooking to adjacent properties.

Access and parking

The space available for parking on site exceeds the Council's parking standards, and is considered acceptable.

Other issues raised through consultation

An objection has been received that these extensions were refused in 2013 and that they have been built anyway. The case officer considers that there is little if any similarity between the 2013 planning application and the dormer which has been built as the 2013 application was for front, side and rear extensions to include double width garage and did not include any dormer extension.

Positive and Proactive Working with the Applicant:

The application has been received following an enforcement enquiry and discussions on the procedure have been relayed to the applicant. No further details or amendments are required to fully support the scheme.

Recommendation: Grant

Note for applicant

It is recommended that applicants wishing to implement permitted development rights should first seek advice from the planning department or submit a certificate of lawfulness application to ensure that any proposed development fully accord with planning legislation.

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

Report of Head of Planning, Engineering and Transportation on 04-Aug-2016

Plans List Item Number: 8.

Reason for bringing to committee: Called In (Former Councillor Arif)

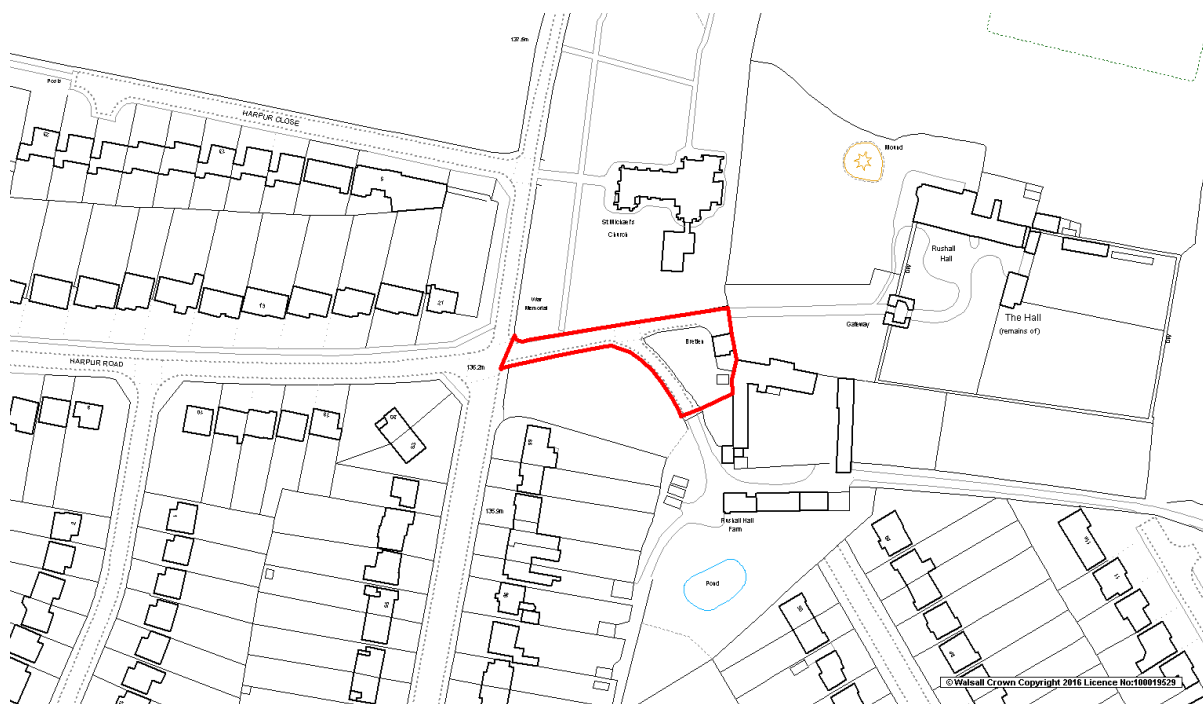
Location: RUSHALL HALL LODGE, LEIGH ROAD, WALSALL, WALSALL, WS4 2DS

Proposal: PART DEMOLITION OF EXISTING REAR EXTENSION, TWO STOREY REAR EXTENSION AND GLASS PORCH TO FRONT.

Application Number: 15/1884
Applicant: Mr Steve Gouldby
Agent: Mr Gary Deffley
Application Type: Full Application

Case Officer: Mike Brereton
Ward: St Matthews
Expired Date: 29-Mar-2016
Time Extension Expiry: 31-Aug-2016

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application dwelling is a small lodge of simple design with front facing gable and pitched roof and finished with stone fenestration surrounds, stucco cladding and plain roof tiles with 2 rooms on both ground and first floor. A small single storey extension with flat roof was erected to the rear of the property during the 20th Century.

The application site is surrounded by a number of listed buildings. Approximately 2.5 metres to the rear of the site is the Grade II listed barn, further to the east is the Rushall Hall (Grade II*), Rushall Gate and Curtain Walls, a Scheduled Ancient Monument, and to the east and north-east is St. Michael's Church, a stone cross and a war memorial, all of which are also Grade II listed. The site is within the Old Rushall Conservation Area and within the greenbelt. The site is within the setting of the listed buildings and will need to be assessed on this basis. The application dwelling is not currently listed, nor lies within the curtilage of a listed building.

This application proposes to replace the existing single storey extension with a two storey rear extension to provide a larger kitchen at ground floor and a third bedroom with en-suite at first floor. The extension would measure 3.4m long by 6.4m wide at ground floor and 3.4m long by 5.3m wide at first floor. The whole extension would be set back 1m from the side (facing Leigh Road) and the en-suite is set a further 0.7m in from the rear (facing Rushall Hall Farm) and 0.8m from the side facing the Grade II Listed barn. The extension would measure 6.8m to the ridge of the main two storey section and 5.3m to en-suite, 0.5m and 1.9m respectively lower than the existing ridge height. A glass porch to front is also proposed measuring 2m wide, 1m long and 3.4m high.

Documents submitted:

- The submitted Design and Access Statement explains that the extensions are necessary to meet a recent change in family size of the occupiers; and
- Bat survey (June 2015) – concludes there is no evidence of bats using roof for shelter and the only opportunity for access exists in small gap in ridge tile to southern elevation and any associated potential roosting may be for individual bats only. The report confirms the proposed extensions would not impact on any potential roosting opportunity and conditions should be included on any permission to require a method of working to ensure presence of bats in the roof and nesting birds in the ivy are checked during construction.

Relevant Policies

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

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

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

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

- Find ways to enhance and improve places in which people live their lives
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

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

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

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

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

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

On **planning conditions** the NPPF says:

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

On **decision-taking** the NPPF sets out the view that pre-application engagement is encouraged and

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

This checklist has been published on the BCCS and Council websites. Cabinet on the 24 July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy policies should be given full weight in planning decisions.

The relevant policies are:

CSP4: Place Making

All development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement.

ENV2 and ENV3 states that all development should aim to protect and promote the special qualities, design quality and local distinctiveness of the Black Country.

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VIII. The effect on the environment of the countryside and Green Belt.

IX. The effect on land or buildings of archaeological, architectural or historical interest.

X. The effect on species, habitats and sites of nature conservation or geological interest.

XII. The effect on woodland or individual trees on or near the site.

ENV2: Control of Development in the Green Belt

(a) In the Green Belt there will be a presumption against the construction of new buildings except for the following purposes:-

IV. Limited extension, alteration or replacement of an existing dwelling, provided that this will not result in disproportionate additions, or a new dwelling materially larger than the original dwelling.

ENV18: Existing Woodlands, Trees and Hedgerows

To protect trees and seek replacement planting where proposals involve loss of trees.

