



Development Management - Planning Committee
Report of Head of Planning, Engineering and Transportation, Economy and
Environment Directorate on 06th July 2017

Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	16/1515	SITE B GOSCOTE LANE (GOSCOTE LODGE CRESCENT), WALSALL WARD: BLAKENALL	426 NEW DWELLINGS WITH ASSOCIATED LANDSCAPING AND PARKING – 312 FOR PRIVATE SALE, 74 AFFORDABLE RENT AND 40 WELLBEING UNITS. (SITE AFFECTING PUBLIC FOOTPATHS WAL 26 & 28).	TO DELEGATE TO THE HEAD OF PLANNING, ENGINEERING & TRANSPORTATION TO GRANT PERMISSION SUBJECT TO CONDITIONS INCLUDING THE REMOVAL OF ANY CONDITIONS LISTED BELOW NOT REQUIRED FOLLOWING RECEIPT OF DETAILS ACCEPTABLE TO OFFICERS AND CONSULTEES; SUBJECT TO THE COMPLETION OF A SECTION 106 AGREEMENT TO PROVIDE FOR AFFORDABLE HOMES; AMENDMENTS TO THE ACCESS FROM GOSCOTE LODGE CRESCENT ONTO GOSCOTE LANE INCLUDING ANY CONDITIONS/OBL

					IGATIONS AS REQUIRED, TO ADDRESS THE CONCERNS OF THE HIGHWAY AUTHORITY
2	41	17/0033	<p>FORMER BLOCK WORKS SITE,SOUTH OF 370 CHESTER ROAD,WALSALL, WS9 9DE</p> <p>WARD: ALDRIDGE NORTH AND WALSALL WOOD</p>	REDEVELOPMENT OF FORMER BLOCKWORK SITE TO PROVIDE NEW 80 BED SPECIALIST CARE HOME (C2 USE) AND ASSOCIATED ANCILLARY FACILITIES, CAR PARKING AND EXTERNAL WORKS	REFUSE
3	57	17/0251	<p>NUTAN SOCIAL CLUB, 229 DARLASTON ROAD, DARLASTON, WEDNESBURY, WS10 7TD</p> <p>WARD: DARLASTON SOUTH</p>	TWO STOREY EXTENSION TO THE REAR AND SINGLE STOREY EXTENSIONS TO THE SIDE ELEVATIONS AND INTERNAL ALTERATIONS.	DELEGATE TO THE HEAD OF PLANNING, ENGINEERING AND TRANSPORTATION TO GRANT PERMISSION SUBJECT TO CONDITIONS AND THE SIGNING OF A SECTION 106 AGREEMENT TO PROVIDE AN OVERFLOW 15 SPACE CAR PARK ON THE PAL GROUPS OFFICES ON DARLASTON ROAD INDUSTRIAL ESTATE, DARLASTON ROAD

4	69	16/1631	BAHIA STORES, 26, LEAMORE LANE, WALSALL, WS3 2BL WARD: BIRCHILLS LEAMORE	SINGLE STOREY EXTENSION TO EXISTING SHOP AT NO.70 WEST STREET.	GRANT PERMISSION SUBJECT TO CONDITIONS
5	81	16/1098	QUICKJAY BUILDINGS,BILST ON STREET,WILLENH ALL,WV13 2AW WARD: WILLENHALL SOUTH	CHANGE OF USE FROM A1 RETAIL TO A3 RESTAURANT WITH ANCILLARY A5 HOT FOOD TAKEAWAY FACILITY AND VENTILATION DUCTING TO REAR OF THE BUILDING	GRANT PERMISSION SUBJECT TO CONDITIONS
6	93	17/0564	LAND EAST OF MERTON WAY, MERTON WAY, WALSALL WARD: PLECK	AMENDMENT TO PLANNING PERMISSION 06/1818/FL/W7 TO REMOVE PLAY AREA AND REPLACE / CREATE OPEN GENERAL AMENITY AREA	DELEGATE TO THE HEAD OF PLANNING, ENGINEERING AND TRANSPORTATIO N TO GRANT SUBJECT TO CONDITIONS AND THE SIGNING OF A SECTION 106 AGREEMENT FOR AN OFF-SITE PLAY AREA IN PLECK PARK
7	99	17/0588	46 , IDA ROAD, WALSALL, WS2 9SS WARD: PLECK	CHANGE OF USE FROM A1 (RETAIL) TO A5 (HOT FOOD TAKEAWAY)	REFUSE
8	109	16/0795	38, SELMANS HILL, BLOXWICH, WALSALL, WS3 3RL WARD: BLOXWICH EAST	REPLACEMENT DWELLING	GRANT PERMISSION SUBJECT TO CONDITIONS

9	119	16/1865	<p>CASTLEFORT GRANGE, 39 CASTLEFORT ROAD, WALSALL WOOD, WALSALL, WS9 9JL</p> <p>WARD: ALDRIDGE NORTH AND WALSALL WOOD</p>	<p>CHANGE OF USE FROM FORMER 20 BEDROOM RESIDENTIAL CARE HOME (C2) FOR THE ELDERLY TO A HOME IN MULTIPLE OCCUPANCY AS ASSISTED SUPPORTED ACCOMMODATION FOR VULNERABLE WOMEN WITH BABIES AND YOUNG CHILDREN. (SUI GENERIS)</p>	<p>GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 AGREEMENT</p>
10	129	17/0066	<p>64 , SPRING ROAD, SHELFIELD, WS4 1QQ</p> <p>WARD: RUSHALL-SHELFIELD</p>	<p>DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 2 DETACHED HOUSES, INCLUDING MASTER BEDROOM WITHIN THE ROOFSPACE, DORMER WINDOW TO THE REAR AND PARKING TO THE FRONT AND TO THE REAR OFF SWAN POOL GROVE</p>	<p>GRANT PERMISSION SUBJECT TO CONDITIONS</p>
11	145	16/1153	<p>135, ERDINGTON ROAD, ALDRIDGE, WALSALL, WS9 0RT</p> <p>WARD: ALDRIDGE CENTRAL AND SOUTH</p>	<p>PROPOSED DEMOLITION OF EXISTING BUNGALOW AND OUTBUILDINGS, AND ERECTION OF 4 NO DETACHED DWELLINGS.</p>	<p>REFUSE</p>

12	161	16/1713	AQUADUCT OVER RAILWAY NORTH OF 50 RAYMOND CLOSE, PUBLIC RIGHT OF WAY BETWEEN FOREST LANE AND HAWBUSH ROAD, WALSALL WARD: BLAKENALL	PROPOSED MODIFICATION OF BRIDGE PARAPETS AND PROGRAMME OF STRUCTURAL REFURBISHMENT	GRANT LISTED BUILDING CONSENT SUBJECT TO CONDITIONS
13	169	17/0416	188C, CHESTER ROAD, STREETLY, SUTTON COLDFIELD, B74 3NA WARD: BIRCHILLS LEAMORE	PROVISION OF NEW EXTRACT EQUIPMENT, INSTALLATION OF NEW SHOP FRONT, AND PROPOSED REVISION TO OPENING HOURS. RESUBMISSION OF 16/1849	GRANT PERMISSION SUBJECT TO CONDITIONS
14	181	16/1519	129, BROADWAY, WALSALL, WS1 3HB WARD: PALFREY	TWO STOREY SIDE AND REAR EXTENSIONS, SINGLE STOREY REAR EXTENSION AND FRONT GARAGE EXTENSION AND NEW PITCHED TO FRONT	REFUSE
15	189	17/0333	129, LONGWOOD ROAD, ALDRIDGE, WALSALL, WS9 0TB WARD: ALDRIDGE CENTRAL AND SOUTH	CONVERSION OF BUNGALOW WITH BASEMENT TO A TWO STOREY DWELLING WITH BASEMENT	REFUSE

16	197	17/0394	74, BLOXWICH ROAD NORTH, WILLENHALL, WV12 5PS WARD: SHORT HEATH	PROPOSED PORCH, FRONT EXTENSION TO EXISTING GARAGE, LOFT CONVERSION WITH X4 DORMERS TO FRONT ELEVATION, X1DORMER TO REAR ELEVATION AND PITCHED ROOF OVER GARAGE AND SUNROOM.	GRANT PERMISSION SUBJECT TO CONDITIONS
17	205	17/0470	19, RINGWOOD AVENUE, ALDRIDGE, WALSALL, WS9 0HZ WARD: ALDRIDGE CENTRAL AND SOUTH	PROPOSED SINGLE STOREY ATTACHED GARAGE	GRANT PERMISSION SUBJECT TO CONDITIONS
18	215	17/0229	20, BIRCHOVER ROAD, WALSALL, WS2 8TU WARD: BIRCHILLS LEAMORE	TWO STOREY SIDE AND FRONT EXTENSION.	REFUSE



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 1.

Reason for bringing to committee: Major application

Location: SITE B GOSCOTE LANE (GOSCOTE LODGE CRESCENT), WALSALL

Proposal: 426 NEW DWELLINGS WITH ASSOCIATED LANDSCAPING AND PARKING – 312 FOR PRIVATE SALE, 74 AFFORDABLE RENT AND 40 WELLBEING UNITS. (SITE AFFECTING PUBLIC FOOTPATHS WAL 26 & 28).

Application Number: 16/1515

Applicant: WHG

Agent: Ms Konstantina Zannetaki

Application Type: Full Application (Major)

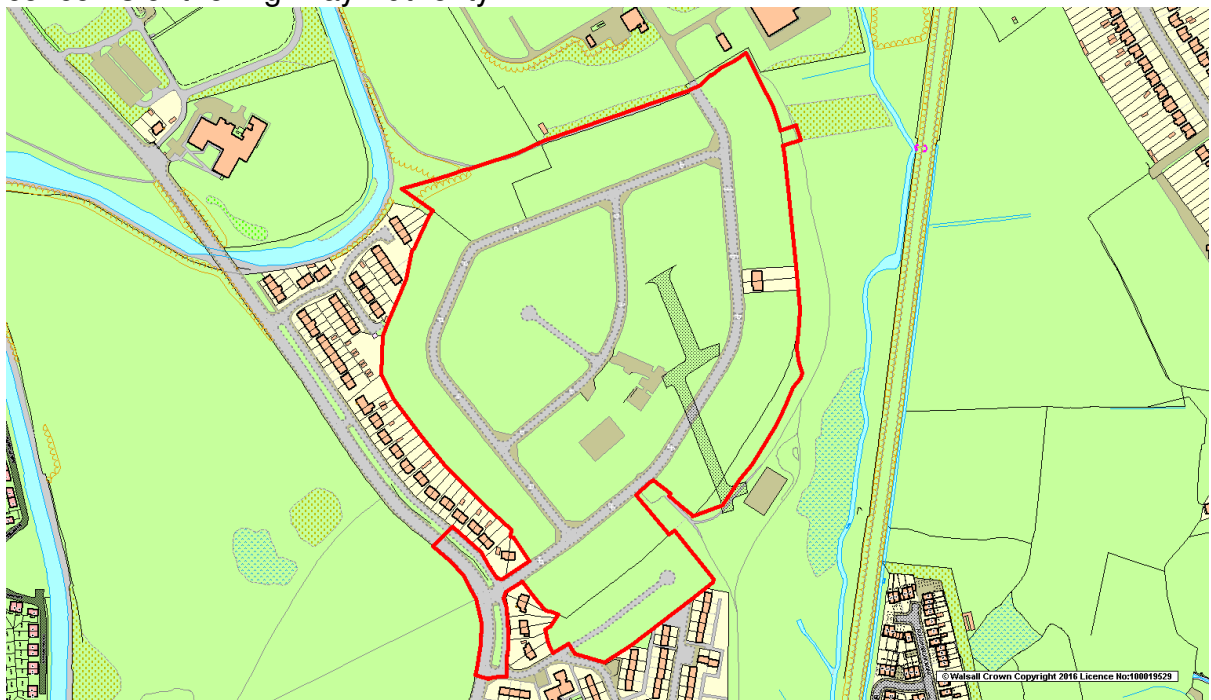
Case Officer: Stuart Crossen

Ward: Blakenall

Expired Date: 18-Jan-2017

Time Extension Expiry:

Recommendation Summary: To delegate to the Head of Planning, Engineering & Transportation to grant permission subject to conditions including the removal of any conditions listed below not required following receipt of details acceptable to officers and consultees; subject to the completion of a Section 106 Agreement to provide for affordable homes; amendments to the access from Goscote Lodge Crescent onto Goscote Lane including any conditions/obligations as required, to address the concerns of the Highway Authority.



PAGE 1 OF 220

Status Update

The application was first considered by Planning Committee on 27th April 2017 The application is brought back to committee following the extension of the application site boundary to the South West of the site to include a proposed embankment in order to address the difference in land level between the application site and adjacent land.

Full consultation has been undertaken on the amended location plan.

During the consultation period a new boundary treatment plan has been provided and other details in response to the recommended conditions considered at the previous planning committee so that details can be supported and conditions removed or amended accordingly.

Consultee Responses on amendments

Public Rights of Way – No objections

Fire Service – The fire service have provide two sets on comments, one is an objection and one in support. It is expected that confirmation of the Fire comments will be received so that member are updated prior to committee.

Observations on amendments

No objections have been raised and the proposed embankment is considered acceptable having no significant impact on the previous determining issues. It will enable a better transition between the site and adjacent land.

Conditions

The applicant has submitted further information to comply with some of the condition requirements. As a consequence the wording of the conditions in the main report that follows will need to be amended or reworded accordingly and delegated authority is sought for officers to determine these matters with the exception of condition 2 which has already been updated.

Recommendation

To delegate to the Head of Planning, Engineering & Transportation to grant permission subject to conditions including the removal of any conditions listed below not required following receipt of details acceptable to officers and consultees; subject to the completion of a Section 106 Agreement to provide for affordable homes; amendments to the access from Goscote Lodge Crescent onto Goscote Lane including any conditions/obligations as required, to address the concerns of the Highway Authority.

Original Application as Previously Considered in April 2017

Application and Site Details

The application is for 426 new dwellings with associated landscaping and parking. Of these 312 units (73%) are for private sale to be built by Keepmoat Homes, 74 (17%) are for affordable rent and 40 (10%) are wellbeing units both to be managed by Walsall Housing Group (WHG).

The accommodation comprises the following:

25 x 1 bed apartments

57 x 2 bed apartments

14 X 1 bed bungalows

17 X 2 bed bungalows

54 x 2 bed houses

146 x 3 bed houses

113 4 bed houses

The application site is the former Goscote estate comprising of three roads, Goscote Lodge Crescent, Hildicks Crescent and Hildicks Place. Goscote Lodge Crescent provides access to Severn Trent's water treatment facility. The site is within the Goscote Lane Regeneration Area (GLRA), designated as site B and located approximately 2.7 miles north of Walsall Town Centre. The surrounding areas are predominantly suburban residential areas but include Blakenall Village Centre, Blakenall Community Centre, Rushall Local Centre, local shops and schools. There is a zebra crossing on Goscote Lane leading to the open space approximately opposite 22 Goscote Lane.

Chapter 3 of the GLRA document provides the following relevant history of the site:

"The former Goscote estate suffered for many years from a very high housing void rate. Properties became vacant and WHG, and previously the Council, as landlord, were unable to let the properties. As a result the area became a target for extreme vandalism, theft of materials and incidents of arson. The housing layout lacked many of the recommended principles of 'Secured by Design' and the estate became beset by issues of both anti-social behaviour and criminality."

There are two public footpaths around the site Wal 26 and Wal 28. To the East are post war traditional semi-detached and terraced houses, the South modern post 1960s properties which utilise a mix of materials and to the West is the form railway line.

The layout of the proposed development would be broadly similar retaining the existing road network but includes 9 other through roads and cul-de-sacs. The application site boundary includes the road junction of Goscote Lodge Crescent to facilitate highway improvements to serve the proposed development. All new housing has off-street parking either at the side or in front of the dwelling and across the site parking provision averages at 1.6 spaces per dwelling.

There are a mix of houses proposed being single, double and three storeys with between 1 and 4 bedrooms. All houses face the street. Tree planting is proposed on frontages and in rear gardens.

The gardens to the houses would predominantly exceed 68m², 62 of the houses would fall below this threshold, however where this is the case they are usually bungalows or smaller house types.

The appearance of the dwellings is a combination of brick and rendered properties with pitched roofs. There is a variety of house types that include plinth details, timber cladding, gables and dormer windows, porch canopies and Juliet balconies. The properties are of modern appearance.

The wellbeing apartment units are located to the North near to the boundary to the public footpath and Severn Trent premises. The building is L-Shaped, three and four storeys high with flat roof, balconies, light brick and light render finish and includes an amenity area to the back away from the road. There are 30 secure parking spaces proposed to serve this element of the development.