ENV23: Nature Conservation and New Development

Seeks to protect and enhance the natural environment.

ENV29: Conservation Areas

Development should preserve or enhance the character and appearance of a Conservation Area.

ENV32: Design and Development Proposals.

- (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.
- (b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-
 - The appearance of the proposed development.
 - The height, proportion, scale, and mass of proposed buildings / structures.
 - The materials proposed for buildings, external spaces and means of enclosure.

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

Supplementary Planning Documents (SPD)

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

Conserving Walsall's Natural Environment

Provides guidance on the protection of the natural environment to ensure it is properly considered in the development management process.

- Development with the potential to affect species, habitats or earth heritage features
 - NE1
 - NE2
 - NE3
- Survey standards
 - NE4
- Development with the potential to affect trees, woodlands and hedgerows
 - NE7
 - NE8
 - NE9
 - NE10

Designing Walsall

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

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 13 metre separation between habitable room windows and blank walls exceeding 3 metres in height.

Relevant Planning History

None.

Consultation Replies (*Officer comments in italics where appropriate*)

Archaeology – No objection subject to condition regarding potential underground structures and deposits associated with the medieval hall.

Conservation Officer – Objects on grounds that the extension is too large, too close to the existing Grade II Listed Barn and first floor en-suite results in unsatisfactory appearance.

Ecology Officer – No objection on grounds that conclusions of bat survey make it clear the extensions would not impact on roosting opportunities and conditions could be included to ensure further checks are carried out during construction (*comments verbally received*).

Pollution Control – No objection.

Severn Trent Water – No objection subject to standard drainage conditions and notes to applicant. No concerns regarding sewer capacity to serve the proposed en-suite (*comments verbally received*).

Tree Officer – No objection subject to conditions regarding protection of trees during construction.

Representations (*Officer comments in italics where appropriate*)

1 x objection has been received from neighbours on the following grounds:

- Driveway is not owned by Rushall Hall Lodge and is a shared access (*Certificate D and copy of Notice has been submitted to reflect this*);
- Proposed extension would detract from view of Grade II Listed barn;
- Footings for proposed extension would weaken structure of listed barn (*not a material planning matter and would be assessed through Building Regulations*);
- Vehicles parking too close to listed barn and debris coming from barn in high winds (*not a material planning matter*);
- Extensions would give appearance of a house instead of a lodge which is not in keeping with the character of the area or Conservation area; and
- Addition of further bathroom would have detrimental impact on sewers that cross adjoining land (*Severn Trent has confirmed there are no sewer capacity issues to serve the proposed en-suite and standard drainage conditions can be included*).

Determining Issues

- Design and Assessment of Heritage Assets
- Amenity of Nearby Residents
- Protected Species
- Trees
- Highways

Observations

Design and Assessment of Heritage Assets

The proposed porch would be located on the front elevation of the application house and has been designed to use a glass frame and roof to retain and reveal the original features of the lodge. The proposed extensions would be located on the rear elevation of the application house and designed to provide a set-back of 1m from the side (facing Leigh Road) and the en-suite is set a further 0.7m in from the rear (facing Rushall Hall Farm) and 0.8m from the side facing the Grade II Listed barn. The rear extensions would be finished using a monocouche render (a pre-coloured and long lasting render), plain blue clay roof tiles to match existing and stone bevelled window surrounds to reflect existing.

The potential impacts of the proposed development on nearby heritage assets are considered below:

Rushall Hall, Gate House and Curtain Walls (Scheduled Monument and Grade II Listed) and Hlaew (Scheduled Monument)

The application house is over 50m to the nearest building within the site of Rushall Hall and the nearby mature trees are considered to provide significant screening to Rushall Hall limiting the views into the site. The proposed design, modest size of development and use of sympathetic materials is considered would result in 'less than substantial harm' on the setting of the grounds of Rushall Hall (including gate house and curtain walls) and no significant impacts on the setting of the Hlaew scheduled monument (an ancient burial monument) further to the north. A condition would be included to secure full details and specification of exterior materials including colour, size and texture to ensure they fully reflect the character of the area and result in satisfactory appearance.

Due to the proximity to the medieval hall and the potential for earlier structures and deposits (medieval and early post-medieval) to be present, conditions are recommended on any permission to ensure appropriate care is taken during construction.

Barn (Grade II Listed)

The Grade II listed barn lies approximately 2.5 metres to the rear of the application site and the proposed rear two storey extension would be built on a slightly smaller footprint than the existing single storey extension at the application house, and when combined with the proposed set back facing Leigh Road, set in from rear (facing Rushall Hall Farm) and from the side facing the Grade II Listed barn, it is considered

to demonstrate that the development would result in 'less than substantial harm' on the setting of the listed barn.

Notwithstanding objections made by the Conservation Officer and by a neighbour regarding impacts on the barn due to its proximity to the application house, the roof design to the proposed en-suite at first floor has been amended following negotiations and the improved hipped design is considered to provide a more satisfactory overall appearance of development. It should be noted that the fall-back position under permitted development rights would allow a single storey extension of up to 4m long which would extend right up to the listed barn and the proposed rear extension, albeit at two storeys, would only extend up to 3.4m (same as existing extension at the application house) providing a separation between the extension and listed barn. On balance, the rear extension is considered would result in 'less than substantial harm' to the barn and is acceptable in this instance.

St Michael's Church, Stone Cross and War Memorial (Grade II Listed)

The application house lies over 38m south of the church, 48m to the cross and 60m west of the war memorial. The design, scale, and use of sympathetic external materials in the proposed porch and extension, when combined with an existing modern building of simple design within the church grounds (Community Hall), are considered would not result in any harm to the setting of the listed assets.

Old Rushall Conservation Area and Greenbelt

Objections have been made by a neighbour and the Conservation Officer on the grounds that the development would result in the appearance of a house instead of a lodge, and extensions are not in keeping with the character of the area or Conservation Area. Notwithstanding these comments, it is considered that, on balance, the design of porch using a glass frame allows for the original features to be retained and revealed and rear extension is of a scale and design that does not detract from the scale and features of the original lodge. Also, when combined with recent improvements to the roof design over en-suite at first floor it is considered the development would not result in any significant harm to the character of the application lodge, nearby area or Conservation Area.

On the basis that a porch may be able to be built under permitted development rights, and due to the footprint of the rear extension not exceeding existing, along with the provision of a set-back of 1m from the side (facing Leigh Road), a further 0.7m set in from the rear (facing Rushall Hall Farm) and 0.8m from the side facing the Grade II Listed barn, it is considered that the development would not result in any significant harm to the openness of the greenbelt and is acceptable in this instance.

Amenity of Nearby Residents

A distance of 44m would be provided between the proposed first floor habitable window and Rushall Hall Farm. There are no first floor side facing windows at the farm house. There are no other nearby neighbours that would be affected by the proposal and it is considered the proposed development would meet the requirements of Appendix D, Designing Walsall SPD and would not result in any harm to neighbours amenity.

Protected Species

The submitted bat survey concludes there is no evidence of bats using roof for shelter and the only opportunity for access exists in small gap in ridge tile to southern elevation and any associated potential roosting may be for individual bats only. The report confirms the proposed extensions would not impact on any potential roosting opportunity and a condition would be included on any permission to require a method of working to ensure presence of bats in the roof and nesting birds in the ivy are checked and care is taken during construction.

Trees

The site is located within the Old Rushall Conservation Area, and has several notable trees within, or immediately adjacent to, the curtilage of the site. The building work is restricted to the south side of the existing property which will have negligible effect on the existing trees stock. Ancillary operations associated with the proposed development (storage of materials etc) works may have a detrimental effect on the long-term health and condition of the trees and conditions would be included on any permission to ensure the protection of the trees during the development process.

Highways

The proposal takes the total number of bedrooms from 2 to 3 and no additional car parking is required above the 2 spaces that are already provided within the application site. The development accords with UDP policy T13.

Conclusion / Summary

It is considered that the design and scale of the proposed porch and extension, on balance, would not have a detrimental impact on the appearance of the application dwelling itself and would not result in significant harm to the setting of any nearby heritage assets or to the Conservation Area.

Positive and Proactive working with the Applicant

Following pre-application discussions and improvements made to the proposed development following negotiations with the applicant, it is considered that on balance, the proposal would not have any significant impacts on the character of the area, or to nearby heritage assets and can be supported.

Recommendation: Grant permission subject to conditions

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

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

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

- Application Form. Deposited 14/12/2016
- Plans, Elevations, Site Plan. Amended deposited 22/07/2016
- Location Plan. Deposited 14/12/2016
- Design and Access Statement. Deposited 14/12/2016-

Bat and Bird Survey (June 2015) by Christopher Smith. Deposited 24/05/2016

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 commencement of development, full details and specification of the proposed exterior materials, including colour, size and texture shall be submitted to, and approved in writing by the Local Planning Authority.

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

Reason: To ensure the satisfactory appearance of the development and to comply with policies ENV29 and ENV32 of Walsall's Unitary Development Plan.

4a. No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority.

4b. In the event of any identified archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard and record the archaeological value of the application site.

5a. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

5b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

6a. Prior to commencement of development, a method of working shall be submitted to and approved in writing by the Local Planning Authority setting out how construction work will be carried out, and care taken with regards to potential presence of bats and nesting birds as recommended by the submitted bat and bird report by Christopher Smith dated June 2015.

6b. The construction and completion of development shall be carried in accordance with the approved method of working.

Reason: to conserve local bird and bat populations.

7a. No works in connection with the development shall be undertaken before any equipment, materials or machinery are brought onto the site in connection with the development, protective fencing and ground protection such as geomembrane or scaffold boards shall be installed around all retained trees in accordance with details that first shall be submitted to and agreed in writing by the borough council. Such protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of Walsall Council.

7b. No development shall take place until further arboricultural details have been submitted to and approved in writing by the Borough Council and these works shall be carried out as approved. The information previously submitted to support the application has not been considered adequate. This scheme shall include details of:

- I. the measures taken to protect existing trees and hedges during construction, demolition, and delivery of materials / machinery, including a tree protection plan and arboricultural method statement in line with BS5837:2005,
- II. prior to the commencement of works on site and after the installation of the tree protection in accordance with (a) above the applicant shall arrange a pre-commencement meeting between the Borough Council and the applicant's arboricultural consultant to allow inspection and verification of the protection measures.

Reason: This permission is granted on the basis that the trees would remain on site to mitigate the impact of the development and to preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005, and Policies NE7 of the Supplementary Planning Document, Conserving Walsall's Natural Environment.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no additional side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

Notes to applicant

1. There may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.

Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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

Report of Head of Planning, Engineering and Transportation on 04-Aug-2016

Plans List Item Number: 9.

Reason for bringing to committee: Significant Community Interest

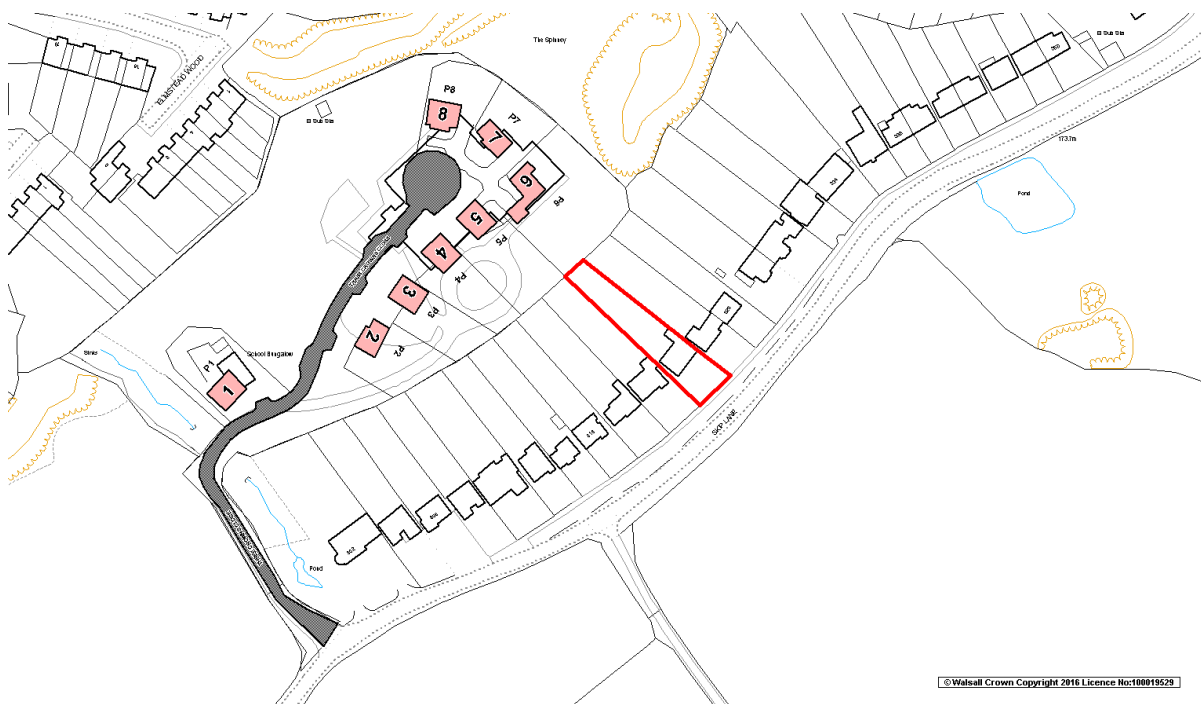
Location: 322, SKIP LANE, WALSALL, WS5 3RA

Proposal: PART RETROSPECTIVE - DETACHED OUTBUILDING IN REAR GARDEN.

Application Number: 16/0385
Applicant: Mr Mukesh Lai
Agent:
Application Type: Full Application

Case Officer: Helen Smith
Ward: Pheasey Park Farm
Expired Date: 26-May-2016
Time Extension Expiry:

Recommendation Summary: Grant permission subject to conditions



Application and Site Details

This proposal is for the retention of a part completed detached garden building located at the end of a rear garden. The planning application forms states that the use of the garden building will be ancillary to the use of the dwelling house.

The application plot is located between land to the front and rear which is Green Belt and within the Great Barr Conservation Area. The application plot is not included within these designations. The garden building is viewed against new housing to the north west of the application plot on Three Crowns Close.

The structure measures 3.8 metres high to the ridge and 3.0 meters maximum to the eaves. The ground level falls gradually to the west. The floor level of the building is up to 0.6 metres higher than the natural ground level.

The floor area is 29.14 square metres and is set in 2 metres from the side and rear garden boundaries with neighbouring houses although the boundaries are poorly defined by existing hedges and planting.

The bricks used in this structure have a yellow hue and the roof consists of grey tile. The planning agent has provided details of a brick stain by Dyebrick to colour the bricks dark red.