Goscote Lodge apartments would be to the South of the site in two sections, three storeys high with a flat roof, balconies dark brick and light render finish. There would be a new pedestrian route between the two sections linking to the existing public right of way and there would be 38 parking spaces with access onto Goscote Lodge Crescent.

The application details confirm that the scheme will be built to secure by design standards and achieve full accreditation

The application submission defines all boundary treatments.

Junction between Goscote Lane and Goscote Lodge Crescent

Additional information and details have been provided to improve the access in this location including the relocation of the zebra crossing and to change one of the service roads to a one-way operation.

The Design & Access Statement – Describes the site and details of the development and relates to relevant national and local planning policies. It describes the character of the surrounding area and the design and layout, scale, appearance, landscape proposals, boundary treatments, materials and access.

Transport Assessment – Provides the following relevant information. The parking provision for the new housing significantly exceeds statistics for car ownership in the local area. Parking for the apartments for the elderly is based on knowledge and experience in this sector. New highways would be designed constructed to standards published by the Highway Authority. The project is expected to create a net increase of 400 trips (two-way) per day over and above the traffic movements that may have been created by the housing (now demolished) on the site. Junction improvements such as a roundabout or signal installation have notable disadvantages and are considered not plausible. Measures to improve and maintain visibility, using land to the west of the junction, are recommended. Evidence from the National Census shows a lower than average usage of the private car in journeys to work and a higher usage of bus services. The site is located within a short distance from local facilities such as shops, post office and schools as well as numerous bus services. The site would not create an over-reliance on the use of the private car.

Flood Risk Assessment - Provides the following relevant information. The proposed development will not impede flood flow, will not result in a net loss of floodplain and will not adversely impact flood risk within or external to the Site. It is considered that the proposed development, subject to detailed design, will not increase the risk of flooding and planning permission should not be withheld on the basis of flood risk.

Coal Mining Risk Assessment – Provides the following relevant information. Specialist foundations are likely required for all proposed structures proven to lie above the mine workings, following treatment of these mine workings. There is one recorded abandoned mineshaft with, or within the 20m consideration zone around the property. Consideration should be given to locating and stabilising this mineshaft although it is acknowledged that the shaft lies outside the site boundary and therefore treatment may not be possible. If the shaft is not investigated then a nominal 30m stand-off to final, permanent development should be considered at this stage.

The Tree Survey – Identifies a site visit was undertaken in April 2016. 115 trees were surveyed. Of these 11 are recommended to be felled and none are considered to be high quality.

Relevant Planning History

13/1221/ND – Screening opinion for residential development of sites A, D and part of site J in Goscote Development Area including Shakespeare Crescent, Keats Road, Tennyson Road, Chaucer Road, Wordsworth Road, Dryden Road, Harden Road and Well Lane – Determined that an Environmental Impact Assessment was not required - 11/10/13

12/0036/OL – Outline permission for residential development on sites A, D & J (Goscote Lane Regeneration Corridor) – Approved Habitat Regulations Assessment and Granted subject to conditions and a S106 Agreement on 13/08/14.

11/1570/ND - Screening Opinion for Goscote Development Corridor residential/redevelopment (sites A, B, C, D and J) – Determined that an Environmental Impact Assessment was not required – January 2012

07/2335/OL/E11 – Outline: Proposed construction of 182 1, 2, 3 & 4 bed dwellings with garages and parking on land between Shakespeare Crescent/Chaucer Road/Tennyson Road/Wordsworth Road and corner of Well Lane and Shakespeare Crescent (now Site D) – Refused for 2 reasons broadly relating to (1) Failure to demonstrate that 182 residential units can be satisfactorily accommodated on the site and provide a satisfactory residential environment with good design and adequate parking and amenity space (2) Unacceptable demand on limited educational capacity, accessible community healthcare facilities, affordable housing and public open space provision in the locality.

There are several approved applications for prior notification for demolition of the former housing on the sites throughout 2005/2006.

Adjacent sites

Site G – Well Place

10/0864/FL – Erection of 32, 2 and 3 bed houses – granted subject to conditions – October 2011. This site is now complete.

Site H – Barracks Lane

10/1047/FL – Construction of 73 no. affordable dwellings comprising 39 apartments and 34 houses – granted subject to conditions – October 2011.

Site J – Shakespeare Crescent

13/1604/RM – Erection of 29 dwellings for affordable rent – approved Habitats Regulations Assessment and granted full planning permission subject to conditions 27/2/14.

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
-

Key provisions of the NPPF relevant in this case:

- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***
- ***NPPF 8 - Promoting healthy communities***
- ***NPPF 9 - Protecting Green Belt Land***
- ***NPPF 10 - meeting the challenge of climate change, flooding and coastal change***
- ***NPPF 11 - Conserving and enhancing the natural environment***
- ***NPPF 12 - Conserving and enhancing the historic environment***
- ***NPPF 13 - Facilitating the sustainable use of minerals***

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

The Black Country Core Strategy

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM1: Sustainable Waste and Resource Management
- MIN1: Managing and Safeguarding Mineral Resources

Unitary Development Plan

The relevant policies are:

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV11: Light Pollution

- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV25: Archaeology
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H1: Renewal of Existing Residential Areas
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T1 - Helping People to Get Around
- T4 - The Highway Network
- T5 - Highway Improvements
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces
- LC5: Greenways

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

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

DW1: Sustainability

DW2: Safe & Welcoming

DW3: Character

DW4: Continuity.

DW5: Ease of Movement

DW6: Legibility

DW7: Diversity

DW8: Adaptability

DW9: High Quality Public Realm

DW10: Well Designed Sustainable Buildings

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

Conserving Walsall's Natural Environment SPD

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

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

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

Supplementary Planning Document for Affordable Housing

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

Supplementary Planning Document Urban Open Space

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

Consultations

Transportation – Objection- There is insufficient information for highway to determine the application. The indicative design is not acceptable in highway terms and previous comments from the Public Rights of Way highway officer have not been taken into consideration as part of the development design or proposal. In the circumstances the application would be contrary to the interest of highway safety and the safe use of the highway (Footpath Walsall 26 Walsall 28, Beacon Way/Greenway) by the public.

Environmental Health – No comments

Planning Policy – No objections, comments made in relation to the policy implications, ecology and in relation to the transport statement.

Environment Agency – No objections

National Grid – No objections

Pollution Control - Recommends that a contaminated land condition is included within any permission, a Construction Management Plan is implemented to reduce local impacts, noise mitigation measures are installed on premises near to the Sewerage Work and its entrance/exit, and Electric Vehicle Charging Points are provided wherever possible to allow future residents a readily available infrastructure to switch to environmentally sustainable transport in the future.

Canal & River Trust – No objection subject to conditions and legal agreement to safeguard the structural integrity of the canal, the character, appearance and natural environment of the waterway corridor and the condition of the towpath.

Coal Authority – No objections subject to conditions for the submission of a scheme of remedial works for approval and the implementation of those remedial works.

Fire Service – No objections

Housing Strategy – No objections

Flood Risk Officer – No objections subject to conditions for flood risk mitigation including floor levels, limiting surface water run-off, provision of attenuation storage and details of management of surface water systems.

Landscape – No objections subject to landscape condition.

Community Safety Officer – Supports secure by design comments by Police and identifies a number of potential issues.

Local Access Forum (Walsall Ramblers) – Objection to the potential redirecting or loss of public rights of way.

Public Rights of Way Officer – Objections concerning anti-social behaviour due to the scheme not incorporating footpath Wal26 and Wal28

Education – No objection or section 106 requirements for contributions.

Police – No objections subject to secure by design.

Severn Trent Water – As a neighbour concerns raised about operation of treatment facility and potential conflict with occupants of housing. With respect to the development no objection subject to drainage conditions.

The Wildlife Trust – No objections subject to Ecology survey and recommendations for planting (note for applicant)

Archaeological Officer – No objections subject to a condition for a program of archaeological work to be conducted.

Regeneration – No objections. Advice regarding previous investment in the open space in the area by the developers is highlighted.

Public Participation Response

4 objections have been received on the following grounds:

Not enough school places

Increase in traffic

Determining Issues

- Principle of residential development
- Layout, scale and appearance
- Landscaping
- Relationship to surrounding properties
- Public Right of Way
- Access, parking and junction to Goscote Lane
- Security
- Archaeology
- Provision for affordable housing/urban open space/canal improvements
- Local Finance Considerations

Observations

Principle of Residential Development

BCCS

The Housing Key Diagram identifies the Goscote area as a housing renewal hub. Policy CSP2 states that the hubs will be the focus for housing renewal activity.

Policy HOU2 states that developments of 15 dwellings or more should provide a range of house types and sizes that will meet the accommodation needs of both existing and future residents, with reference to the standards in Table 8. Table 8 states that sites with moderate accessibility should have a density of 35 to 45 dwellings per hectare. The current application proposal equates to 38 dwellings per hectare which is within this range and acceptable from this point of view.

Policy HOU3 states that local planning authorities will seek to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable. The affordable housing for this site equates to 27% just above the required amount which can be secured through a section 106 agreement.

PAGE 12 OF 220

Policy ENV1 states that development within the Black Country will safeguard nature conservation by ensuring that development is not permitted where it would harm internationally, nationally or regionally designated nature conservation sites; and locally designated nature conservation sites (Sites of Local Importance for Nature Conservation), important habitats and geological features are protected from development proposals which could negatively impact upon them. The submitted Ecological Appraisal takes account of the SLINC and suggests mitigation by way of minimum distance separation and use of sensitive materials between the site and the canal and for a suitable lighting scheme which does not impact on habitats which can be secured by condition.

Policy ENV5 states that all developments should incorporate Sustainable Drainage Systems (SUDS) unless it would be impracticable to do so. Details have been provided of how the applicant would mitigate for surface water drainage and subject to conditions raises no concerns from the Flood Risk officer.

Policy MIN1 states that proposals for non-mineral development within the Areas of Search (relating to sites or areas of 5ha and over in the urban areas outside the Green Belt) are encouraged to provide for the extraction of minerals before the commencement of development and will not be permitted unless it can be demonstrated that the development will not result in the needless sterilisation of the resources within these areas. It provides for evidence to be submitted that would demonstrate minerals are not present or capable of extraction, the viability of the development would be jeopardised, the need for the development outweighs the need for minerals and/or the extraction of minerals would have unacceptable impacts. The Coal Authority mining report notes previous deep seam extraction from beneath the site and does not refer to a requirement to extract further. Should

shallower (more exploitable) seams exist the agent contends that these would have already been exploited. Whilst there may be superficial sand and/or gravel deposits on the site it is also contended that [without evidence that such minerals don't exist, or are of quantities sufficient or are capable of extraction] the extraction of such deposits could delay works on the site. Any prior extraction (and subsequent reclamation) may make the scheme unviable and would delay its deliverability. For these reasons the proposal is considered to accord with policy MIN1.

UDP

Policy LC1(d): a section 106 agreement will be required to enable the provision of new, or the improvement of existing, urban open spaces (Walsall Urban Open Space SPD).

Policy ENV23 states that the council will require habitat creation, enhancement and the implementation of other appropriate measures to encourage the conservation of wildlife. This part of the policy will be applied to all development proposals in proximity to a SSSI, LNR, SINC or SLINC, and other locations of nature conservation interest. The case officer has sought advice on whether mitigation is required for the development from the Birmingham and Black Country Wildlife Trust who have raised no objections subject to an ecological survey being undertaken and has made some planting recommendations which can be attached as a note to applicant.

An ecological appraisal has been submitted and recommendations relating to exterior lighting, bats, birds, security fencing to protect animals during construction and Japanese knotweed have been recommended as conditions.

SAD

Policy HC1 of the emerging Site Allocation Document proposes to allocate the site for housing (site reference HO27), with an estimated capacity of 327 dwellings. The policy lists assets and constraints that apply to or adjacent to the site. These comprise the canal, Site of Local Importance for Nature Conservation, Mineral Safeguarding Area, Greenway, Public Right of Way and a waste operation (Goscote Sewage Works). The implications of some of these are expanded on below.

Policy HC4 states that part of site HO27 may need to include accommodation for Travellers if site HO28 (Dolphin Close) does not come forward.

Layout, scale and appearance

The layout is based around retaining the existing highway network with the introduction of new highways that dissect the perimeter blocks to reduce their size and make the site more permeable. All new dwellings face the street and have off street parking and secure rear gardens.

The rear windows of plot number 33 are between 10 and 13 metres from the blank rear elevation of plot 34. Although in part this is below the minimum standards between habitable room windows and blank walls, the window most affected is one to a ground floor lounge at plot 33 but this room also has a larger window at the side. The first floor bedroom window of number 33 would face the top part of the blank wall of plot 34, however the blank wall is not 3 metres above the floor level of this room.

Plots 10, 17, 34, 95 and 143 include blank rear elevations which are considered would be prominently visible when travelling along the highway. The mass of brick which could be overbearing to the public space can include secondary obscure glazed windows which not only provide additional light but would also soften these blank elevations and can be conditioned.

Plot 100 is a three storey design, the side elevation of which is over 21 metres from the side of plot 101 and would be a prominent elevation when travelling along Middle Crescent North to South. The design only includes 2 small bathroom windows and it is considered that this is not sufficient to ensure this does not result in a significant overbearing impact on users of the highway. These windows are also not aligned which is contrary to the character of the elevations of the houses which are symmetrical. A condition can be attached to revise the design of this plot to include additional side elevation windows and to align them.

Plots 88, 89 97, 98 115, 116, 210 – 234 and 340 – 347 would all have between 19 and 21 metres of separation between habitable room windows, some would be three storey houses. This level of separation falls below the Council's minimum standards between habitable room windows. This shortfall is not significant and is considered to reflect the proposed high density character of this development, the east to west orientation is favourable and on balance this relationship is considered provides sufficient amenity for occupants.

Plots 361 to 367 all face plots 375 to 379 with habitable room windows facing one another between 13 and 20 metres away, up to 10 metres below the Councils minimum standards. However, these plots are bungalows and overlooking would be interrupted by the boundary fencing which is considered sufficient to prevent overlooking and that the single storey construction would not result in any significant loss of light.

The rear elevation of plots 47 and 48 are just 10 metres from the side elevation of plot 73. Plot 47, due to the angle in relation to plot 73, predominantly faces the front parking area and is considered would not significantly harm the amenities enjoyed by occupiers of this house. Plot 48 is also at a slight angle and has the advantage of a larger garden than plot 47. Taking account of the high density character this shortfall on balance is considered acceptable that occupants of these houses would have sufficient levels of amenity.

Plots 200 and 203 are approximately 45 degrees in relation to one another. The garden of plot 203 is just 8 metres deep and has potential to overlook the garden of plot 200. Although this relationship is not ideal it is considered that on balance because only the first floor windows of 203 could result in overlooking which combined with the proposed separation, and because windows would serve bedrooms which are likely to be occupied at night, the proposal would still provide sufficient amenity for occupiers.

The rear lounge window of plot 301 would have some shading from the side elevation of number 300, however this is considered not significant taking account of the favourable orientation, this elevation being to the North West. In relation to the 45 degree code the quarter point from the lounge window would meet the final metre of the rear elevation of plot 300, however in the context of the estates character this small breach is considered acceptable. The garden area too would have some impact however it will be possible for occupiers to utilise an area of the garden which is not affected by the staggered relationship.

Although plots 356 - 360 are within 16 metres of the rear of plots 348 – 355, they are single storey and it is considered that the boundary fence would ensure satisfactory window to window relationship with no significant overlooking potential from first floor to ground floor to justify refusal.

Plot 373 is a bungalow and there would only be an 8 metre gap to the blank gable wall of plot 374 which measures between 2.5 and 5 metres high. This could have a significant impact on the bedroom and dining room window of plot 373 and falls 5 metres below the Council's minimum standards. The blank brick elevation could have an overbearing impact which is considered can be mitigated for through a condition which requires that elevation is rendered white and would break up the mass of brick and reflect light.

The houses are off-set where possible so there will not be significant potential for overlooking or lack of privacy. Some plots such as plot numbers 16 and 17 are staggered significantly in relation to one another which is considered would be part of the character and design of the proposed houses in relation to the traffic calming measures which have been integrated into the scheme. On balance it is considered that the 8 private units this affects is not significant and potential purchasers will decide whether or not to accept the compromise, which in some instances can be considered to provide a sense of privacy. For these reasons the wider benefits of this raised traffic calming measures outweighs the compromised relationship between these houses.

Although the proposed character of the estate will be in part defined by high density accommodation most of the plots exceed the Council's minimum space standards. Where this is not the case there is still sufficient amenity space to serve the property. The agent has provided a list of houses which do not meet the Council's garden space standards and in those instances permitted development rights can be removed for rear and side extensions, roof projections and outbuildings.

Despite the compromises made the layout and design offers a reasonable high density development. The modern design is reflective of new developments elsewhere on Goscote estate.