The proposal includes two rear facing windows opposite an existing mature hedge along the rear garden boundary. The rear garden of the application is approximately 38 metres in length when measured from the proposed new dwelling.

There is a separation distance of 30.0 metres between the rear elevation of the proposed new dwelling at no. 322 Skip Lane and the detached garden building. The new dwelling has received planning permission. The garden level increases gradually between the application house and the proposed outbuilding.

Rear habitable windows in no's 320 and 324 Skip Lane face towards this outbuilding across separation distances of at least 22.4 and 35.0 metres respectively. There are two existing detached garden structures in the rear garden of no. 320 Skip Lane with pitched and tiled roofs which are adjacent to the proposed part-built garden building at no. 322. No. 320 has an existing 8.7 metres long single storey extension with rear habitable room windows built along the shared boundary with no. 322.

There is a separation distance of 27.0 metres between the outbuilding and rear habitable room windows in house no. 6 Three Crowns Close, located to the rear of the application plot.

Relevant Policies

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

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

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

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

- Find ways to enhance and improve places in which people live their lives
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

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

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

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

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

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

On **planning conditions** the NPPF says:

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

On **decision-taking** the NPPF sets out the view that pre-application engagement is encouraged and

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

This checklist has been published on the BCCS and Council websites. Cabinet on the 24 July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy policies should be given full weight in planning decisions.

The relevant policies are:

ENV2 and ENV3 states that all development should aim to protect and promote the special qualities, design quality and local distinctiveness of the Black Country.

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

ENV32: Design and Development Proposals.

- (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.
- (b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-
 - The appearance of the proposed development.
 - The height, proportion, scale, and mass of proposed buildings / structures.
 - The materials proposed for buildings, external spaces and means of enclosure.

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

Supplementary Planning Documents (SPD)

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

Designing Walsall

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

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 13 metre separation between habitable room windows and blank walls exceeding 3 metres in height.

Relevant Planning History

16/0377 – Replacement 5 bedroom detached house – granted subject to conditions 9/5/16

Consultation Replies

Conservation Officer – No objections

Representations

Objections have been received from residents of four addresses on the following grounds;

- Style of the property, yellow bricks and black roof tiles out of character as neighbouring houses are red brick with clay roof tiles
- Out of character dominating neighbouring gardens
- Wholly inappropriate and too large, the size of a double garage

- Offends and does not follow the UDP (*the neighbour has not specified which part of this document they consider this garden building fails to meet however policies GP2 and ENV32 are considered as part of this planning assessment*).
- Size and height excessive
- Floor level 2ft higher than ground level, exacerbating the height issue and visibility of the building
- The excessive floor level could have been addressed by a stepped damp-proof course (*comment noted but we are required to assess the development as proposed*)
- Gardens slope up away from the houses and the dividing hedge between 320 and 322 Skip Lane is only 5ft high (*the hedge could be allowed to grow higher if this is in the ownership of the neighbour at no. 320 to provide screening*)
- Impact on privacy
- Large patio doors demonstrates a lack of consideration and will these be conditioned to be obscurely glazed
- Inappropriate, obtrusive and upsetting
- Adherence to Local and National Town and Country Planning Acts
- More in keeping with a small residential unit
- Sets an unwelcome precedent to similar properties in the locality
- Too large and fills the width of the garden (*the development is set in 2 metres from each of the side garden boundaries*)
- Intended as a dwelling and inconsistent with other outbuildings in the area which are wooden and/or temporary
- Current building should be demolished and not given planning permission (*the applicant has submitted a planning application for assessment and consideration which they are entitled to do*)
- Why is such a building required at the end of a garden as none of the other residents have or require such a building (*this is a personal choice and permitted development allowances exist for most householders to add garden buildings at their property within specific criteria*)
- Planning permission for this outbuilding should be denied as it was constructed initially without permission, illegally, and should be demolished immediately (*the garden building has not been constructed illegally but was built at the applicant's own risk as planning permission was required*).

The applicant has forwarded the following responses in relation to neighbours' objections to the garden building;

- the colour of the bricks will be in keeping within the surrounding area (amendment to tint the brickwork to Old English Red by Dyebrick is proposed)
- the building was constructed within permitted planning legislation to include height, width and length (*householder permitted development allowances were lost by the site when the original house was demolished and no longer habitable*)
- the outbuildings erected at 320 Skip Lane mask any intrusion

- 320 Skip Lane seems to be dictating to planning how to run their departments and what to enforce (*this is not the case and where breaches of planning legislation are reported and/or identified the Local Planning Authority will investigate*)
- The whole front of the building will not be floor to ceiling windows (*the plans show 2.1 metres high patio doors and windows*)
- The applicant wishes to learn how the outbuilding is of any concern to neighbours located on Sutton Road and how can they view the building from there. Neighbours within the vicinity of 322 Skip Lane have tried to drum up support from anywhere to complain about the outbuilding and they hope that Walsall planning can see this and act accordingly (*Planning is a public process and anyone can comment upon a planning application. All comments are considered during the assessment of a planning application*)
- This is not a dwelling as it is the size of a double garage
- The location of an outbuilding within the garden is a matter for the owners of no. 322 rather than neighbours
- Neighbours are commenting for each other which reinforces earlier concerns regarding drumming up support (*Planning is a public process and anyone may provide comments for consideration during the process*)

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents

Observations

Design of Extension and Character of Area

The garden building has a larger footprint and is taller than neighbouring garden structures but is a similar design to outbuildings in the surrounding area. The garden building is not visible from public areas and has little impact on the existing street scene. The scale of the development is not dissimilar to other garden buildings in the area that have received planning permission or have been built using permitted development allowances.

The garden building is viewed against the backdrop of two storey houses which have been built on Three Crowns Close and consequently this garden development would not harm the openness of the adjacent Green Belt nor the character of Great Barr Conservation Area which is located in front of the new dwelling house. The Council's Conservation Officer has no objections to the proposal.

This garden building could not be built using current Permitted Development allowances for garden buildings (in most areas) as the original dwelling house was mostly demolished and no longer habitable. Consequently these householder allowances were lost. However the submission of a retrospective planning application allows the Local Planning Authority to assess the proposal and condition

The exterior finish of the garden building. Householder permitted development allows in most instances for a dual pitched garden structure to be built up to 4 metres high when measured from the natural ground level (at its highest point), be set in 2 metres from all boundaries and in this instance this proposal is less than this allowance at 3.8 metres high.

The garden building would have fallen within the size and location constraints of Schedule 2 Part 1 Class E *buildings etc. incidental to the enjoyment of a dwellinghouse* of the Town and Country Planning (General Permitted Development) (England) Order 2015. The fall-back position for the applicant is that if this planning application is refused permission and subsequently demolish, they could build another building to exactly the same specification once the house is occupied.

The planning agent has provided details of a red brick dye to colour the bricks Old English Red to address concerns regarding the existing yellow coloured bricks. It is considered that this proposed change would then ensure that brickwork would be similar in appearance to existing neighbouring buildings. This requirement would form part of a planning condition.

The existing grey/black roof tiles are considered to be acceptable and have a lesser impact on the surrounding area than the existing yellow coloured bricks. The brick dye could potentially fade over time as a result of weathering but as Dyebrick offer a lifetime guarantee the retention of Old English Red colour finish can be conditioned to be retained.

Amenity of Nearby Residents

The outbuilding is separated by a distance of 22.4 metres from a ground floor rear habitable room window in no. 320 Skip Lane. Whilst the land level rises gradually to the rear of these properties it is considered that as this proposal is adjacent to existing neighbouring outbuildings, albeit lower in height, the increased impact on neighbours' light and amenity is limited. The existing hedging along the shared garden boundary between no. 320 and 322 provides screening for ground floor windows.