Landscaping

Visually the impact of the development will be buffered by existing landscaping though any proposed landscaping should seek to further screen the development from the wider green belt. The hard and soft landscaping aspects of development proposals, particularly at the site boundaries adjacent waterways, play an important role in improving the appearance of the site when viewed from the waterway, and also the appearance of the waterway corridor itself. Native species are preferred by the Landscape Officer in order to maintain the appearance and biodiversity of the waterway.

Street and landscaping trees towards the canal boundary, especially beside street lights and tall buildings should include taller trees. This will provide some screening from air, noise and light pollution for canal users, and offer higher quality landscape value. In addition, some amended species will be required to address concerns. This

PAGE 16 OF 220

detail could be amended prior to determination or required by a condition on any approval.

There is a well-established footpath onto the canal that follows the northern development site boundary and it should be ensured that this is easily accessible from the development. The linking points into the development from the footpath need to be well considered in the detailed design through surface materiality, visibility and signage. This detail could be required by condition.

The level of landscaping throughout the site is to be enhanced and is considered appropriate. Full details of planting to meet the recommendations of the Landscape Officer will be secured by condition.

Relationship to surrounding properties

The proposed dwellings maintain an adequate distance between existing properties surrounding the site and respect the existing street pattern. The proposal does not have any significant impact on the outlook, daylight or privacy of surrounding occupiers.

The nearest dwellings are those on Harden Road, including a garage and nursing home. The proposed new housing is no nearer to these properties than existing dwellings on Harden Road despite minimal separation at the rear.

49 and 50 Goscote Place are the nearest houses to the south of the development just 12 metres from the proposed southern boundary houses. However, the orientation of the houses in Goscote Place are angled at 45 degrees and are to the South ensure the relationship is acceptable not to result in any significant harm to existing amenity. This relationship is similar along the Northern boundary to the nearest house number 9 Goscote Close which is 15 metres away and at 45 degrees to the nearest plot of the development and considered acceptable.

The proposed development layout in all other respects maintains an acceptable relationship to surrounding occupiers.

Severn Trent has objected to the proposal. The sewage treatment works in

Goscote is visited frequently by tankers and the site operates on a 24 hour a day basis. The only access to the site is via Goscote Lodge Crescent, which forms a key route through the proposed development and the proposed layout has many new properties fronting it. Severn Trent has raised concerns over the potential for conflict between its existing use of this access and the proposed use by residents of the proposed development. In particular, the houses to the North near to the entrance include driveways with access onto Goscote Lodge Crescent. Severn Trent have advised that many of the tankers that visit the sewage works are run by private

operators often arriving at the site access prior to the site opening and wait until the gates open to discharge their loads. Severn Trent Water has no control over when they arrive and due to the nature of their work it is extremely hard to apply any meaningful control to their pattern of operation. The operation of the Severn Trent site is not part of this application.

It is considered that the use of the public highway for Severn Trent's operational needs is not acceptable and that they should provide space within their control to cater for their operational needs. If Severn Trent were to block the public highway separate legislation would prevent this.

Notwithstanding the above, Pollution Control and Environmental Health are aware of potential disturbance to residents by way of noise through the comings and goings of Severn Trent operatives and have suggested conditions to mitigate for this.

Public Rights of Way

Objections to the scheme have been received from the public rights of way officer referring to anti-social-behaviour and crime and advising that retaining the existing situation would require resources from the Police, Community Protection Team, Clean and Green, Rights of Way and Walsall Housing Group. In the circumstances they have requested the following amendments:

The application site should be amended to enable the adjoining public footpaths 26 Walsall and 28 Walsall to be Diverted and Stopped Up under S257 of the Town and Country Planning Act 1990 (TCPA), which would be necessary to re-direct them through the site. Without this amendment the statutory criteria of S257 TCPA cannot be met and therefore this option cannot be taken forward, nor can the amendments to the footpath alignment through the site be +delivered.

Footpaths 26 and 28 Walsall, the open spaces and unrecorded footpaths adjacent to the wellbeing apartments and curved apartments have not been included in the development which would allow a slight re-routing of the Beacon Way footpath, shown in open space to the rear of the curved apartments. The agent has confirmed that they do not intend to include this as part of their planning application.

The unrecorded footpath across the open space by the wellbeing centre must form part of the alternative highway for a stopping up and diversion and be included within the S278/ S38 agreement to ensure that a connection from highway to highway exists in accordance with statutory requirements of S257 of the Town and Country Planning Act 1990. There are no existing or proposed alternative connections to highway which would facilitate and the proposed diversion and stopping up across the site.

The Public Rights of Way Officer considers that failure to either stop up and divert the footpaths or undertake necessary improvements will mean that the crime and anti-social behaviour will not have been considered and dealt with and will represent an unacceptable risk to safety and security, and a negative impact on residential amenity.

In response to the above comments the applicant has confirmed that they will address the Public Rights of Way Officer concerns and have enlarged the red line to include the Wal26 path. Further details are expected which should address the objection to enable full support for the scheme.

The Walsall Group of Ramblers support the retention and improvement of the existing paths.

Access, parking and junction to Goscote Lane

Roundabout:

In relation to the revised Transport Statement dated 4th April 2017. The statement revisits the three junction options. Highway Officers agree that the roundabout option would not be suitable for the potential amount of pedestrian trips generated from the residential development as a practical option.

Right Turn Lane to the Priority Junction:

The proposed right turn lane as detailed in Banners Gate drawing P1165/101 (Goscote Lane Junction Improvements) shows the introduction of the dedicated right turn lane. Highways support the introduction of the right turn lane. Highway Officer comments in relation to the design are as follows:

- a) Ideal carriageway width for right turn and running lanes is 3.5 metres. Any departure from this would have to be justified and be based on swept path analysis of Severn Trent Water largest HGVs making opposing manoeuvres at the same time without conflict.
- b) Due to queuing at am peak highways recommendation for the service roads are that they are both closed to prevent through traffic and rat running. The North Service road was made One Way previously due to vehicles rat running to bypass the queuing on the approach to the island.
- c) Highways would not support a planning condition for a junction design to be submitted at a later date. It would have to be demonstrated that any proposed carriageway widths, alterations to verge, services, and works within the highway are achievable and supported by RSA Road Safety Audit.

d) The Submission of Road Safety Audit is required

Signal Controlled Junction:

From the submission of the Supplementary TA the principle of the right turn lane is agreed and supported by Highways. The introduction of the right turn lane would apply to both the right turn priority Junction and the signals.

The highways recommendation for the closure of the service roads, the right turn lane, and any departure in terms carriageway width would add weight to the use of a signal junction.

Essentially highways officers require the creation of a new Junction to the access from Goscote Lodge Crescent onto Goscote Lane, in accordance with Government Guidance, improvements to pedestrian movements on Goscote Lane, and closure of Service Roads plus amendments to the scheme to take account of improvements to public footpaths including Beacon Way/Greenway and unrecorded paths with conditions as required.

The applicant has agreed to make the above necessary changes and submit additional information. This information may = not be available in time for planning committee consideration and may require additional consultation. Because of the applicant's requirements to deliver the scheme the recommendation is to support the scheme subject to addressing the highway issues to the satisfaction of the Councils Highways Officers.

Security

The Community Safety Officer raised concern that the original plans propose rear access gates positioned to the rear elevation of the houses instead of in line with front of properties which could leave exposed alleyways. Amended plans have been received and where it is possible to locate gates to the front this has been achieved but where this cannot be achieved it is as a result of a requirement for parking. The layout and location of windows at properties ensures there is good visual surveillance in those instances where gates cannot be relocated or provided. Plots 129, 118 and 119 have no habitable side elevation windows which means, that there is no visual surveillance of the parked cars at 119. A condition can be attached which requires additional windows in the side elevation of plot 129.

The Community Safety Officer has recommended low 1m gates to the front of the properties. It is considered that this would either compromise the parking spaces or open onto the highway so cannot be achieved and due to this constraint not significant to warrant refusal in this instance.

A comprehensive lighting plan is required to ensure the satisfactory safety for residents. This can be conditioned.

Amended plans have been received following the Community Safety Officers original comments and now include an area between the apartments for a motorcycle barrier. For further detail a condition requesting this information can be attached to permission if granted.

Both the Community Safety Officer and Police Architectural Liaison Officer support the Secure by Design principles. The Mandatory Building Regulations which cover the physical security of dwellings came into force on 1 October 2015 and so it is not necessary to impose a condition in relation to "Secure by Design" specifications.

In this instance it is considered reasonable to require conditions in respect of the following recommendations in the interests of the security of the occupants:

- Notwithstanding the submitted details all rear perimeter fences shall be 2.1m high and erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide.
- All side entry gates shall be 2.1m high and be key lockable from both sides, positioned flush with the front of the building line, shall not butt against a lower height wall or fence and shall be designed so not to provide climbing aides.
- All properties shall have an intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.
- On the communal entry to the apartments shall be fitted with an access control system which shall include CCTV coverage to the flats.
- All entrances off the main lobby for the wellbeing unit shall be access controlled.

Archaeology

The archaeologist has identified localised areas of archaeological potential. At the eastern edge of the development is the location of Mill House (WaHER 13006), which is shown on 19th century maps. A mill is shown in this location on Yates' map of 1775, and is referenced in documentary sources from 1693. The old Goscote Brook watercourse has been straightened, so it is possible that it ran closer to the site than it does now.

The second localised area of archaeological potential is immediately to the southeast of the development site. An archaeological excavation in 1967 (just outside the current site boundaries) identified a mound composed of ash, cinder, and early bloomer slag waste (WaHER 2615). A watching brief conducted in the area in 2008 confirmed the area contained metallurgical slag, likely from a late medieval water-powered bloomery (WaHER 13007). Limited documentary evidence suggests the possibility of a working bloomer site at Goscote in 1576.

It is considered that of these sites form a major constraint, however it is possible that remains relating to them survive within the development site, especially in areas formerly occupied by gardens. Archaeological remains relating to the possible late medieval bloomery would be particularly significant.

PAGE 21 OF 220

For this reason, it is recommended that a condition is placed on planning permission requiring a program of archaeological work to be conducted, in order to ensure that archaeological remains are recorded properly prior to or during development.

Provision for affordable housing/urban open space/canal improvements

Provision for affordable housing

In accordance with Policy HOU3 of the BCCS, 25% of the development should be provided as affordable housing. The requirement would be to provide this affordable housing as part of the development site which can be secured through a section 106 agreement.

Urban Open Space

In accordance with BCCS policy DEL1 and UDP policies GP3, and policy LC1 (d) of the UDP and SPD: Urban Open Space the proposals also require the developer to contribute towards provision for urban open space. The open space contribution for this development would be £811,725.00.

It has been confirmed by Regeneration Officers that the applicant has made a significant contribution to The Lea and Swannies Field development, in excess of what is required for the open space contribution for this scheme. The Council has benefited from £1.3m of the LGF grant funding (out of the £8.8m grant award to WHG from the Black Country LEP through the Local Growth Fund to support development viability and delivery) to undertake open space improvements on the Lea and Swannies Field. These improvements commenced in September 2016 and due to be complete by mid-May 2017; with most of the hard landscaped play facilities having already been handed over/complete (at 31st March 2017). These two open space areas are directly adjacent the application site and would serve residents of this proposed development. The applicant also considers that this

previous contribution is acceptable and is not willing to provide any additional contributions.

In taking account of the existing open space improvements undertaken by the applicant and the benefits of the scheme to the wider area, officers consider that further open space contributions should not be sought in this instance.

Canal & Rivers Trust towpath improvement works

This section of the canal is part of a wider regeneration corridor and some stretches of the towpath up to Hildick Bridge, 150 metres away have been enhanced through the first phase of the regeneration works, the funding for works undertaken so far has been separate to any agreement as part of a previous planning application and were undertaken with Local Growth Funding.

The application includes a path between the North of the site and the tow path and it is considered that this link serves the development. The towpath from Hildicks Bridge to Slacky Lane has been identified by the Canal and Rivers Trust as requiring improvement to support additional usage. These works have previously been costed at £202,000.

The Trust has asked the local planning authority to seek agreement from the developer, prior to determination, that a contribution towards improvement of the towpath is included within any S106 agreement. Further detailed calculations, costings and a specification for the access and towpath surfacing works could then be provided.

Although a request has been made to Canal & Rivers Trust to confirm the amount of contribution they would expect, no conclusive response has been received.

Policy GP3 gives examples of where contributions may be required such as to offset or redress the on-site or off-site impacts of the development.

Policy LC5 of the UDP states that developers of sites adjacent Greenways (which include the adjacent canal) will be expected to fund their construction and improvement. Policy LC5 is updated in the emerging Site Allocations Document (SAD) which repeats the requirement for improvements to Greenways (which also includes canals). No objections have been received in relation to this part of the SAD through the consultation process.

The applicant does not want to provide a contribution to the canal towpath. The tests for whether such an obligation should be sought are:

1. necessary to make the development acceptable in planning terms (policy LC5)
2. directly related to the development; and (there is a footpath between the development and towpath)
3. fairly and reasonably related in scale and kind to the development. (it's the largest scheme in recent years, occupiers are likely to use the towpath)

In this instance the applicant contests the requirement on the grounds that no justification of these costs have been provided, how it has been calculated or how much of the costs can be attributed to this scheme and for these reasons the request does not meet the above tests. In the absence of any further details which have been requested by the case officer it is considered in this instance that the contribution cannot be sufficiently justified and permission should be secured without a contribution to the Canal and Rivers Trust.

Local Finance Considerations

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

This application proposes 426 new homes.

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

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

Positive and Proactive working with the applicant

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

Recommendation

To delegate to the Head of Planning, Engineering & Transportation to grant permission subject to conditions; subject to the completion of a Section 106 contribution to provide affordable homes; amendments to the access from Goscote Lodge Crescent onto Goscote Lane and amendments to the scheme to take account of public footpaths including any conditions/obligations as required, to address the concerns of the Highway Authority.

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 92 of the Town and Country Planning Act, 1990.

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

plans and documents: -

Amended Location Plan (D00 Rev D) received 01/06/17

Amended Proposed Site Layout (D101 Rev N) received 24/01/17

Proposed site layout boundary line to bank (D162) received 01/06/17

PAGE 24 OF 220

Wellbeing Elevations (D210 rev E) received 30/09/16

Wellbeing Floor Plans (D201 rev G) received 30/09/16

Amended Bungalow 2bB-1 (D220 rev E) received 26/10/16

Amended Bungalow 2bB-wc (D222 rev E) received 26/10/16

Affordable House 1527 4B7P WC (D225 rev A) received 30/09/16

Amended Bungalow 2bB-wc corner plot (D227 rev B) received 26/10/16

Affordable House 1001 3B5P (D223 rev A) received 30/09/16

Affordable House 1203 4B7P (D224 rev A) received 30/09/16

Affordable House 1001 C 3B5P (D226 rev A) received 26/10/16

Amended Bungalow 1bB-1 (D228 rev B) received 26/10/16

Amended Bungalow 1bB-2 (D229 rev B) received 26/10/16

Amended House Type 765 (D230 rev B) received 26/10/16

Curved Apartment Block Elevations (D251) received 30/09/16

Curved Apartment Block Floor Plans (D250) received 30/09/16

1 Bed Apartment Block Plans (D260) received 30/09/16

House Type 651 (D300 rev A) received 30/09/16

House Type 764 (D301) received 30/09/16

House Type 832 (D302) received 30/09/16

Amended House Type 832-A (D303 Rev A) received 23/01/17

House Type 850 (D304) received 30/09/16

House Type 850A (D305) received 30/09/16

House Type 850B (D306) received 30/09/16

Amended House Type 857 (D307 Rev C) received 23/01/17

Amended House Type 867 (D308 Rev C) received 24/01/17

House Type 955 (D309) received 30/09/16

House Type 930 (D310) received 30/09/16

House Type 1028 (D311) received 30/09/16
House Type 1028-A (D312) received 30/09/16
House Type 1149 (D313) received 30/09/16
Amended House Type 1149-A (D314 Rev A) received 23/01/17
House Type 1154 (D315 rev A) received 30/09/16
House Type 1154-A (D316 Rev A) received 30/09/16
House Type 1154-B (D317 Rev A) received 23/01/17
House Type 1216 (D318) received 30/09/16
Amended House Type 1224 (D319 rev B) received 24/01/17
Amended Street Elevations Sheet 01 (D400 rev A) received 26/10/16
Amended Street Elevations Sheet 02 (D401 rev A) received 26/10/16
Amended Street Elevations Sheet 03 (D402 rev A) received 26/10/16
Amended Street Elevations Sheet 04 (D403 rev A) received 26/10/16
Amended Street Elevations Sheet 05 (D404 rev A) received 26/10/16
Amended Street Elevations Sheet 06 (D405 rev A) received 26/10/16
Amended Street Elevations Sheet 07 (D406 rev A) received 26/10/16
Amended Indicative Sections (D501) received 26/10/16
Amended Landscape Plan Section A (D900) received 26/10/16
Amended Landscape Plan Section B (D901) received 26/10/16
Amended Landscape Plan Section C (D902) received 26/10/16
Amended Landscape Plan Section D (D903) received 26/10/16
Amended Landscape Plan Section E (D904) received 26/10/16
Amended Landscape Plan Section F (D905) received 26/10/16
Amended Landscape Plan Section G (D906) received 26/10/16
Amended Boundary Plan (D160 Rev A) received 23/01/17
Amended Boundary Treatment Details (D161 Rev A) received 23/01/17

External Levels & Features Sheet 1 of 9 (16051/101B) received 26/10/16
External Levels & Features Sheet 2 of 9 (16051/102B) received 26/10/16
External Levels & Features Sheet 5 of 9 (16051/105B) received 26/10/16
External Levels & Features Sheet 6 of 9 (16051/106B) received 26/10/16
External Levels & Features Sheet 7 of 9 (16051/107) received 09/12/16
External Levels & Features Sheet 8 of 9 (16051/108) received 09/12/16
External Levels & Features Sheet 9 of 9 (16051/109C) received 26/10/16
Private Drainage Layout Sheet 1 of 9 (16051/111 A) received 26/10/16
Private Drainage Layout Sheet 2 of 9 (16051/112 A) received 26/10/16
Private Drainage Layout Sheet 3 of 9 (16051/113 B) received 26/10/16
Private Drainage Layout Sheet 4 of 9 (16051/114 B) received 26/10/16
Private Drainage Layout Sheet 5 of 9 (16051/115 A) received 26/10/16
Private Drainage Layout Sheet 6 of 9 (16051/116 A) received 26/10/16
Private Drainage Layout Sheet 7 of 9 (16051/117 B) received 26/10/16
Private Drainage Layout Sheet 8 of 9 (16051/118 B) received 26/10/16
Private Drainage Layout Sheet 9 of 9 (16051/119 B) received 26/10/16
Sustainable Drainage Strategy (16051/SWDS/SK.01) dated June 2016-12-08
Bulk Earth Stockpiling Sheet 1 of 2 (101 rev P1) received 30/09/16
Bulk Earth Stockpiling Sheet 1 of 2 (101 rev P2) received 30/09/16
Bulk Earth Stockpiling Sheet 2 of 2 (102 rev P1) received 30/09/16
Site Boundary Sections (110 rev P1) received 30/09/16
Amended Site Survey 1 of 2 (563 rev B) dated Aug 15
Amended Site Survey 2 of 2 (563 rev B) dated Aug 15
Roads & Drainage Longitudinal Sections Sheet 1 of 8 (16051/201) received 26/10/16
Roads & Drainage Longitudinal Sections Sheet 2 of 8 (16051/202) received 26/10/16
Roads & Drainage Longitudinal Sections Sheet 3 of 8 (16051/203A) received
26/10/16

PAGE 27 OF 220

Roads & Drainage Longitudinal Sections Sheet 4 of 8 (16051/204) received 26/10/16

Roads & Drainage Longitudinal Sections Sheet 5 of 8 (16051/205A) received 26/10/16

Roads & Drainage Longitudinal Sections Sheet 6 of 8 (16051/206) received 26/10/16

Roads & Drainage Longitudinal Sections Sheet 7 of 8 (16051/207A) received 26/10/16

Roads & Drainage Longitudinal Sections Sheet 8 of 8 (16051/208A) received 26/10/16

Storm and Foul Manhole Schedules (16051/251A) received 26/10/16

Planning Statement received 30/09/16

Supplementary Site Investigations received 30/09/16

Mining Risk Assessment Report received 30/09/16

Transport Assessment and Travel Plan received 30/09/16

Coal Report received 30/09/16 & Updated report received 14/11/16

Tree Survey & 3 Tree plans received 30/09/16

Ecological Appraisal received 18/04/17

Design and Access Statement received 30/09/16

Flood Risk Assessment received 30/09/16

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).

3a. Prior to commencement a program of archaeological work to ensure that archaeological remains are recorded properly prior to and during development shall be submitted to and approved by the Local Planning Authority

3b. The submitted program of works shall include a watching brief, to be conducted during groundworks in the area of Mill House SMR number 13007 and adjacent to the Goscote Bloomery SMR number 2615.

3c. The approved program of archaeological work shall be fully implemented.

Reason: To safeguard site of archaeological interest and to comply with UDP policies GP2 and ENV25

4a. No development shall take place until a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. This should include details of:

- Limiting the surface water run-off generated by the 100 year plus 40% climate change storm so that it will not exceed calculated greenfield run-off rates from the site and not increase the risk of flooding off-site.
- Provision of attenuation storage on the site to a 100 year plus 40% climate change standard.
- Finished floor levels are set no lower than 150mm above adjacent ground levels and higher if practicable;
- Confirmation of which responsible bodies will maintain the surface water systems over the lifetime of the development according to an acceptable and achievable maintenance schedule.

4b. The scheme shall be fully implemented in accordance with the approved Flood Risk Assessment (FRA), dated 26 July 2016, reference number: 16051, Rev 01, compiled by Banners Gate and subsequently maintained, in accordance with the agreed details of condition 3a.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

5a. Prior to any construction and engineering activities a Construction and Environmental Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include / provide for:

- a) the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development;
- b) measures to control the emission of dust and dirt during construction;
- c) details of protective measures (both physical measures and sensitive working practises) to avoid impacts during construction;
- d) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons);
- e) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;

- ii) Compliance with planning conditions relating to nature conservation
- iii) Installation of physical protection measures during construction;
- iv) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
- v) Provision of training and information about the importance of Environment Protection measures to all construction personnel on site.

5b. The approved Construction Management Plan shall be fully implemented upon commencement of works and shall be maintained until the site is completed.

Reason: To safeguard the environment and in the interests of the structural integrity of the waterway and to ensure the proposed works do not have any adverse impact on the safety of waterway users and the integrity of the Wyrley and Essington Canal in accordance with Policy ENV4 of the Black Country Core Strategy and To ensure the satisfactory amenity of residents and to comply with UDP policy GP2 and ENV10.

6a No development shall take place until a Method Statement detailing all proposed earthmoving, and construction works (including foundation details) has first been submitted to and agreed in writing by the Local Planning Authority.

6b. The development shall thereafter only be carried out in accordance with the agreed Method Statement and the mitigations measures identified therein.

Reason: In the interests of minimising the risk of any adverse impacts upon the structural integrity of the adjacent Wyrley & Essington Canal, this needs to be required prior to commencement of development, and to comply with the guidance contained in Paragraphs 120-121 of the National Planning Policy Framework March 2012.

7a. Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified land contamination 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)

7b. The remedial measures as set out in the 'Remediation Statement' required by part i) of this condition shall be implemented in accordance with the agreed timetable.

7c. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered development shall cease until the 'Remediation Statement' required by part i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

7d) 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, protect human health and the environment and to comply with UDP policy GP2 and ENV10

8a. Prior to the commencement of the development details of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority.

8b. The development shall be completed with the approved details and retained thereafter.

Reason: To ensure the development is provided with satisfactory means of drainage, to reduce the risk of flooding and pollution and to comply with UDP policy GP2.

9a. Prior to the commencement of the development full details of all external lighting, shall be submitted to and agreed in writing by the Local Planning Authority.

9b. The agreed scheme shall be fully implemented and thereafter retained in accordance with the agreed details.

Reason: To protect the visual amenities of the area and ensure proper regard is taken to the impact on protected species and to comply with BCCS policies ENV1, ENV2 and ENV3 and UDP policies ENV10, ENV23 and ENV32.

10a. Prior to commencement a flood risk management scheme shall be submitted to, and approved in writing by, the local planning authority.

10b. The flood risk management scheme shall include details of:

- i. Finished floor levels and ground profiles to mitigate against the risk of flooding from surface water, overland flows, and canal overtop & breach scenarios as outlined in the Flood Risk Assessment section 7.20.

10c. The scheme shall be fully implemented and subsequently maintained, in accordance with the agreed scheme.

Reason: To reduce the risk of flooding to the proposed development and future users and to comply with UDP policy ENV10.

11a. Prior to commencement drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority.

11b. The approved details shall be fully implemented prior to the development being first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution and to comply with UDP policy ENV10

12a. Prior to the commencement of the development a scheme to provide bat boxes, bat tubes and bat bricks incorporated into new buildings shall be submitted for approval in writing of the Local Planning Authority.

12b. The approved scheme shall be fully implemented and retained thereafter.

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

13. All site clearance shall take place outside the bird breeding season unless carried out under the supervision of a qualified and experienced ecologist.

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

14. During construction all open trenches or hazardous areas should be securely fenced off to prevent animals becoming trapped.

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

15a. Notwithstanding the submitted plans and documents prior to construction above damp course amended plans shall be submitted to and approved in writing by the Local Planning Authority to include first floor obscurely glazed windows meeting Pilkington level 4 or equivalent, to the en-suite and Bedroom 2 of plots 10, 17, 34, 95 and 143.

15b. The agreed plans and details shall be fully implemented prior to occupation.

Reason: To ensure the satisfactory appearance of the development and to comply with UDP policy ENV32

16a. Notwithstanding the submitted plans and documents prior to construction above damp course amended plans shall be submitted to and approved in writing by the Local Planning Authority to include first floor and second floor bedroom windows, and to align the proposed en-suite and bath room windows in the side elevation of plot number 100.

16b. The agreed plans and details shall be fully implemented prior to occupation.

Reason: To ensure the satisfactory appearance of the development and to comply with UDP policy ENV32

17a. Prior to development above damp course details shall be submitted of an acoustic survey to deal with noise from the nearby Sewerage Works and their site access in writing with the Local Planning Authority.

17b. Acoustic mitigation measures shall be agreed in writing with the Local Planning Authority.

17c. The agreed acoustic mitigation measures shall be implemented prior to occupancy.

Reason: In the interests of occupiers amenity and comply with UDP policies GP2 and ENV10.

18a. Prior to occupation details shall be submitted in writing to the Local Planning Authority of electric vehicle charging points for each of the new premises.

18b. The agreed electric vehicle charging points shall be fully implemented in accordance with the approved details of condition 17a before the development is first brought into use.

Reason: To improve air quality and comply with UDP policies GP2 and ENV10

19a. Prior to occupation details shall be submitted in writing to the Local Planning Authority of mitigation measures to prevent motorcycles from accessing the public paths around the site.

19b. The agreed details shall be fully implemented in accordance with the approved details of condition 18aa before the development is first brought into use.

Reason: To improve air quality and comply with UDP policies GP2 and ENV10

20. Notwithstanding the submitted plans and documents the side elevation of plot number 374 shall be rendered white prior to plot 373 being occupied and shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development, to safeguard neighbouring amenity and to comply with UDP policies GP2 and ENV32

21. Notwithstanding the submitted plan House Type 850B (D306) received 30/09/16 the side elevation of plot number 129 shall include a ground floor lounge window and first floor bathroom and Bedroom 2 windows.

Reason: To ensure the satisfactory appearance of the development, to safeguard neighbouring amenity and to comply with UDP policies GP2 and ENV32

22. Development works shall include a 10 m stand off from the canal throughout the construction. Materials, fuel and machinery shall not be stored within close proximity to the watercourse to prevent pollution and litter from entering the canal.

Contingency plans shall be put in place to deal with accidental spillages and rubbish or spoil piles should not be formed within the stand off zone.

Reason: To safeguard the amenities of the area and minimise pollution to the canal and to comply with UDP policy ENV10.

23. The development shall be completed to include the following security measures:

- Notwithstanding the submitted details all rear perimeter fences shall be 2.1m high and erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide.
- All side entry gates shall be 2.1m high and be key lockable from both sides, positioned flush with the front of the building line, shall not butt against a lower height wall or fence and shall be designed so not to provide climbing aides.
- All properties shall have an intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.
- On the communal entry to the apartments shall be fitted with an access control system which shall include CCTV coverage to the flats.
- All entrances off the main lobby for the wellbeing unit shall be access controlled.
-

Reason: To ensure the security of occupants and comply with BCCS policy ENV3.

24a. Prior to occupation a revised landscape scheme shall be submitted to and approved in writing by the local planning authority. The revised landscaping shall include the following measures:

- Details of topsoil depths and specifications. Use of imported topsoil to agreed British Standard, or detailed soil analysis is provided to prove suitability of existing site soils.
- Topsoil depths – shrub/hedgerow planting areas should be at least 450mm : grass seeded / turfed areas should be at least 150mm.
- Further details of tree support and tree pit details, root barriers and mulching. Full details of grass seed mixes and sowing rates.
- Details of the future management of the landscape scheme
- Boundary treatments plan

24b. The development shall be implemented fully in accordance with the approved scheme before any part of the development is brought into use,

24c. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period, any trees shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same size and same species as that originally required to be planted,

Reason: In order to safeguard the visual amenity of the area and maintain the integrity of the wildlife corridor.

25. Notwithstanding the submitted details 200 x 200mm gaps shall be provided at the base of fences to allow hedgehogs to pass through.

Reason: To safeguard wildlife and the SLINC and to comply with BCCS policy ENV1 and UDP policy ENV23.

26. Japanese knotweed shall be treated in accordance with recommended guidelines.

Reason: To ensure the satisfactory implementation of the development.

27. 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; 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)*

Reason: To protect existing local amenity and infrastructure and to comply with UDP policy GP2.

28. 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 F of Part 1 Schedule 2 of the said Order shall be carried out to plots 27, 42, 43, 73, 91, 104, 110, 139, 161, 164, 165, 301, 302, 304, 309, 321, 322, 323, 324, 334, 335, 336, 341, 342, 343, 344, 345, 346, 347, 349, 350, 351, 352, 353, 354, 359, 361, 362, 373 and 379 hereby approved.

Reason: To protect the character and amenities of the area and to comply with policies GP2 and ENV32 of Walsall's Unitary Development Plan.

Note for Applicant:

Severn Trent

As with any development, we advise that **external levels fall away from property** to minimise the flood risk from a variety of sources. Any overland flows generated by the proposed development must be carefully controlled and detailed design must consider whether infiltration is effective for proposed site catchments. We would advise that the use of infiltration techniques with a rate **less than 10-5m/s** should not normally be considered.

Severn Trent Water should be consulted on the acceptability of draining surface water at 5l/s at three points to their combination sewer network.

Pollution Control

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+A1:2013 '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, shall 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.

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

West Midlands Low Emissions Towns and Cities Programme, Good Practice - Air Quality Planning Guidance,

Black Country Air Quality Supplementary Planning Document (SPD),

General Procurement Guidance for Electric Vehicle Charging Points, UK Electric Vehicle Supply Equipment Association (April 2015),

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

Canal and Rivers Trust

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

National Grid

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

The Wildlife Trust

The Trust urges that the applicant supports these particular requirements by further measures to improve nature within the development site through:

- appropriate landscaping design and management using native species in keeping with local character,

- connecting natural environment features within and to those beyond the development,
- innovative habitat creation such as wild flower meadow verges benefitting pollinators for example,
- incorporating sustainable drainage and permeable surface solutions to benefit the management of the water environment (particularly for car parks),
- smaller scale features such as bird boxes and nesting platforms and holes, and resting and hibernating structures for invertebrates,
- bat roosting and resting provision,
- and, foraging habitat.

Police

The development should be completed to include the following Secure by Design requirements:

- All ground floor windows and any accessible windows should have at least one pane of 6.4mm laminated glass. This includes French doors and patio doors and should improve the standard of security to the more vulnerable ground floor windows.
- The frontages and accessible windows of the houses and apartments/wellbeing units shall have defensible planting under them. This can be created by dense low level shrubbery with a mature height of no more than 1m and shall be approximately 1m in depth. The defensible space shall overlap the whole length of the window at least. Planting should be suitable for the light and soil environment at its location. .
- Doors shall be PAS 24:2012.
- Where euro profile cylinder locks are used in doors or shutters they shall achieve a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification.
- Thumb locks shall not be of a type that can be 'by passed'
- Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or WCL 2 BR 1
- Where concrete post and panels are to be used the fence panels must be tied using galvanised metal straps.
- All fencing shall be treated wood with guarantee life span of 25yrs.
- No Lead or metal should be used on the ground floor, including outside taps to the front of properties.
- Entrance and exit doors and frames to the apartments shall be of a robust vandal resistant material, with vandal resistant viewing panels.
- Letterboxes in communal areas shall be DAD UK Ltd DAD009 1.5mm steel letterboxes.

- Secured by Design cycle stand shall be installed near to the apartments. The security anchor for the bike must be certified to Sold Secure Silver standard or LPS 1175 issue 7:2010 SR1 and be securely fixed to the concrete foundation in accordance with manufacturers specifications.
- Entrances to the apartments shall be well lit both internally and externally.
- The bin store shall remain locked when not in use.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 2.