The separation distance of 35 between rear habitable room windows in no. 324 Skip Lane and this proposal is considered would result in this proposal having little additional impact on neighbours' existing light and amenity.

The separation distances between rear facing first floor habitable room windows in no's 320 and 324 Skip Lane and the front non-habitable room windows in the garden building would be 35 metres. This is in excess of the Council's minimum recommended separation distance of 24 metres between facing habitable room windows, as referred to in Appendix D of Designing Walsall SPD.

The proposed outbuilding would have an ancillary use to the new house and would not be habitable. As the new patio doors and windows serve a non-habitable room it is considered unreasonable to condition the proposed patio doors and windows to be obscurely glazed. The use of the building could be conditioned.

The existing planting along the rear garden boundary of no. 322 Skip Lane screens the outbuilding and rear windows from new residents on Three Crowns Close across a separation distance of 27 metres.

Although the submitted plans do not provide details of how the outbuilding will be accessed as the floor level is higher than the ground at the front, details for this can be secured by condition. A planning condition can be included requiring the submission of a new planning application for any future raised decking, platform or steps to provide access into the garden building.

The use of the outbuilding can be conditioned to be incidental to the residential use of the existing dwelling house to protect neighbours amenity. As there is no independent access to the building and access can only be secured through the main house, there is no evidence to suggest that this structure would be used as living accommodation.

The proposal has been assessed in relation to Policies GP2 Environmental Protection and ENV32 Design and Development Proposals of the UDP and is considered accords with the aims and objectives of relevant Council policy and guidance.

Conclusion

The retention of the proposed retrospective garden building is considered to be acceptable in this instance particularly as this is located at the end of a rear garden and is not visible from the public realm and is located beyond the 24m separation distance specified in the Councils design guide. This building is synonymous with other buildings in adjoining rear gardens in particular those at the rear of no. 320 Skip Lane where there are two tiled, timber buildings with pitched roofs.

Whilst the pitch on the proposed building is shallower this assists with keeping the overall height of the building to a minimum and below permitted development allowances.

In this instance had permitted development allowances not been lost following the demolition of the original then this development would not have required the submission of a planning application. Taking all these factors into consideration it is considered on balance that the proposed development is acceptable and is recommended for approval subject to conditions.

Positive and Proactive working with the Applicant

Officers have spoken with the applicant's agent regarding discrepancies on the submitted drawings and these concerns have been addressed.

Recommendation: Grant permission subject to conditions

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

- Proposed Outbuilding Plan and Elevations, drawing no. 17.15.106 Rev. C, deposited 22/07/16
- Email dated 5/07/16 from Anthony Hope detailing the brick colour tint of Old English Red and link with Dyebrick.

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).

2: Within 2 months of this decision all exterior brickwork in the four elevations of the garden building shall be dyed Old English Red in accordance with the colour specification by Dyebrick deposited on 05/07/16 and retained as such thereafter.

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

3: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

4: The garden building shall remain ancillary to the existing dwelling and shall not include any kitchen or cooking facilities at any time and shall not be used as an independent living unit at any time.

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

Note for Applicant

Notwithstanding the information provided any future raised decking, platform or steps to provide access into the garden building in excess of 300mm high will require planning permission.

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

Report of Head of Planning, Engineering and Transportation on 04-Aug-2016

Plans List Item Number: 10.

Reason for bringing to committee: Significant Community Interest

Location: 46, SKIP LANE, WALSALL, WS5 3LP

Proposal: TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION.

Application Number: 16/0009

Applicant: Mr Mohamed Jafarian

Agent:

Application Type: Full Application

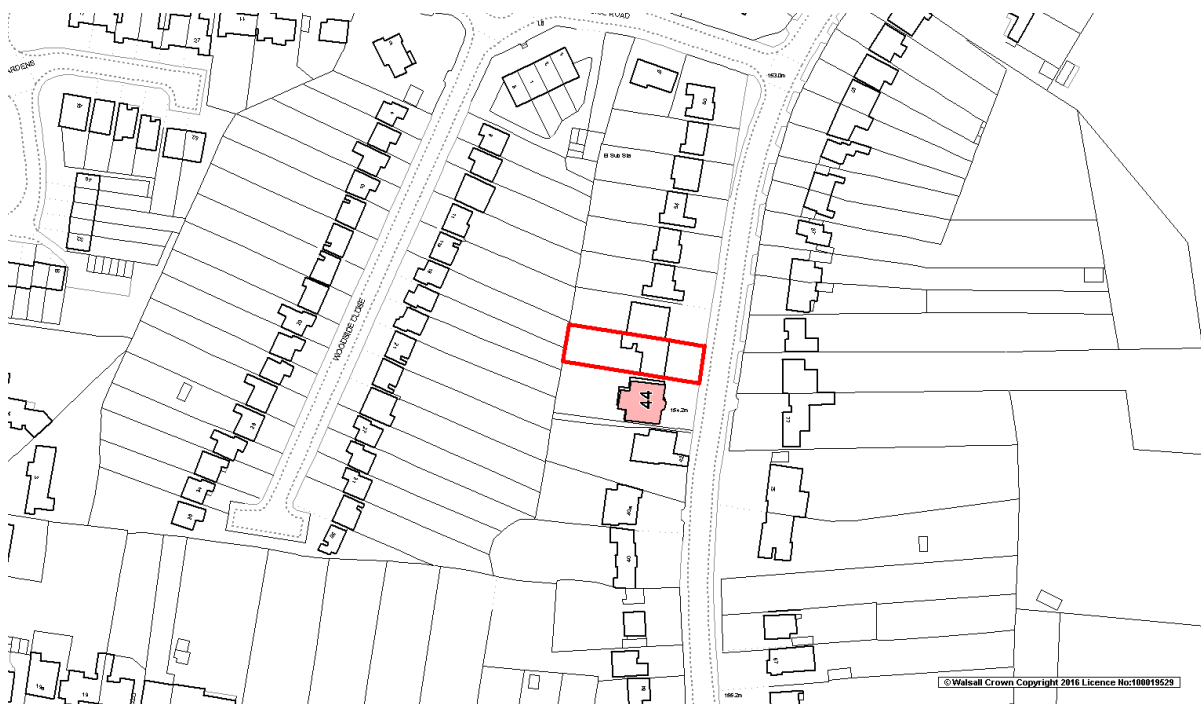
Case Officer: Mike Brereton

Ward: Paddock

Expired Date: 29-Feb-2016

Time Extension Expiry: 31-Aug-2016

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application house is detached fronting Skip Lane with pitched gable feature to front, along with a cat-slide roof with dormer and attached single garage to side. The nearby area is made up of large detached houses, a mix of traditional design along with examples of modern houses with a more simple design.

This application proposes a two storey side extension with dormers to front at first floor along with an extended porch canopy area along with a replacement single storey rear extension. The two storey side extension would provide a larger living room and entrance hall, utility area and WC at ground floor along with a retained single garage and at first floor would provide a fourth bedroom with dressing area and en-suite. The proposed single storey rear extension would replace an existing single storey extension (currently a bedroom and shower room) with a larger single storey extension to provide a kitchen and dining area. The total number of bedrooms at the application house would not change from the 4 which currently exist.