Reason for bringing to committee: Called in by Councillor Sears who supports the proposals.

Location: FORMER BLOCK WORKS SITE, SOUTH OF 370 CHESTER ROAD, WALSALL, WS9 9DE

Proposal: REDEVELOPMENT OF FORMER BLOCKWORK SITE TO PROVIDE NEW 80 BED SPECIALIST CARE HOME (C2 USE) AND ASSOCIATED ANCILLARY FACILITIES, CAR PARKING AND EXTERNAL WORKS.

Application Number: 17/0033
Applicant: Restfull Homes Developments Limited
Agent: Mr David Sercombe
Application Type: Full Application (Major)

Case Officer: Devinder Matharu
Ward: Aldridge North And Walsall Wood
Expired Date: 10-Apr-2017
Time Extension Expiry: 30-Jun-2017

Recommendation Summary: Refuse



Application and Site Details

The application seeks planning permission for the erection of an 80 bedroom specialist care home, ancillary facilities, car parking and external works on land to the south of 370 Chester Road (former Block Works). This follows the granting of outline permission for erection of a 58 bedroom specialist care home subject to a S106 Agreement to secure a Travel Plan for the site.

The site is in the Green Belt and is located to the south of an isolated dwelling 370 Chester Road, north of the junction with Castlehill Road near to the borough boundary with Lichfield District. There is a dense screen of trees along Chester Road and a steep cliff with mature woodland within it surrounding the site. The access from Chester Road has no dropped kerb and the unmade driveway leads to a large area of concrete hardstanding. The site is flat but is over 3m above the highway level and the trees around the perimeter are set within a bank. There is no footway along this section of Chester Road. Chester Road (A452) is a classified road and forms part of the Strategic Highway Network.

To the south of the site are numbers 197 and 199 Castlehill Road, to the north of the site 370 Chester Road and to the rear beyond the track is 161 Castlehill Road.

The applicant is Restfull Homes Developments Limited and the proposal is a specialist care facility to cater for people with dementia.

The proposal utilises the original access which runs parallel to Chester Road behind a screen of trees. A total of 40 car parking spaces including 4 disabled bays are located towards the front of the site.

The proposed building is square shaped with a long elevation facing Chester Road and long side and rear wings returning into the site creating a courtyard between them. It is part single storey at ground floor and part three storeys high at the front and side wings of the development. The building would be set 11.5m back from the Chester Road frontage and is elevated from the carriageway. The proposed building would measure approximately 70m in length and 47.5m in width, 5.4m high to the eaves and 10.1m to the ridge. The bin store to be located to the north of the building would measure 2.7m to the eaves, 4.7m to the ridge and 8m by 4m in footprint.

The drawings indicate ground floor accommodation at the rear of the building enclosing a central courtyard with first floor terrace above. . The ground floor would have a total 22 bedrooms and there are 29 bedrooms on each on first and second floors. The front and side wings will be three storeys high and would accommodate en-suite bedrooms plus lounge/dining rooms, store rooms, nurse/doctor's rooms, assisted bathrooms, meeting rooms, kitchen, laundry, staff shower and locker rooms, cinema/training room, reception and ancillary offices all served off a central corridor with rooms facing front and rear. The elevations are a combination of brick and render with tiled roof and projecting gables.

A comparison plan has been submitted which shows the approved building positioned 27m at the furthest point and 16.6m at the closest point away from southern boundary and the proposed building set 24m at the furthest point and 14m at the closest point away from southern boundary. The approved building is positioned 10m back from the boundary with Chester Road and the proposed building being set 18m back from Chester Road. It also shows that the approved building length is 53m long with the side wings measuring 31m and 43m respectively and the proposed building measuring 67m in length with the side wings measuring 34m and 47.5m respectively.

The site area is 0.69 hectares.

The following supporting documents have been submitted:

- Covering letter from NHS Lead Specialists Mental Health/Dementia stating the need for dementia complex beds in our ageing population is in full blown crisis and Government funding threatens to put over a quarter of care homes out of business within the next three years.
- Covering letter from the agent stating the upper floors will provide living accommodation and communal facilities for residents with dementia. There is a shortage of dementia facilities in the local area and they intend to work closely with Walsall Manor Hospital to address the issue of overcrowding. There are no facilities in the Walsall area that can accommodate residents with moderate to high dependency dementia related illness. Walsall residents suffering from dementia are placed in other counties away from relatives.
- Two Planning Statements, one of which addresses the site in terms of general policy and the second which states there is an extant planning permission for a 58 bed specialist care home that can be lawfully implemented. Whilst the proposal is for a marginally larger building its position is set back from the frontage and will retain existing trees on Chester Road and result in a visual reduction and less impact on openness when compared to the earlier permission. There is a need for the facility, as shown in the covering letter from NHS. Economic benefit 80 temporary construction job creation and 100 full time employment and significant weight should be given to this.
- Design & Access Statement – Describes the site and surrounding location, the proposed development and design of the building.
- Arboricultural Survey plan showing tree protection measures.

- Ecological Appraisal – Carried out in March 2014 it identifies habitats present on site and recommends remaining trees and hedgerows are protected, vegetation removal to avoid the nesting season, any trees to be surveyed by an ecologist prior to felling.
- Site Check Review document– Recommends a risk management is undertaken to assess the likelihood of significant ground contamination to include a desk study report, and intrusive investigation. As the site is in an area of former coal mining activity a coal mining risk assessment is also recommended.
- Transport Assessment & Travel Plan – which addresses the development, local highway network and accessibility.
- Approved document E passage to sound.

Relevant Planning History

14/1537/OL- Outline application for a proposed 58 bedroom specialist care home (access, appearance, layout and scale to be determined). Granted Subject to Conditions 16-Feb-2016

No other planning history relating to the site or former industrial use.

350 Chester Rd – (former industrial premises to the north of the application site)

14/0454/FL – Erection of 1 x dwelling, formation of new vehicular access and associated works (re-submission of 11/0232/FL) – GSC 27/06/14.

11/0232/FL – Erection of 1 x 6 bed house, formation of new vehicular access with associated works – GSC 05/04/11.

11/0414/TE – Time extension on 07/1443/FL/E9 for demolition of existing buildings and erection of 2 x four bed houses, formation of new vehicular access, landscaping and associated works – GSC 27/06/11.

07/1443/FL/E9 - Demolition of existing buildings and erection of 2 x four bed houses, formation of new vehicular access, landscaping and associated works – GSC 08/04/08.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

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

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.

The Black Country Core Strategy (BCCS) (2011)

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- DEL1: Infrastructure Provision
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation

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

Walsall's Unitary Development Plan (UDP)

The relevant policies are:

- GP2: Environmental Protection
- ENV1: The Boundary of the Green Belt
- ENV2: Control development in the Green Belt.
- ENV3: Detailed evaluation of proposals within the Green Belt.
- ENV10: Pollution.
- ENV18: Existing woodlands, trees and hedgerows.
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H5: Housing for People with Special Needs
- H6: Nursing Homes and Rest Homes for the Elderly
- T1: Helping people get around.
- T4: The Highway Network
- T7: Car Parking
- T8: Walking
- T9: Cycling.
- T10 (a): Accessibility standards.
- T11: Access for pedestrians, cyclists and wheelchair users.

- T12: Access by public transport (bus, rail, metro and ring and ride).
- T13: Parking Provision

Residential homes: 1 space per 3 beds

Nursing Homes: 1 space per 2 beds.

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
- DW2 Safe and Welcoming Places
- DW9 High Quality Public Realm
- DW3 Character
- DW10 Well Designed Sustainable Buildings

Conserving Walsall's Natural Environment SPD

- NE1 and NE7 Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Air Quality SPD

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

- 5.22 - Viability

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

Other Policy:

- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)
- Historic environment Good practice Advice Notes 2, and 3

Consultations

Coal Authority – No objection subject to standing advice on coal.

Conservation – No objection

Flood Risk and SuDs Officer – No objection subject to drainage condition to limit surface water runoff, attenuation storage, finished floor levels to be set above AOD and maintenance of surface water.

Housing Officer – No objection

Transportation – No objection subject to planning conditions relating to access, parking, visibility and travel planning.

Environment Agency – No objections.

Environmental Health – No objections subject to planning conditions to provide details of odour control, internal air circulation, discharge of cooking odours, external ducting and flues, noise mitigation measures, plant and machinery to be used on site and compliance with Food Safety and Hygiene (England) Regulations 2013 and relevant European Community Regulations.

Fire Service – No objections subject to access to water and emergency vehicles

Landscape – Objection on the grounds of shading, garden to have very little light to the rear and parking under canopy trees.

Joint Commissioning Development Officer – Comments to be updated at committee.

Natural England – No objection. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Public Rights of Way – No objection

Police – No objection subject to Secure by Design.

Pollution Control – No objection subject to contaminated land investigation, contaminated land remedial, acoustic measures and vehicle electric vehicle charging points. Comments submitted in 2014 (14/1537/OL) remain relevant in response to the current planning consultation. These have been modified below to reflect current contaminated land and acoustic recommendations. Additional comments are also being recommended regarding electric vehicle charging points to address the Supplementary Planning Document, Black Country Air Quality Supplementary Guidance (SPD) and the Low Emissions Towns and Cities Programme.

Strategic Policy – Objection the proposal represents inappropriate development in the Green Belt and will impact upon the openness of the Green Belt.

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

Public Participation

Three letters of objection from two residents have been received objecting to the proposal on the following grounds:

- Inappropriate development in the Green Belt
- Green Belt should be protected to protect urban sprawl
- No very special circumstances
- Density including:58 units to 80 units, 38% increase to occupancy is not for the benefit of the community / environment or local infrastructure policies it's for financial gain to increase the value added per sq metre, increase of beds to 80 with all associated service requirements is purely for an operating function for the business
- Closer to a grade 2 listed building is present makes the whole application unsuitable for the area/site.
- Impact on neighbouring grade 2 listed building.
- Loss of privacy by number of windows and walkways and street lighting
- Noise pollution
- Air pollution
- Loss of trees including August 2016 the site was cleared, 80 % of the trees were felled, loop hole on the previous planning application 14/1537/OL appears to have been used as it clearly stated no felling of trees, loss of trees that will never be replaced

- Parking and access issues including: increased traffic problems, increased risk of accidents, speed limit is 50mph on Chester Road traffic survey is flawed, staff mini bus difficult to independently monitor, second car park create problems, 40 parking spaces covers bed occupancy not staff parking, increased use activity in terms of service vehicles and delivery vehicles, right turning lane is an accident waiting to happen, 70 full time and 20 part time staff, staff will not travel by mini bus, means of access parking and traffic generation for a site of this size is not in keeping with the local planning policy in a green belt
- Drainage and sewage problems

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

Determining Issues

- Whether the development constitutes inappropriate in the Green Belt
- Whether there are any very special circumstances to outweigh any potential adverse impact on the Green Belt
- Visual impact upon the openness of the Green Belt
- Impact upon listed building
- Impact upon neighbouring residential occupiers
- Trees and Landscape
- Access and Parking

Observations

Whether the development constitutes inappropriate development in the Green Belt

The application site lies in the Green Belt. Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

It is recognised that there is an existing outline planning permission for a two storey 58 bed care home on the site, reference 14/1537/OL. Whilst this was an outline permission it included approval of appearance, layout and scale. The dimensions of this development was to be 53m wide and 42m deep with a ridge height between 8 and 10m above ground level. The current submitted scheme for an 80 bed specialist care home is three storeys high at 10.1m to the ridge, approximately 70m in length and 47.5m in width. The side wings to the proposed scheme are longer and includes a rear single storey element with roof terrace above that joins the wings making the building larger.

In terms of number of bedrooms the care home seeks approval for a further 22 bedrooms. In terms of its scale and footprint the proposed specialist care home is much larger in footprint as the length and width are larger and the proposed building is much larger and taller in scale than the previously approved scheme. On this basis despite the outline permission, the current proposals are considered inappropriate development in the green belt and their increased size and scale have a greater impact on the openness and character of the green belt.

The proposal represents inappropriate development in the Green Belt contrary to both National and Development Plan Policy.

Whether there are any very special circumstances to outweigh any potential adverse impact on the Green Belt

The supporting documents state there is an extant permission for the specialist care home which demonstrates there are very special circumstances to outweigh any harm to the green belt. The supporting documentation from a NHS Lead Specialists in Mental Health/Dementia states the need for dementia complex beds in our ageing population is in full blown crisis and Government funding threatens to put over a quarter of care homes out of business within the next three years. A further covering letter also states there is a shortage of dementia facilities in the local area and the applicant's intend to work closely with Walsall Manor Hospital to address the issue of overcrowding. There are no facilities in the Walsall area that can accommodate residents with moderate to high dependency dementia related illness. Walsall residents suffering from dementia are placed in other counties away from relatives. Furthermore, they also state the proposal would create jobs albeit on a temporary and fulltime basis.

Whilst, there may be a shortage of dementia care facilities in the Borough and the proposal would create both temporary and permanent jobs, these factors are considered not sufficient to represent very special circumstances to outweigh the harm to the green belt that this larger proposal has. Furthermore, the previous approval would not constitute very special circumstances.

The applicants have failed to demonstrate why a larger specialist care home that is larger in footprint and scale is required in comparison to the previously approved scheme. Whilst, the applicant's state there is a shortage of this facility, they have failed to demonstrate why since that approval, a further 22 beds for care home and the associated facilities are required. Furthermore, the shortfall of this facility in the Borough does not represent very special circumstances to outweigh policy, as such facilities can be provided within Brownfield sites in the Borough.

Visual impact upon the openness of the Green Belt

The proposed development is much larger in scale and footprint from the previous permission approved under 14/1537/OL. The annotation on the comparison plan shows the proposed building is positioned further back from Chester Road and will be screened by existing trees on the frontage. The current scheme is three storeys high at 10.1m to the ridge, approximately 70m in length and 47.5m in width. The building extends across the frontage of the site on Chester Road and it is considered that despite existing trees the difference in ground levels and increased mass and scale of the building will be harmful to the character and openness of the green belt.

The site is currently rural in character. The overall height of the proposed building above the carriageway will emphasise the building reducing the openness of this rural site and creating an urbanising form of development that will have a significant impact on the openness of the Green Belt.

There is a ground level difference of approximately 3m between the carriageway and the site. The proposed height of the building as measured from the level of Chester Road, be between 15 and 17 metres high and as a consequence the building would have a dominant appearance in the street and would be obvious and obtrusive and out of keeping with the surrounding area.

This increased size in terms of footprint and scale would be likely to have a much greater adverse impact on openness. The site lies in a prominent location on a hillside so the height and massing of the building is critical in terms of its impact.

The supporting documents states the existing trees along Chester Road will provide screening. However, the submitted plans clearly show that the proposed building would tower above the existing tree canopy. Furthermore, a number of trees have been removed since the original outline permission was granted , leaving a thin band of deciduous trees that would not screen the proposed building all year around. It is considered that the illustration provided by the applicant is therefore misleading.

The significant tree felling on the site has been undertaken to clear a large part of the site, whilst some trees to the rear and peripheries remain, these trees are young and deciduous and whilst in the summer months they provide some screening during the winter months the expanse of this large development would be visible via long views from neighbouring properties. As such the proposed building is likely to be obtrusive and out of keeping.

The scale of the building is also vastly larger than any of the isolated houses in the area and for this reason is out of keeping and detrimental to the character and openness of the Green Belt.

Given the above comments it is considered that the applicant has failed to demonstrate very special circumstances to outweigh the harm the current proposals have on the openness and character of the Green Belt.

Impact upon Listed Building and locally listed building

The site is within close proximity a Grade II listed building and locally listed building fronting Castlehill Road. Given the previous consent and the limited impact upon the experience and significance of the designated and non-designated heritage assets, the Conservation Officer considers that the development will not cause harm to the significance of the designated and non-designated heritage assets.

Impact upon neighbouring residential occupiers

The proposed access is closest to the boundary with a large detached house at 370 Chester Road. Given the existing screening along this boundary it is unlikely that the use of the access would have a significant impact on the outlook or privacy of occupiers at 370 although it would intensify the use of the access which could cause further noise and disturbance. Adequate screening to reduce this impact could be secured by condition if the proposals were being supported. The proposed care home building is over 80m away from the house at 370 so would not have a significant impact upon outlook, daylight or privacy of the occupiers despite its significant scale and height.

The detached houses and ancillary outbuildings at 197 and 199 Castlehill Road are over 50m away from the boundary of the site so there is no significant impact on the outlook, privacy or daylight for occupiers.

Objectors have stated that the proposals offer no benefits to the local community. The facilities at the care home would be available for Walsall residents in need of this type of care that would benefit the local community. In terms of the potential impact of the proposed building and traffic generation on the local community this has been addressed elsewhere in this report.