The extensions would measure:

- **Two storey side extension** – 3.4m wide x 8.1m long at ground floor and 4.5m wide by 6.4m long at first floor and overall height of 7.3m to match existing ridge height; and
- **Single storey rear extension** – 6.5m and 4.7m wide x 9.3m long and 3m high (3.6m to top of proposed domed roof lights).

Documents submitted:

- **Bat and bird survey** - concludes there was no evidence of nesting birds or bats using the house for shelter and that the proposed extensions would not result in any impacts to a potential existing access for bats around the front gable timber and plaster wall. Poor roosting opportunities exist (apart from temporary roosting) and a method of working should be followed to prevent any harm to bats along with provision of bat boxes within the development to offset the loss of any temporary roosting. Any works should avoid the period of March to August to avoid impacts on any nesting birds or an appropriate survey carried out.

Relevant Policies

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

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

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

PAGE 110 OF 134

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

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

- Find ways to enhance and improve places in which people live their lives
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

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

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

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

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

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

On **planning conditions** the NPPF says:

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

On **decision-taking** the NPPF sets out the view that pre-application engagement is encouraged and

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

This checklist has been published on the BCCS and Council websites. Cabinet on the 24 July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy policies should be given full weight in planning decisions.

The relevant policies are:

CSP4: Place Making

All development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement.

ENV2 and ENV3 states that all development should aim to protect and promote the special qualities, design quality and local distinctiveness of the Black Country.

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

X. The effect on species, habitats and sites of nature conservation or geological interest.

XII. The effect on woodland or individual trees on or near the site.

ENV18: Existing Woodlands, Trees and Hedgerows

To protect trees and seek replacement planting where proposals involve loss of trees.

ENV23: Nature Conservation and New Development

Seeks to protect and enhance the natural environment.

ENV32: Design and Development Proposals.

- (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.
- (b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-
 - The appearance of the proposed development.
 - The height, proportion, scale, and mass of proposed buildings / structures.
 - The materials proposed for buildings, external spaces and means of enclosure.

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

Supplementary Planning Documents (SPD)

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

Conserving Walsall's Natural Environment

Provides guidance on the protection of the natural environment to ensure it is properly considered in the development management process.

- Development with the potential to affect species, habitats or earth heritage features
 - NE1
 - NE2
 - NE3
- Survey standards
 - NE4
- Development with the potential to affect trees, woodlands and hedgerows
 - NE7
 - NE8
 - NE9
 - NE10

Designing Walsall

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

appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 13 metre separation between habitable room windows and blank walls exceeding 3 metres in height.

Relevant Planning History

None.

Consultation Replies (*Officer comments in italics where appropriate*)

Ecology Officer – Initial objection on grounds a bat survey is required (*bat survey since submitted and recommendations are considered in report below*).

Park Hall Residents Association – None received.

Tree Officer – No objection.

Representations (*Officer comments in italics where appropriate*)

3 x objections have been received from residents on the following grounds:

- Proposed rear extension is too long;
- Proposed rear extension would result in loss of privacy, loss of outlook and loss of light;
- Proposed development would result in increased on-road parking;
- Proposed development would remove the existing garage wall abutting neighbours boundary leaving boundary exposed and unsecure; and
- Request the site is secured during construction, damage to property put right and Party Wall notice required (*these are private matters and are not material planning considerations*).
-

Determining Issues

- Design and Character of Area
- Amenity of Nearby Residents
- Protected Species
- Trees
- Highways

Observations

Design and Character of Area

The proposed two storey side extension would provide a 1.1m gap to the boundary with No.48 and is considered to be an improvement over the existing relationship where no gap is currently provided between the existing garage and neighbours boundary. This, when combined with the continuation of a cat-slide roof and dormers to front to reflect existing, effectively provides a set-back of over 1m at first floor and is considered to reflect the character of the existing application house and meets the spirit of the Designing Walsall SPD avoiding a terracing effect. Neighbours raised concerns that the creation of a gap to boundary would result in the neighbour's boundary becoming unsecure and this can be dealt with by way of condition requesting boundary treatment details to be submitted and agreed.

The proposed single storey rear extension at 9.3m long and 3m high (along with 0.6m high domed roof lights) would be 1.6m longer and between 0.2m to 0.5m higher than the existing extension at the application house. Neighbours raised concerns that the proposed rear extension is too long and it is considered that due to the small increase in size over and above the existing rear extension, it would not result in any significant additional harm to the character of the application house or nearby area above that arising from the existing extension.

Amenity of Nearby Residents

The proposed habitable first floor windows in the two storey extension would be around 70m away from nearest neighbour's habitable windows at rear and around 40m to neighbours windows across the road to front and is considered acceptable to ensure there would be no impacts on neighbours amenity in terms of overlooking and loss of privacy from these windows and meets the minimum separation distance of 24m set out in Appendix D of the Designing Walsall SPD.

Neighbours raised concerns that the rear extension would result in loss of light, outlook and privacy. The proposed rear extension would be 17m away from the neighbour's boundary at rear (17 Woodside Close) and when combined with the neighbour's long rear garden of 46m and existing mature boundary planting it is considered the extension would not result in any significant additional impacts to this neighbours amenity over and above the existing rear extension. The ground level at adjoining neighbour (No.48 Skip Lane) is lower at rear than the application site and the proposed rear extension would extend around 3m beyond this neighbour's rear elevation, 1.5m further than existing extension at the application house. The west orientation of gardens serving the application house and No.48 is considered helps to minimise any additional loss of light and shadowing to the neighbours habitable windows and outdoor amenity space. It is likely that any additional loss of light and shadowing would be limited to the north west of the neighbours rear garden during

PAGE 116 OF 134

early morning due to the position of the proposed two storey extension and any other loss of light and shadowing at other times of the day is likely to already occur from the footprint of the existing two storey application house. On balance, when combined with the small increase in size over and above the existing rear extension, it is considered the proposed rear extension would not result in any significant additional harm to this neighbour's amenity.

A distance of around 12m would be provided between the proposed rear extension and a side facing habitable window serving a lounge at No.44 Skip Lane. This neighbour's lounge is served by a further two windows and the window facing their rear garden is considered to be the primary window in this instance. The relationship between proposed extension and neighbour's habitable window reflects the existing situation and on balance, this, along with the presence of a primary rear facing window serving the neighbour's lounge is considered would not result in any significant additional harm to this neighbour's amenity. The proposed extensions would not breach the 45 degree code to any adjoining neighbour's habitable windows

Protected Species

The submitted bat and bird survey concludes there was no evidence of nesting birds or bats using the house for shelter and that the proposed extensions would not result in any impacts to a potential existing access for bats around the front gable timber and plaster wall. Poor roosting opportunities exist (apart from temporary roosting) and conditions would be included on any permission to ensure the recommended method of working is followed along with provision of a bat box within the development to prevent any harm to bats and offset the loss of any temporary roosting opportunities.

Trees

Existing trees within the application site are considered to be of a sufficient distance away from the proposed works to ensure they would not be adversely affected by the proposed extensions.

Highways

Neighbours raised concerns that the proposal would result in increased on-road parking. The total number of bedrooms at the application house would not change from the 4 which currently exist and a condition could be included on any permission to ensure three parking spaces are retained at all times to meet UDP Policy T13.

Conclusion/ Summary

It is considered that, on balance, the proposed extensions and positive amendments made by the applicant are such that they would not result in any harm to the character of the application house or nearby area and would not result in any significant additional harm to neighbours amenity over and above existing.

Positive and Proactive working with the Applicant

Officers have negotiated improvements to the proposal to reduce impacts on neighbours' amenity and improve the overall design. Following submission of amended plans it is considered the development can now be fully supported.