There is no significant impact on adjacent properties in terms of outlook or privacy.

Objectors are concerned about noise and inconvenience during construction and from construction vehicles in the area. If the application was being supported then conditions could be imposed on any decision to secure measures to protect residential amenity in this respect. Similarly, conditions to secure adequate drainage for the site could be imposed.

Trees and Landscape

The existing trees on site are not protected and significant tree felling was undertaken recently in the centre of the site which effectively removed any arboricultural constraints to the development. However, a 10m wide strip of

PAGE 53 OF 220

woodland was retained around the periphery of the site providing some screening. There are no arboricultural objections to the application provided the tree protection measures as shown on the submitted tree plan are implemented.

The Landscape Officer has objected to the proposal on the grounds that the proposed building will have very little sunlight due to the scale of the proposed development. Policy H6 requires nursing and care homes to provide an adequate level of amenity for residents. In this case, the proposed courtyard will be in shade for the majority of the day and early afternoon. Furthermore, the trees to the western side of the site would screen any sunlight. As such the proposed courtyard amenity area would provide a poor quality amenity space and is not in accordance with Policy H6 of the UDP.

Access and Parking

An 80 bed specialist care home requires 40 parking spaces plus 4 disabled spaces in accordance with Policy T13 of the UDP. The proposal includes 36 car parking spaces plus 4 disabled spaces which is just below the policy requirement. Parking survey information has been submitted from a similar development, which demonstrates that this level of parking provision, plus the commitments contained within the submitted Travel Plan that include a minibus for staff travel, is sufficient to serve the development.

A new access onto Chester Road is proposed including a Ghost Right Turn Lane and an uncontrolled pedestrian crossing facility to provide a safe crossing point for pedestrians to access the only footway on the opposite side of Chester Road.

The required 2.4m x 160m visibility splays can be achieved although some re-grading and hedge cutting works within the highway boundary would be required particularly in a southerly direction.

Transportation officers consider the commitments within the Travel Plan to provide a mini-bus for staff travel to and from the development and for the benefit of residents would need to be delivered by means of a S106 Agreement as on the earlier permission. A minibus would need to be available for this purpose for the lifetime of the development in accordance with the Travel Plan.

On balance, the revised details including increased parking and a commitment to provide a minibus for staff travel, is now acceptable. It is considered the revised development will not have severe transportation implications and is acceptable in accordance with NPPF para 32.

Conclusion

Whilst the principle of a smaller building has been established by the earlier permission it is considered that the applicant has failed to demonstrate very special circumstances to outweigh the harm this inappropriate development has on the character and openness of the green belt as a consequence of this larger development and significant increased scale, height and mass of the proposed building. The courtyard space for residents is heavily shaded and provides a poor amenity space for future occupiers. Whilst the access and Travel Plan are acceptable, these factors do not outweigh other concerns.

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the agent and sought further information to support the proposal but given the concerns regarding the increased scale, size and height of the proposed building are unable to support the proposals due to the further impact on the openness of the green belt.

Recommendation Refuse

1. The proposed development is inappropriate development in the Green Belt for which the applicant has failed to demonstrate that there are very special circumstances to outweigh the harm to the character and openness of the Green Belt. The design, scale and height of the proposed building would be detrimental to the character and openness of the Green Belt and visual amenities of the surrounding area due to the size and height of the proposed building which would be prominent and obtrusive in its elevated position above the level of the carriageway in Chester Road and lack of adequate screening. For these reasons the development is contrary to the aims and objectives of the National Planning Policy Framework, policies CSP3, CSP4, ENV1 and ENV2 of the Black Country Core Strategy and saved policies GP2, ENV1, ENV2, ENV3, and ENV32 of the Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall and Protecting Walsall's Natural Environment.
2. The proposed development would fail to provide a satisfactory amenity area for potential residents in accordance with saved Policies GP2 and H6 of Walsall Unitary Development Plan.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 3.

Reason for bringing to committee: Signing of a Section 106

Location: NUTAN SOCIAL CLUB, 229 DARLASTON ROAD, DARLASTON, WEDNESBURY, WS10 7TD

Proposal: TWO STOREY EXTENSION TO THE REAR AND SINGLE STOREY EXTENSIONS TO THE SIDE ELEVATIONS AND INTERNAL ALTERATIONS.

Application Number: 17/0251

Applicant: Mr Anant Patel

Agent: DPM (Design Project Management) Services

Application Type: Full Application

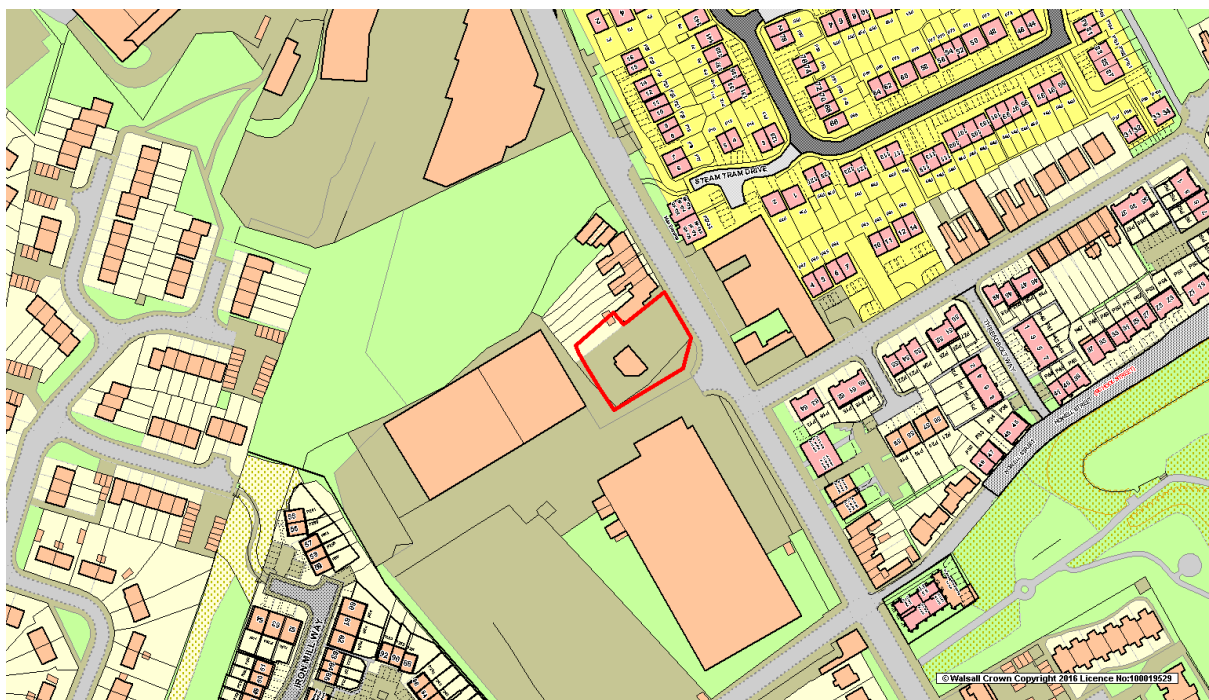
Case Officer: Karon Hulse

Ward: Darlaston South

Expired Date: 20-Apr-2017

Time Extension Expiry:

Recommendation Summary: Delegate to the Head of Planning, Engineering and Transportation to Grant Permission subject to conditions and the signing of a Section 106 agreement to provide an overflow 15 space car park on the PAL Groups offices on Darlaston Road Industrial Estate, Darlaston Road



PAGE 57 OF 220

This application seeks to extend the social club on Darlaston Road, Darlaston.

The existing building is currently a multi-use two room club venue, being two storeys in height (pitched roof) and set towards the rear of the application site. This is a well-established social club from the 1980's, with industrial to the west and south of the site, a new large residential housing estate being developed opposite on Darlaston Road to the east and a row of Victorian properties to the north of the site. No.229 Darlaston Road has a right of access across part of the application site at the front.

The application seeks a number of extensions which are as follows:

Ground floor (flat roofed)

Rear extension being 5.6 metres deep from the existing building

27.5 mts wide wrapping around the existing building on both sides

11.8mts wide to the northern side

4.7 mts wide to the southern side

The first floor includes:

Rear extension being 9 metres deep (flat roofed)

11 mts wide and again wrapping around the existing first floor (flat roofed)

The proposals will provide a restaurant area, bar/lounge, beer bottle store and catering kitchen on the ground floor, with a sports bar/lounge and external smoking area at the rear on the first floor.

The existing frontage is currently an uneven tarmac surface providing 14 parking spaces. The applicant has acquired more land to the side boundary which allows for the number of spaces on the site to be increased to 22 (including private parking spaces and disabled spaces). The applicant has further entered into an agreement with the adjacent commercial business namely "PAL Group" to provide additional car parking on their large parking area on Friday evenings and all day Saturday and Sundays each week.

The area of the site is approximately 1050m² with the gross external footprint created by the development being 397m².

The existing 2 vehicular/pedestrian accesses are to be retained as an entrance and exit only.

The proposed materials are facing brickwork and smooth white render finish, powder coated aluminium windows/ doors (solar reflective glazing) and black UPVC guttering and fall pipes

Additional incidental soft landscaping is proposed to the street frontage.

The building sits on the land as flat as possible minimising difference in finished floor levels to 100mm giving disabled person's access relatively easy access.

External levels to the frontage area to be improved by creating a mixture of new hard and soft landscaping.

Relevant Planning History

None

Relevant Planning Policy Summary

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

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

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

- 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:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 2 - Ensuring the vitality of town centres***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***
- ***NPPF 8 - Promoting healthy communities***
-

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

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- DEL1: Infrastructure provision
- CEN7: Controlling Out-of-Centre Development
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW3 Character
- DW4 Continuity
- DW9 High Quality Public Realm

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures

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 objection subject to Section 106 Agreement securing off site parking

Pollution Control – no objections (advisory not re localised ground contamination)

Police ALO – no objections subject to secure by design recommendations

Fire – no objections

Public Participation Responses

- The extension would border my land.
- The proposed kitchen and glass/bin waste could be noisy and have a detrimental impact on the enjoyment of my garden
- Shouldn't have windows, etc. overlooking my property
- can be noisy, particularly, late at night
- Football evenings and functions cause noise levels to increase
- already experiencing parking issues on Darlaston Road
- Foot traffic is a concern too

Determining Issues

- Principle of development
- Character and appearance
- Residential amenity
- Highway safety/Section 106 Agreement
- Land contamination
- Conclusion

Observations

Principle of development

The existing social club (D2 use class) is a well-established in the area and forms an established part of the street scene and character of the area.

PAGE 61 OF 220

At a time when many existing community facilities such as public houses and social clubs are being closed, this particular establishment is proposed to be extended to provide better facilities for its members.

UDP policy LC8: Local Community Facilities, states that such facilities which includes public houses, clubs and community centres highlights the importance of retaining existing facilities wherever possible. This will be particularly important in neighbourhoods where there is a lack of such facilities. Although more typically an issue within residential areas (and the centres serving those), it is also recognised that some industrial / commercial areas contain pubs and clubs that provide valuable meeting places for the industrial community during the working day. As such and on balance the proposed extension of the social club is to be supported in planning policy terms.

Character and appearance

The existing two storey building is unattractive and bland, the proposed extensions provide an opportunity to enhance its overall appearance of the building, the area and the street scene.

The proposed extensions would not cause visual harm. The two-storey extension would match the height of the existing building and would be at the rear of the site

The extension would have matching brick, render and window detailing reflecting the existing building.

Additional incidental soft landscaping will further help the visual appearance of the site.

On balance the proposed extensions will enhance the site generally within the area and the street scene.

Residential amenity

The extending of the existing clubhouse, provides an opportunity to improve the buildings acoustic qualities which in turn will improve its presence within this area to the benefit of any residential occupiers around the site.

The proposed extensions to the north of the site will be within 5 metres of the rear boundary of No.229 Darlaston Road. This area is currently occupied by car parking and outside rubble storage.

Whilst Pollution Control recommend the inclusion of a condition to restrict the hours of construction in the interest of neighbour's amenity, it is considered this duplicates environmental legislation and would not meet the Governments national planning

guidance regarding the imposition of conditions on permissions. The hours of construction will be included as a note for the applicant.

Noise and disturbance to neighbouring amenity

The comments of the neighbouring residents are noted. The proposed ground floor extension will be at least 9.5 metres from No.229 and the first floor will be taken nearer to the boundary by one metre, leaving a 17m gap to the boundary with No.231. The proposed extension will contain small side windows facing the neighbours which can be conditioned to be obscure glazed to protect any amenity of nearby occupiers.

Details of the enclosure of the bin store yard area can be required by way of a planning condition and conditions to require satisfactory treatment.

It is considered that there will be sufficient separation distance to ensure the satisfactory level of amenity for the residential occupiers to the north of the club.

The proposed extension, as stated previously, is likely to improve any existing situation regarding noise and acoustics by being constructed to modern regulations and standards with improved insulation.

Whilst the proposed extensions would increase the amount of floor space, some of it will be food based, which would potentially lessen any drink based anti-social behaviour as the customer base would be on the premises to dine rather than drink.

In conclusion and on balance it is considered that the rear extension in its proposed location will be in a position sufficient distance from nearby residential properties to ensure no further loss of amenity. Other surrounding occupiers are industrial and the extension to the club would have limited impact.

Highway Safety/Section 106 Agreement

The application proposes an in/out arrangement for access / egressing the site. This will improve both the safety of pedestrians as well as vehicles manoeuvring around the site.

The application looks to expand the existing club premises from about 170sq GFA over two floors to about 620sqm GFA over two floors.

UDP T13 parking policy, requires 31 spaces inclusive of 3 spaces for disability users (10%) for the proposed extended club. Within the application site the proposal provides 17 spaces inclusive of 1 disabled space with 2 or 3 private parking spaces. This is below UDP policy T13 requirement. To mitigate the shortfall, the adjacent business has offered, via agreement, to allow the club premises to utilise the adjacent private parking spaces as overspill outside the businesses operating times.

The Highway Authority considers this agreement is essential to minimise potential disruption caused by overspill parking on street on Darlaston Road, which is a classified road and a District Distributor. This can be secured by way of a Section 106 Agreement which the applicant has agreed to enter into. The heads of terms for the S106 shall be as follows:

An agreement that secures the use of car parking spaces on the car park of the PAL Groups offices on Darlaston Road Industrial Estate, Darlaston Road, Darlaston by the patrons of Nutan Social Club, Darlaston Road, Darlaston subject to the following conditions:

- The PAL Groups offices on Darlaston Road Industrial Estate, Darlaston Road, Darlaston shall be available for use by patrons of Nutan Social Club, Darlaston Road, Darlaston on Friday evenings, Saturdays and Sundays and at no other times of the day or the week.
- Within 10 days of the PAL Groups offices on Darlaston Road Industrial Estate, Darlaston Road ceasing to be available for parking by patrons of Nutan Social Club, Darlaston Road, Darlaston, the operator of the club shall notify the Council's local planning authority in writing the car park facility is no longer available and from what date the car park facility is no longer available.
- Within 6 calendar months of the receipt of the notification from the club, the operator of the club shall identify a replacement lawful 15 space overflow car park for the use of members of the club in writing to the local planning authority confirming its location and extent of the car park
- The operator of the club and any third party whose land is to be used for an alternative car park, shall be able to demonstrate that it has full planning permission for the use of a car park
- A deed of variation of the original S106 shall be entered into and signed by all parties within seven months of the PAL Groups offices on Darlaston Road Industrial Estate, Darlaston Road ceasing to be used to secure the overflow car parking for the club.
- The car park shall be no greater than 400 metres from the boundary of the Club site
- In the event of a failure to establish a replacement car park facility and sign the deed of variation, the upper floor of the club building shall cease to be used until such time as a replacement facility is made available.

On balance it is considered that subject to the above, the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32.

Land contamination

The proposed site is located on an area that has formerly been occupied by factory uses which may have resulted in localised ground contamination that could present Health and Safety implications for persons undertaking ground works. An advisory note for the applicant can advise of this matter.

Conclusion

In conclusion it is considered that the proposed extension to this well-established social club are acceptable and will not have any detrimental impact on the amenities of nearby residential occupiers over and above the existing situation at the clubhouse and whilst the increase will require additional parking to be provided this can be secured through the use of nearby land outside the control of the application, secured through a Section 106 Agreement.

Positive and Proactive

The proposal accords with the relevant Council policy. There are no objections from significant consultees and no significant community interest has been expressed, which could be considered to be contrary to the recommendation.