Recommendation: Grant permission subject to conditions

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

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

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

- Application Form. Deposited 05/01/2016
- Location Plan. Deposited 05/01/2016-

Existing Block Plan. Deposited 05/01/2016

- Proposed Block Plan. Amended deposited 13/06/2016
- Bat and Bird Survey (March 2016) by Christopher Smith. Deposited 14/03/2016
- Proposed Floor Plans (03b). Amended deposited 13/06/2016
- Proposed Elevations (04b). Amended deposited 13/06/2016

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

3. Prior to commencement of development, plans shall be submitted to and approved by the Local Planning Authority showing proposed boundary treatment to the application site.

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

4a. Prior to first occupation, a brick built bat box shall be installed in the development in accordance with the recommendations of the submitted Bat and Bird Survey (March 2016) and thereafter retained as such;

4b. The development shall be carried out in accordance with the method of working set out in the submitted Bat and Bird Survey (March 2016);

4c. No works shall be carried out on the application site during March to end of August unless an appropriate nesting bird survey is carried out and submitted to and approved in writing by the Local Planning Authority.

Reason: to conserve local bird and bat populations.

5. The walls and roof of the extensions shall comprise facing materials that match, in size, colour and texture as those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

6. A minimum of three parking spaces shall be retained at all times within the curtilage of the application house (the garage counts as one space). All other spaces on the front drive shall measure 2.4m by 4.8m each and fully consolidated, surfaced and drained at all times.

Reason: To meet the requirements of UDP policy T13 and in the interest of highway safety.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no additional side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

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

Report of Head of Planning, Engineering and Transportation on 04-Aug-2016

Plans List Item Number: 11.

Reason for bringing to committee: Walsall Council Employee

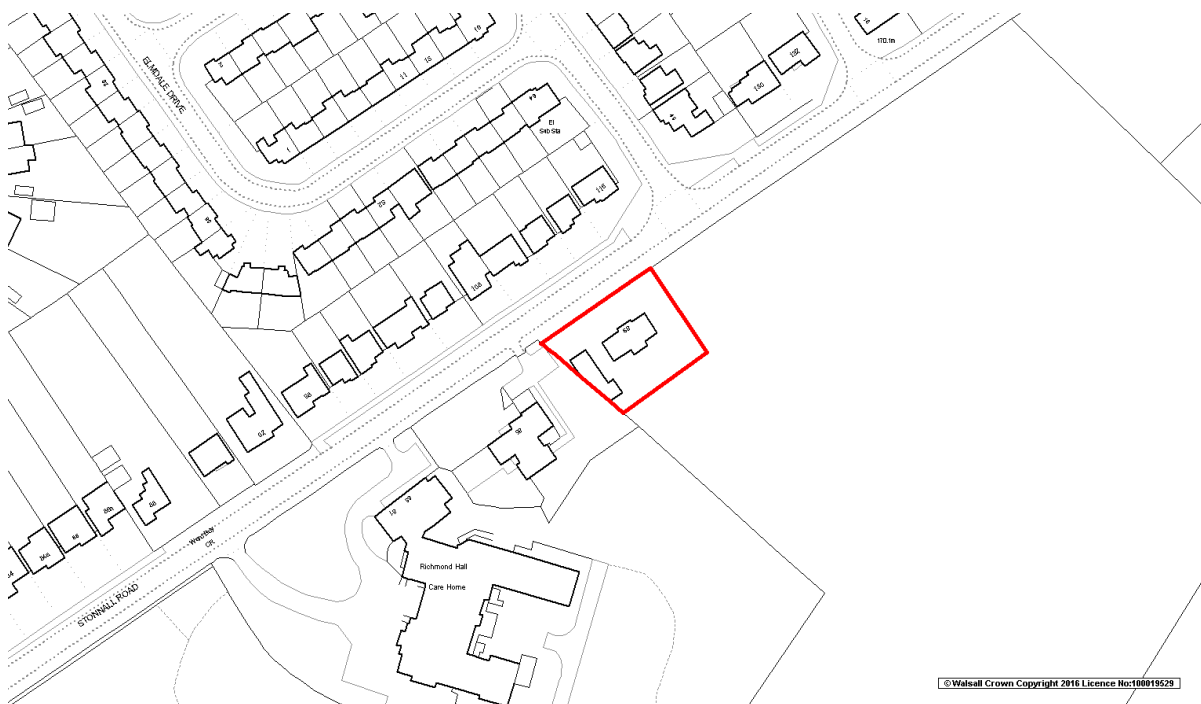
Location: 89, STONNALL ROAD, ALDRIDGE, WALSALL, WS9 8JZ

Proposal: CONVERSION AND EXTENSION OF EXISTING GARAGES AND WORKSHOP TO LIVING UNIT AND CREATION OF A NEW ACCESS.

Application Number: 16/0552
Applicant: Mrs Tracey Roberts
Agent: Mr David Dufty
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Aldridge Central And South
Expired Date: 19-Jul-2016
Time Extension Expiry:

Recommendation Summary: Grant Subject to Conditions



Application and Site Details

The application proposes to convert an existing domestic garage and workshop at 89 Stonnall Road into a separate dwelling with a bedroom, lobby, hall, toilet, kitchen, dining room and lounge on the ground floor and a second bedroom on the first floor.

The application building is a detached gable garage the front part of which is original and was built as part of the development of the house which is a large 3 storey house. The application house is the end building of three, number 85 is a larger modern two storey probation hostel and 81 – 83 is a care home, both are high density accommodation. Opposite the application site is a modern 1960's housing estate with detached houses fronting Stonnall Road. The application site is within the green belt.

The existing garage door would be replaced by two bedroom windows, to the side along the boundary to number 85 would be a side gable roof extension replacing the existing flat roof 4.4 metre high.

The existing rear flat roof extension is at 1 metre lower ground level than the front part and would be replaced on the same footprint with a two storey front facing gable measuring 1.5 metres high to the eaves and 7 metres to the highest point, 1.2 metres higher than the existing garage.

The kitchen and dining room would be open plan and face the boundary to number 89 with additional side roof velux windows, on the rear elevation would be a concertina rear facing door to the lounge and on the first floor would be a balcony.

The application site would be subdivided so that the existing access point would serve the proposal and a new access would be created in front of number 89. There are 2 car parking spaces proposed for the proposal and 4 to serve the existing house.

The application has been submitted with a Bat Survey which concludes there are no roosting opportunities for bats. It also recommends that in the absence of any Bird Survey work, the conversion should not take place between March and August.

Relevant Planning History

None

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF was published on Tuesday 27th March 2012. It cancels and replaces all PPGs and PPSs (except for PPS10 'Planning for Sustainable Waste Management'),

several Mineral Policy Statements and Planning Guidance, a number of Circulars and several Letters to Chief Planning Officers.

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

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

- Seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

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

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

6: Delivering a Wide Choice of High Quality Homes

49. Housing applications should be considered in the context of the presumption in favour of sustainable development

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

7: Requiring Good Design

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

58. Policies should set out the quality of development that will be expected of an area, including:

- Will function well and add to the overall quality of an area

- Establish a strong sense of place
- Optimise the potential of the site to accommodate development
- Respond to local character and history and reflect the identity of local surroundings and materials
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion
- Are visually attractive as a result of good architecture and appropriate landscaping

59. Consider using design codes where they could help deliver high quality outcomes. Design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

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

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

9: Protecting Green Belt Land

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

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

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

11: Conserving and Enhancing the Natural Environment

109. The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

On **planning conditions** the NPPF says:

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

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

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

Annex 2- Glossary - Previously developed land

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

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

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

The relevant policies are:

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

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

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

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

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

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

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

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

All developments will aim to achieve a minimum density of 35 dph, except where higher densities would prejudice historic character and local distinctiveness

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

Walsall's Unitary Development Plan (UDP)

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

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

Key planning policy references include saved policies:

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

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

ENV2: Control of Development in the Green Belt.