Recommendation: Delegate to the Head of Planning, Engineering and Transportation to Grant Permission subject to conditions and the signing of a Section 106 agreement to provide an overflow 15 space car park on the PAL Groups offices on Darlaston Road Industrial Estate, Darlaston Road

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 application form and following plans and documents:

- Location Plan received 24/2/17
- Existing Floor – Site plans DPM145/01 received 24/2/17
- Proposed Drainage Plan DPM145/04 received 24/2/17
- Severn Trent Sewer Record received 24/2/17
- Existing and Proposed Elevations DPM145/03 received 24/2/17
- Proposed Floor – Site Plans DPM145/02 received 24/2/17
- Design and access statement received 24/2/17

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

3a. No development shall take place until details of all boundary treatment, including materials and finishes have been submitted to and approved in writing by the Local Planning Authority.

3b. The approved details shall be implemented prior to the development first being brought into use.

Reason: In the interests of visual amenity and protecting the amenity of neighbouring occupiers.

4a. Prior to the extensions first being used landscaping to the areas identified on plan drawing number DPM145/03 received 24/2/17 shall be carried out.

4b. The landscaped areas shall thereafter be retained and maintained for 5 years. Any trees or plants, which die, are removed, or become seriously damaged or diseased, shall be replaced as soon as practicable with others of similar size and species.

Reason: To ensure the satisfactory appearance of the development and protect wildlife

5. The bin store / yard area shall be enclosed with a 2 metre high close boarded fence fitted with self-closing and lockable gates/doors. All materials/refuse shall be stored in refuse containers within the bin store/yard area at all times except for the day of collection.

Reason: In the interests of visual amenity and protecting the amenity of neighbouring occupiers.

6. The disposal of surface water and foul sewage shall be to the main drainage system only.

Reason: To ensure the development is provided with 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

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

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

8. All windows and doors fitted shall be PAS 24:2016 to standard BS EN 356 grade P1A and shall also be fitted to the bin store area and the beer bottle store.

Reason: To ensure the safety of future occupants and property.

Notes for the Applicant:

Hours of Operation - No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

Land Contamination - This information should be brought to the attention of the builder or contractor undertaking the development. The area of this proposed development is located on the site of former factory uses which may have resulted in localised ground contamination that could present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

West Midlands Police – advise that the Secure by Design principles should be adopted in order to protect against future crime. Information can be found at WWW.securebydesign



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 4.

Reason for bringing to committee: Call in by Councillor Jukes on the grounds of a lack parking, inadequate access, traffic capacity, character of the area, impact on the surrounding area and overdevelopment

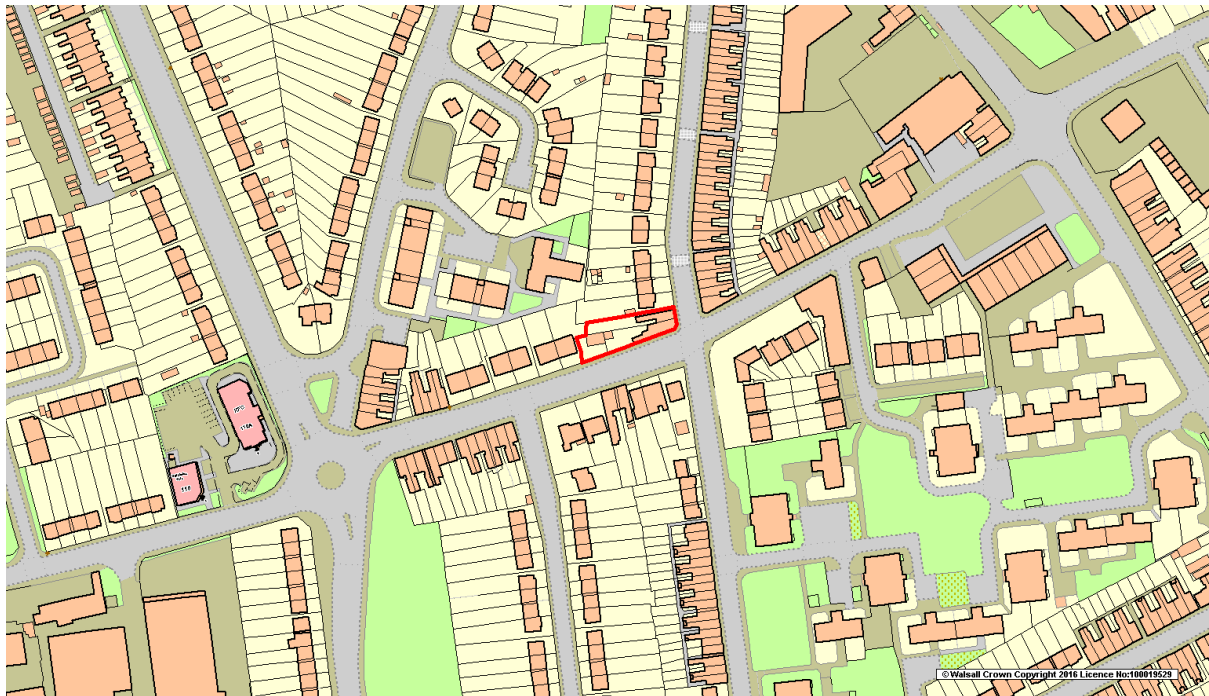
Location: BAHIA STORES, 26, LEAMORE LANE, WALSALL, WS3 2BL

Proposal: SINGLE STOREY EXTENSION TO EXISTING SHOP AT NO.70 WEST STREET.

Application Number: 16/1631
Applicant: Bahia Stores Ltd
Agent: John Reynolds
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Birchills Leamore
Expired Date: 22-Jan-2017
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application proposes a single storey 74m² flat roof extension to the rear of an existing corner shop which is on the edge of Leamore Local Centre. The dimensions would be 8.3 metres deep, 3.1 metres high and fills the entire width of the plot.

The proposal would relocate the shop area with new main entrance on the side of the building facing Leamore Lane further away from the corner to West Street where it is currently. The storage area for the shop would be located in the front of the building where the shop part currently exists.

The shop opening hours are 8am to 10pm every day. The proposal would increase staff from 1 full time and 2 part time to 2 full time and 4 part time.

Number 70 is the neighbouring house to the North. The side elevation of the rear wing of this house faces the existing side elevation of the shop.

Number 28 and 30 are the neighbouring maisonettes which would be next to the parking area and 14 metres away from the extension.

Relevant Planning History

08/1529/FL - Single storey rear extension to shop - GSC – 26/11/08

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

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 4 - Promoting sustainable transport***
- ***NPPF 5 - Supporting high quality communications infrastructure***
- ***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

www.walsall.gov.uk/ldf_core_strategy

- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN5: District and Local Centres
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

www.walsall.gov.uk/unitary_development_plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- S2: The Hierarchy of Centres
- S5: The Local Centres
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

www.walsall.gov.uk/ldf_supplementary_planning_documents

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character

- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

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

Consultations

Police – No objections, recommends secure by design which can be added as a note for applicant.

Pollution Control – No objections

Transportation – No objections subject to conditions for bin storage for flat, removal of redundant vehicle crossing, provision of parking spaces to the rear of the extension.

Public Participation Responses

12 objections have been received on the following grounds:

Existing anti-social behaviour issues with youths hanging outside

Litter

Vehicles park outside and people bang the door of the building day and night

Not enough parking

Increase in traffic from customers and deliveries

Road not wide enough for emergency vehicles

Noise from vehicles slamming doors

Applicant is unreasonable

This space used as a public toilet

Fly tipping

Difficult to cross the road

Enough shops already

Cheap alcohol impact sales would impact on existing alcohol dependency in the area

Claims that there are sales of cigarettes and alcohol to underage people

Extension would be close to neighbouring house occupied by an 80 year old.

A petition has been received with 24 signatures from 22 households against the proposal.

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

Determining Issues

- Principle of development
- Design and Character of the Area
- Amenity of Neighbours
- Highway Safety
- Conclusion

Observations

Principle of development

The proposal is an extension to an existing shop, which is on the edge of the local centre. The applicant has provided justification for the proposed shop extensions on the grounds that the shop is successful and room is required to improve provision. A full justification that the proposal meets the sequential test under policy S7 has not been provided but it is considered that the relatively small scale of the works, the existing use of the site for retail and its close proximity to the local centre means that on balance it would be considered unreasonable to insist on the relocation of this existing shop within the centre. For these reasons the scheme is considered acceptable in principle.

Design and Character of the Area

The flat roof design and single storey scale is considered acceptable and is not dissimilar to rear extensions which can be found at this style of building in this area. The small scale is unlikely to have a significant impact on the character of the area.

Amenity of Neighbours

The application site is already that of a shop and the extension alone would not result in any greater impact on amenity than already exists.

The concerns raised about existing anti-social behaviour issues with youths hanging outside are noted, however no objections have been raised by the Police and these issues are controlled by other legislation. Notwithstanding this a condition can be attached to permission if granted requiring CCTV to be installed at the premises.

Concerns about litter are noted, however the shop already has a litter bin outside and its proximity near to the local centre means it is difficult to confirm if the litter originates from the application site and what further control the applicant could reasonably be expected to do to address this issue. Nevertheless, the small scale of the existing premises is considered would not result in a significant increase in litter.

The shop has no existing hours restrictions, however as part of the submission opening hours of 8am to 10pm are proposed which would provide an opportunity to control the opening hours in the interests of neighbouring amenity which can be conditioned. Because the shop is being extended which could result in more frequent

deliveries or deliveries by larger vehicles it is also considered reasonable to also control the hours of deliveries to between 7am to 8pm. The times suggested have been applied to other out of centre shop developments in the borough. It is considered that restricting the hours of operation would address the concerns raised by neighbours about noise from vehicles slamming doors.

Objections have been raised about the site being used as a public toilet and for fly tipping. It is considered that the development of this land would resolve these amenity issues and can be considered an improvement.

The extension would be close to neighbouring maisonettes numbers 28 and 30, one of which, is occupied by an elderly person. However the distance would be 14 metres away which when taking account of the restricted hours and support from pollution control it is considered unlikely that the development would have any significantly greater impact on this occupier. The proposed parking area would be between the extension and this house but cars would be no closer than the main road is to that property.

In relation to number 70 the extension would run along the shared boundary 3.1 metres high. The point at which the extension projects beyond the existing rear elevation is beyond the side windows of number 70's rear wing and is considered would not result in significant loss of light or overbearing impact.

Highway Safety

In terms of UDP T13 parking policy requires 1 space per 14sqm GFA of development which equates to a requirement for an additional 5 spaces.

The site currently has 3 garages and 3 restricted parking spaces to the rear. The proposal would open up the 3 rear parking spaces (excluding the garages) for customer use, to partly address the T13 parking policy requirement.

Highways Officers acknowledge that Leamore Lane is a busy District Distributor road there are no parking or loading restrictions immediately outside the site. The road at this point is 11 metres wide and Highways Officers consider that parked vehicles should not unduly obstruct passing traffic.

The site is also close to the Leamore Local Centre (65m) and just over 100m to the public parking at Leamore shops.

On balance, the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32.

Objections raised about the road being blocked for emergency vehicles is a matter for the police.

Any increase in traffic from customers and deliveries is considered due to the scale of the development to be very limited and not sufficient reason to warrant refusal of this planning application.

It is not clear how the proposed extension might make it more difficult to cross the road here, although it might be argued that the increase in floor space could attract more customers. Nevertheless Highway Officers have raised no concerns.

Other issues raised through consultation

Whether there are enough shops already is a matter for competition and not a determining issue of a planning application.

The character of the applicant is not a determining issue of a planning application.

The extension would allow an increase in provision of alcohol but would not change the existing situation with respect to the applicant's ability to sell cheap alcohol. Concerns about people with alcohol dependency is noted however this issue is outside the scope of a planning application.

The objection raised about vehicles parking outside and people banging the door of the building day and night is an issue outside the scope of this planning application and it is not clear from the objection what the link would be.

Claims that there are sales of cigarettes and alcohol to underage people should be reported to the Police and is outside the scope of this planning application.

Conclusion

The proposed extension would be small in scale and serve an existing retail use, it would have little impact on the character of the area and provides the Council with an opportunity to include appropriate conditions to safeguard against amenity and anti-social behaviour impacts. The proposal raises no significant highway impacts.

Positive and Proactive working with the applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the site being outside of the local centre further justification has been submitted which enable full support to be given to the scheme.

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) The development shall be carried out in accordance with the following plans unless otherwise superseded by condition:

Amended location and block plan (revA) received 28/11/16

Existing elevation plan (216:720:02) received 18/10/16

Existing floor plan (216:720:01) received 18/10/16

Amended proposed elevation plan (216:720:04A) received 18/10/16

Amended proposed floor plans (216:720:03A) received 18/10/16

Reason: To define the permission.

3a) Prior to the commencement of the development, a revised plan shall be submitted to and approved in writing by the Local Planning Authority showing the location of a suitably sized and accessible refuse/recycling bin storage area within the site boundary for the extended shop premises and the flat above.

3b) Prior to the development first coming into use, the refuse/recycling bin storage area shall be fully implemented in accordance with the approved details and thereafter shall be retained and used for no other purpose.

Reason: To ensure the satisfactory servicing of the development and to ensure waste and recycling bins are not permanently sited on the public highway, in the interests of highway safety.

4a) Prior to construction of the development full details of CCTV to accord with secure by design principles shall be submitted to and approved in writing by the Local Planning Authority.

4b) The approved details shall be fully implemented prior to first occupation of the house and thereafter retained

NB. Please refer to "Note for Applicant" for further information.

Reason: To ensure the safety of future tenants and the public. The details are required prior to any further works because they should be integrated into the design.

5) Prior to the development first coming into use, the existing vehicular footway crossing in Leamore Lane, made redundant by the development proposal, shall be removed and reinstated back to full kerb height, to the specification of and to the satisfaction of Highway Authority.

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

6a) Prior to the development first coming into use, the existing gates and pillars fronting the rear parking spaces shall be removed entirely and the parking spaces opened up for unrestricted customer use, including the clear demarcation of the parking bays and appropriate and clear signage indicating 'Customer Parking'

6b) The parking spaces shall thereafter be retained and used for no other purpose.

Reason: To reduce parking on street and in accordance with UDP Policy GP2, T7 and T13.

7a) The shop hereby approved shall only be open between 08.00 and 22.00 hours on any day.

7b) Goods Deliveries to the shop and waste collection shall only take place between the hours of 07.00 to 20.00 hours Monday to Friday and 09.00 to 17.00 Saturday and Sunday.

Reason: To safeguard the amenities of neighbouring residents and to comply with UDP policy GP2 and ENV10.

8) Notwithstanding the submitted details there shall be no sub-division of the application site premises to provide more than one shop.

Reason: To define the permission

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 a Road Opening Permit from the Highway Authority for the dropped kerb reinstatement works within the public highway. For further information please contact the Traffic Management Team on 01922 654675.

Police

Strongly recommend that due to the moderate overall crime experienced in this area that the developer is made aware of the specifications and guidelines that can help secure this development against future crime and the benefits that can be achieved on this site through adopting the principles of Secure By Design. Information can be found at <http://www.securedbydesign>

CCTV should be fit for purpose i.e meets operational requirement as laid down in the BSEN 50132/7 standard, providing evidential standard coloured images. The images captured should then be recorded onto a hard drive. The hard drive must be housed in a secure lockable area, this is to prevent any tampering with the footage recorded. CCTV signage must also be implemented.

PETITION AGAINST BAHIA

Nº 26 LEAMORE LANE STORES

NAME	ADDRESS	SIGNATURE
	50 WEST STREET	
	48 WEST STREET	
	71 WEST ST	
	73 WEST ST	
	58 WEST ST	
	85 WEST ST	
	85, WEST ST	
	67 WEST	
	43 Leamore	
	2 SOMERFIELD RD	
	" "	
	50 Leamore Lane	
	41 LEAMORE LANE	
	42 LEAMORE LANE	
	35, LEAMORE LANE	
	1 BAGMAN ST CORNER	
	50 WEST STREET	
	24, LEMAY LANE	
	28 LEAMORE LANE	
	40 Leamore lane	
	37 Leamore Lane	
	39 LEAMORE LANE	
	44 PROVIDENCE LANE	
	47 PROVIDENCE LANE	



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 5.