Limited extension or alteration of an existing dwelling in the Green Belt will be allowed provided that this will not result in disproportionate additions. The Council will require that the siting, design, form, scale and appearance is consistent with the character of the surrounding area.

ENV10: Pollution (a) The development of an industry or facility which may cause pollution will only be permitted if it would not have an unacceptable adverse effect on nearby land uses and/or restrict the types of new development that could be permitted in the locality, or impose special conditions on them.

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

ENV23: The Council will require appropriate measures to encourage the conservation of wildlife. A supplementary planning document will provide more detailed advice on the implementation of this policy.

ENV29: Conservation Areas.

The Council will determine whether a development preserves or enhances the character of a conservation area in terms of:

I The degree of loss or alteration to property which makes a positive contribution to the character of the area.

II The impact of any new buildings on the special townscape and landscape features within the area.

III The scale, massing, siting, layout, design or choice of materials used in any new building or structure.

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

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

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

T7 – Car Parking

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

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

T10 (a): Refers to accessibility standards.

T13: Parking Provision

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

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

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

Supplementary Planning Document (SPD)

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

Designing Walsall (Feb 2008) refers to the development respecting massing, scale and rhythm of adjacent buildings, plots sizes and built density will relate to their local context , privacy and aspect distances between buildings must ensure all occupants have a satisfactory level of amenity, whilst reflecting the emerging and existing

character of the area, ground floor activity and natural surveillance will be maximised, a clear definition between private and public realm and building frontage to overlook the public realm, common building lines along road frontages must be maintained with buildings have a clear relationship with their neighbours and new

development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment.

DW3 – all new development must be designed to respect and enhance local identity

DW9 new development must seek to ensure it creates places with attractive environmental quality

Annexe D: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

The Vision: Homes, provides guidance on designing homes in Walsall.

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

Consultations

Transportation – No objections subject to conditions ensuring that the access is implemented and parking areas are hard surfaced.

Trees – No objections

Police – No objections subject to secure by design.

Public Participation Responses

None

Determining Issues

- Principle of Development & Green Belt Considerations
- Design and Character of the Area
- Neighbouring Amenity

- Drainage
- Access and parking
- Security

Observations

Principle of Development

The site is situated within a well established residential area with regular bus services along Stonnall Road between Walsall, Aldridge and Lichfield. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS policy HOU2 and UDP paragraph 3.2.

The principle of a residential property fronting the street is already established in this area and is considered appropriate in this location.

The proposal would convert and extend an existing building in the green belt. The extensions would be within the existing footprint and the increase in height is considered would not be a disproportionate addition over and above the size of the original building having little impact on the openness and purposes of the Green Belt, in accordance with ENV2.

Design and Character of the Area

The design with gable roof features would integrate well with the existing garage design and the design of 89 Stonnall Road. The character of the area is residential, the proposal reflects this and is considered would have no significant impact on the character of the area than the existing garage. Also the exiting dwelling at 89 Stonnall Road is three storeys and in comparison the garage/workshop conversion is acceptable as it is a lower height, smaller in scale and forms a transition between this larger dwelling and the adjacent property at 85 Stonnall Road. For these reasons the proposal would accord with policy ENV32.

The proposed dwelling would have a private amenity area of approximately 69m² which accords with Annex D of Designing Walsall. It is recommended that a condition to remove permitted development for extensions and alterations to the roof is included given the proximity of the building to the boundary of the site and in order to protect the amenities of adjoining occupiers and the potential impact on the Green Belt.

Neighbouring Amenity

The kitchen/dining room is open plan with three side windows and a velux window serving the same room, this design would provide sufficient levels of light and ensure there would not be an overbearing impact from number 89. The proposed 1.8 metre boundary fence ensures there would not be any potential for overlooking. The relationship between the existing house and the proposal is considered acceptable and is in accordance with Designing Walsall Appendix D.

Access and parking

The application looks to convert the existing detached garage to a 2 bed dwelling. Two parking spaces for the new dwelling and four for the existing dwelling are proposed which accords with UDP T13 parking policy. A new vehicle access is proposed to the existing dwelling which is acceptable.

The Highway Authority considers the development will not have severe transportation implications and is acceptable.

Security

The Police Architectural Liaison Officer has recommended security measures to ensure the satisfactory security of the residents of the house, which includes increases the boundary fence height which can be secured through condition.

Positive and Proactive Working with the Applicant:

Officers have contacted the applicant and in response to concerns raised regarding bats, a bat survey has been submitted which enable full support to be given to the scheme.

Recommendation: Grant Subject to Conditions

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

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

2) The development shall be carried out in accordance with the following plans unless otherwise superseded by condition:

Existing elevations, block plan and location plan received 09/05/16

Proposed elevations, block plan and location plan received 09/05/16

Design and Access Statement received 25/05/16

Bat & Bird Survey dated 04/07/16

Reason: To define the permission.

3a) Prior to commencement drainage plans shall be submitted for the disposal of surface water and foul sewage and approved by the Local Planning Authority

3b) The approved details shall be fully implemented prior to occupation and retained thereafter.

Reason: To ensure that the development is provided with a satisfactory means of drainage as part of the construction as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for neighbours and occupants.

4) There shall be no disturbance to the Ivy growing over the western side of the application building between April and September of any year.

Reason: In the interests of protected bird species and to comply with UDP policy ENV23.

5) The walls and roof of the extension shall comprise facing materials that match, in size, colour and texture as those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension. This shall include brick detailing as present on the existing building.

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

6) Prior to the development first coming into use, the new vehicle access to serve the main dwelling at 89 Stonnall Road shall be fully implemented and brought into use, including the construction of a new vehicle crossing to be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway 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.

7a) Prior to the first occupation of the new dwelling, the parking areas and vehicle manoeuvring space for both dwellings shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

7b) This area shall thereafter be retained and used for no other purpose.

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

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, E and D of Part 1 Schedule 2 of the said Order shall be carried out to the dwelling hereby approved.

Reason: To protect the character and amenities of the area, in the interests of ground gas protection and to comply with policies GP2 and ENV32 of Walsall's Unitary Development Plan.

9) No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. * Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.

Reason: To protect the amenity of adjoining residential occupiers.

Notes for applicant:

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654663.

Secured by Design

1. New windows/ roof lights / patio / French doors/ windows should conform to PAS 24 2012 PS1A Standard with at least one pane of 6.4mm laminated glass in all ground floor windows,

2. There should be an area of defensible space in front and across the length of each front facing window, which should be around 1m in depth and consist of dense low level shrubbery, suitable for the light / soil environment at its location. The defensible space will help protect ground floor windows and make access to them by offenders more difficult.
3. All external doors should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock.
4. Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area of any property. With this in mind perimeter and boundary fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping i.e. 1.8m fence plus 300mm anti climb trellis topping.
5. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.
6. All gates should be 2.1m in height and be key lockable from both sides. They should be positioned as close to the front building line as possible.
7. Fencing should be located as near to the front building line as possible.
8. Due to the increase in metal theft consideration should be given to minimising the use of lead in the design, by using lead substitute or alternative products.
9. The property should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.