Reason for bringing to committee: Significant Community Interest

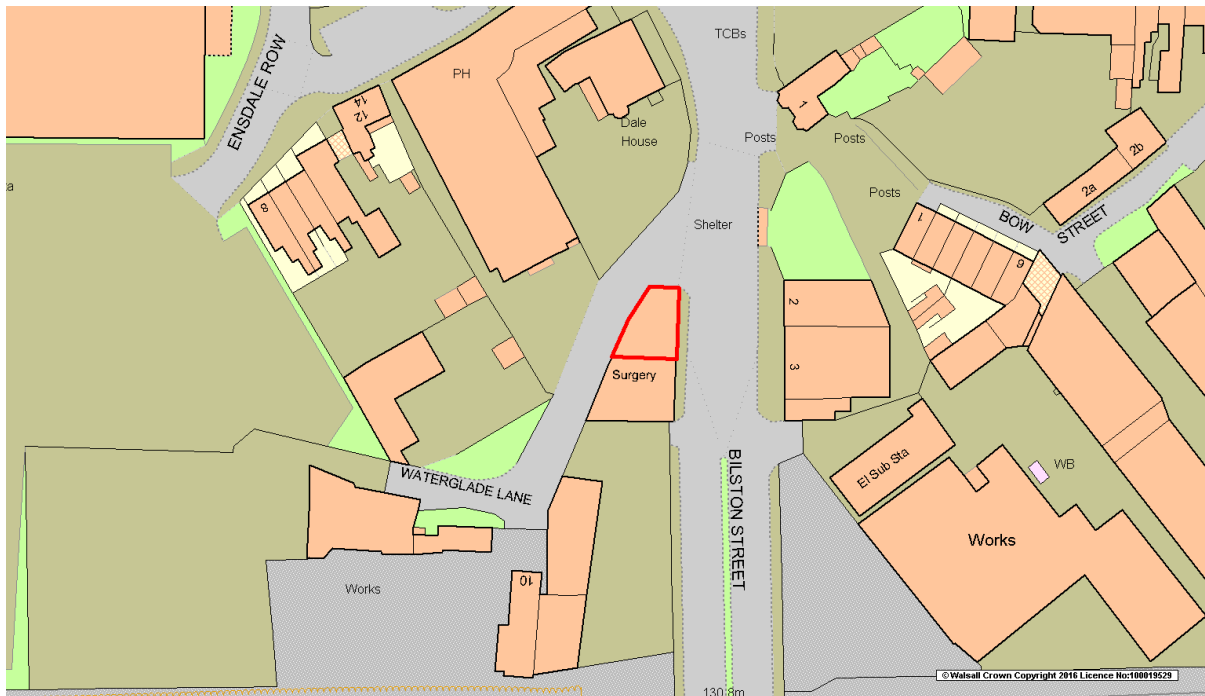
Location: QUICKJAY BUILDINGS, BILSTON STREET, WILLENHALL, WV13 2AW

Proposal: CHANGE OF USE FROM A1 RETAIL TO A3 RESTAURANT WITH ANCILLARY A5 HOT FOOD TAKEAWAY FACILITY AND VENTILATION DUCTING TO REAR OF THE BUILDING

Application Number: 16/1098
Applicant: MR SHAH MOTASHIRALI
Agent: MR ANTHONY SPRUCE
Application Type: Full Application

Case Officer: Barbara Toy
Ward: Willenhall South
Expired Date: 26-Apr-2017
Time Extension Expiry: 23-Jun-2017

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The site is situated on the western side of Bilston Street on the corner of Watergalde Lane, an unadopted road. The premises comprises a two storey building with a vacant retail unit on the ground floor. The remainder of the building at ground and first floor is occupied by A2 solicitor's offices.

Watergalde Lane is a private road that provides access to the rear of premises on New Road (Wetherspoons pub and a restaurant (locally listed building)) and leads to industrial premises to the south and south west. An engineering company and a block of shops sits opposite on Bilston Street and includes three hot food takeaways, one owned by the applicant. The site is situated within the Willenhall district centre, but outside the primary shopping area, the main centre sits to the north of the site. The site sits just outside the Willenhall Conservation Area. The closest residential properties are situated within Ensdale Row (off New Road) to the north west of the site.

This application proposes the change of use of the ground floor from an A1 retail shop to an A3 restaurant with ancillary A5 hot food takeaway. The scheme and internal layout has been amended since submission and now incorporates a refuse bin store within the front corner of the premises with a new access door directly onto Bilston Street. The application includes details of the location of the required fume extraction ducting to the rear of the premises but no specific details of fume extraction equipment have been provided.

The proposed use would employ four full time and three part time staff and the applicant has asked for the following opening hours:

1100 – 0100 hours Sunday to Thursday and 1100- 0200 hours Friday and Saturday.

The premises has no off street parking provision.

Relevant Planning History

11/0083/FL, change of use of part of ground floor to A1 retail use. Granted subject to conditions 13-10-11.

Relevant Planning Policy Summary

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

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

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

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

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***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV3: Design Quality

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

- GP2: Environmental Protection
- S1: Definition of Town Centre Uses
- S2: Hierarchy of Centres
- S4: Town and District Centres: General Principles
- S6: Meeting Local Needs
- S8: Housing in Town Centres
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food & Drink) Outlets.
- ENV10: Pollution
- ENV32: Design and Development Proposals

- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

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

Consultations

Transportation – No objections to the amended scheme subject to a condition to ensure that the new door to the refuse storage area shall not open outwards over the public footpath.

Environmental Health – No objections to amended scheme subject to conditions to ensure that details of fume extraction equipment, ducting and grease interceptor are submitted for approval.

Coal Authority – No comments

Pollution Control – No objections subject to conditions regarding sound mitigation measures are implemented between the ground and first floor.

West Midlands Police – No objections but recommend due to the moderate crime experienced in the area that the developer is made aware of the security benefits of Secure By Design. CCTV and other security measures recommended.

Public Participation Responses

Three objections received in relation to the original submission and one further objection to the revised scheme.

Objections to original submission:

- No facilities for rubbish disposal, with significant amounts generated by the use.
- Open storage in Watergalde Lane would be unacceptable and would impact on access
- Door to the rear of the building is set 3 foot higher than ground level and can't be used for access, any steps or ramp would impact on access in Watergalde Lane
- Fire exits need to be considered
- Waterglade Lane is an unmade road, dusty in summer, possible contaminate food.
- Will the solicitor's offices next door need an upgrade of fire exits due to the new kitchen?
- Impact on other similar businesses in the area that have been around for years
- Already too many cafes in Willenhall reducing shops in the centre and impacting on existing cafes and restaurants
- Need good shops not more cafes/restaurants

- Too many takeaways in the immediate area, 3 opposite
- Very little parking on Bilston Street, sometimes park across access gates to car park for solicitors offices
- Too small a property for a restaurant
- Health and safety implications, fire risk/fire exits.

Objections to amended scheme:

- Already too many cafes that are struggling, all fighting for the same customers.

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

Determining Issues

- Principle of the use
- Design and Layout
- Amenities of the surrounding occupiers
- Access and Parking

Observations

Principle of the use

The proposed A3 and ancillary A5 uses are defined in Policy S1 of the UDP as a town centre use. Policy S10 further defines restaurant and hot food takeaways as appropriate in town and district centres, provided they do not adversely affect the amenities of existing residents through noise, smell or disturbance. The site is situated within a commercial frontage within the Willenhall district centre with three other hot food takeaway shops on the opposite side of the road. Bilston Street is a busy route into and out of the district centre.

Policy S10 further advises that opening hours should be restricted to 2300 hours Monday – Friday and 2330 hours on Saturday and Sunday opening considered on its own merits, the impact of opening hours is discussed later in this report.

The objectors have indicated that there is already a large number of similar uses within the immediate area. There are three hot food takeaways on the opposite side of the road and a restaurant and pub immediately to the north fronting New Road, with other similar uses elsewhere within the district centre. Competition between similar uses is not a material planning consideration.

Policy S10 advises that the cumulative impact of late night uses on residential amenity should be considered. The site is situated in the district centre and the closest residential properties are situated in Ensdale Row to the north west, beyond the Wetherspoons pub. It is considered that a further late night use would not have

any additional adverse cumulative impact on the amenities of the residential occupiers given the location within the busy district centre.

The proposed use is considered acceptable in principle and it is considered that the use would not adversely impact upon the vitality of the district centre as the premises would be open from 1130 hours and would make use of a vacant unit.

Design and Layout

The scheme has been amended since submission to resolve the issue of reuse storage for the business. The layout now includes an area within the front corner of the building for refuse storage with a new access door direct onto Bilston Street, for collection. This would require the removal of a large window on the street elevation and replacement with a door and window.

The layout plans show the kitchen to the rear with the extraction flue on the rear elevation onto Waterglade Lane. Whilst the ducting would overhang this unadapted road it would be set at a high level (approx. 4m) and would not impact on access along the lane. The flue would project 1200mm above the roof but would not be visible from the main road. The internal layout shows up to 8 tables within the restaurant area as well as a takeaway counter and customer toilets.

The proposals would retain the appearance of a retail shop and it is considered that it would have no adverse impact on the character of the area.

Amenities of the Surrounding occupiers

The adjoining premises and first floor accommodation above the site is occupied as A2 solicitors offices. A condition is recommended by Pollution Control to ensure appropriate noise mitigation measures are installed between the proposed restaurant and the offices to protect the amenities of the occupiers of the offices during the day. The main use of the proposed restaurant however is likely to be at night when the offices are unlikely to be occupied.

The closest residential properties are situated within Ensedale Row to the north west of the site beyond the Wetherspoons pub. The properties are also situated within the district centre and are already subjected to a number of late night uses immediately adjacent. Policy S8 of the UDP (Housing in Town Centres) which recognises that the level of residential amenity in a centre may not be the same as that expected in suburban locations. The policy further recognises that housing in a centre should support and not prejudice the retail, commercial and leisure functions including the growth of the evening economy. It is considered that the proposed use would sit alongside the existing uses in the area and would be unlikely to have any additional adverse impact on the amenities of the surrounding occupiers beyond the existing situation.

The proposals include details of the location of a flue for the required extraction equipment, its location to the rear of the premises is considered appropriate and unlikely to have any adverse impact on the amenities of the surrounding occupiers from smell or noise from extraction equipment.

The applicant has asked for the use to be open until 0100 hours Sun – Thurs and 0200 hours Fri and Sat, whilst this goes beyond the 2300 and 2330 hours recommended by Policy S10, other uses in the immediate area are open till similar times, Wetherspoons pub is open till Midnight and 0100 hours on Fridays. Given the location within the district centre, on a busy traffic route and set away from residential properties the proposed hours of opening are considered acceptable.

Access and Parking

The site has no off street parking provision however the proposed use would have the same parking requirements as the existing A1 retail use of the premises.

On street parking is permitted on Bilston Street and there are a number of public car parks within the district centre. It is considered that the development will not have severe transportation issues and is considered acceptable.

Whilst the objectors have raised parking on Bilston Street and blocking access to the private car park, it is considered that the main use of the restaurant will be in the evenings when the adjoining premises will be closed.

Positive and proactive working with the applicant

The agent has provided amended plans and additional information on request from the case officer to allow full support to the proposals.

Recommendation: Grant permission subject to conditions

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

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

2. The development hereby approved shall be built in accordance with the following plans:

Existing and Proposed Floor Plans and Elevations Drawing 1739 Rev F submitted 10th April 2017

Reason: To define the permission.

3a. Prior to the first use of the premises for the uses hereby approved details of a scheme of acoustic insulation to be installed to prevent adverse impact upon the upper floor office use shall be submitted to and agreed in writing by the Local Planning Authority.

3b. The agreed acoustic insulation scheme shall be installed and a validation report confirming successful installation shall be provided to and accepted in writing by the Local Planning Authority prior to the first use of the premises for the use hereby approved.

Reason: In order to protect the amenity of the surrounding occupiers.

4a. Prior to the first use of the premises for the use hereby approved hot-food cooking points shall be served by extract-ventilation systems, with extracted gases and fumes passing through filtration and odour mitigation systems that meet requirements specified in the Department for Environment, Food and Rural Affairs publication '**Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems**', details of which are to be approved in writing by the Local Planning Authority.

4b. The approved details shall be fully implemented prior to first use of the premises for the use hereby approved.

4c. Once installed the extract-ventilation and odour control systems shall be cleaned, maintained and serviced in accordance with manufacturers' and/or installers' recommendations.

Reason: In order to protect the amenity of the surrounding occupiers and ensure the satisfactory operation of the equipment.

5. Any flue serving extraction from commercial hot-food cooking points shall terminate at least 1 metre above the building roof ridge level.

Reason: In order to ensure the satisfactory operation of the equipment and protect the amenity of the surrounding occupiers.

6. Where extract-ventilation flues and associated fan and motor units are attached to any wall or other structural building elements, appropriate vibration isolation mounting systems shall be used and ductwork shall be de-coupled from fans and motor units.

Reason: In order to ensure the satisfactory operation of the equipment and protect the amenity of the surrounding occupiers.

7a. A system to control grease, oil and fat discharges to drainage/sewerage systems shall be agreed in writing with the local planning authority and shall be implemented prior to the development being brought into use. Validation acceptable to the Local Planning Authority that the agreed drainage system has been installed prior to the activity commencing shall be provided to the same.

7b. Any approved drainage system shall be cleaned, maintained and serviced in accordance with manufacturers' and/or installers' recommendations.

Reason: In order to ensure the satisfactory operation of the equipment and protect the amenity of the surrounding occupiers.

8. Windows in the kitchen and serving area shall be kept closed when hot-food cooking and preparation is taking place. External doors to the kitchen and serving areas shall only be used for ingress and egress purposes and otherwise shall be kept closed when hot-food cooking and preparation is taking place.

Reason: In order to protect the amenity of the surrounding occupiers

9. At no time shall any doors open outwards across the public highway.

Reason: In the interests of highway safety.

10a. Prior to the first use of the premises for the use hereby approved details of security measures to be implemented to reduce the incidents of crime at the premises, to include CCTV shall be submitted to and approved by the Local Planning Authority in conjunction with West Midlands Police.

10b. The approved measures shall be implemented prior to the first use of the premises and thereafter maintained.

Reason: To ensure the satisfactory development and operation of the site.

11. The premises shall not be open for business outside the hours of 1100 to 0100 hours Sunday to Thursday and 1100 – 0200 hours on Friday and Saturday.

Reason: To define the permission.

Note to Applicant

Transportation

The applicant will be expected to obtain a Licence under the Highways Act 1980 from the Highway Authority for the proposed flue which extends above the unadopted public highway known as Waterglade Lane. All costs incurred in obtaining the licence shall be met in full by the applicant.

Environmental Health

The main activity at these premises is such that Walsall Council Environmental Health would enforce the requirements of Food Safety and Hygiene (England) Regulations 2013 and relevant European Community Regulations and Health and Safety at Work etc. Act 1974. The premises is required to comply with the requirements of this legislation and the application should consult with Environmental Health regarding legal requirements.

West Midlands Police

Due to the moderate crime experienced in this area that the developer should be made aware of the security benefits that can be achieved on this site through adopting the principles of Secure By Design. Information can be found at www.securedbydesign.com

Other recommendations:

To assist with anti-social behaviour or robbery/thefts that may occur on the premises consideration should be given to the Sensortech Starbox system or similar device which is a form of monitoring to assist staff or managers when dealing with groups of rowdy offenders.

I also recommend some form of Fogging device is fitted as this will assist in any Robbery type offence as this Neighbourhood has a high proportion of this type of crime.

Make sure staff can both see and be seen, displays and posters should not obscure the line of vision, staff need to be able to see if anyone is acting suspiciously outside the premises and anyone outside should be able to see if there is a problem occurring inside.

Consideration also needs to be given to cash handling on site keep as little cash as possible on the premises with a minimum in each till, put notices up to this effect so offenders are aware the risks far out way the rewards. Do not count cash in view of the public always do it in a back office and use drop boxes from the tills rather than

removing money trays containing large amounts of cash. The safest method of cash collection is through recognised cash carrying companies.

CCTV is an excellent deterrent as offenders do not want to be identified or caught. Sight the cameras covering entrances/exits, and till areas but also install a covert CCTV camera linked to the main recording system at the entrance door as offenders do not normally put their masks or facial coverings on until in the doorway so as not to arouse suspicion from passers-by by which time a full facial picture has been captured. Cameras can also alert any backroom staff to problems arising in the premises. Site recording equipment should be stored away in a locked cabinet so that offenders cannot destroy the evidence during the robbery.

Panic alarms can be placed at till counters (unfortunately these can be pressed by staff for the wrong reasons ending up with withdrawal of a response by the Police) however there are systems available for staff to have panic alarms placed in name badges which can be pressed for the monitoring company to open a recording of events and check if there is a problem. They will then in turn call Police avoiding false activations.

Place spyhole viewers in rear service doors to avoid staff being surprised by offenders. The Doors must remain locked when not in use however they must still comply with fire regulations

Ensure the premises is well lit both internally and externally, boost interior lighting if only by increasing wattage of bulbs. Lighting is needed outside and for storage areas as criminals and youths do not like to work in areas where they can be seen and identified.

The opening times should be restricted to the same as the premises in that locality to avoid any further disruption to the local residents from Anti-social behaviour or car noise as there are already a large number of food establishments in the vicinity.

I recommend the access to the staff only areas should be fitted with an access control system to stop offenders gaining access to this area when the staffs are distracted as this will be where staff may be storing personal possessions.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 6.

Reason for bringing to committee: Section 106 Agreement

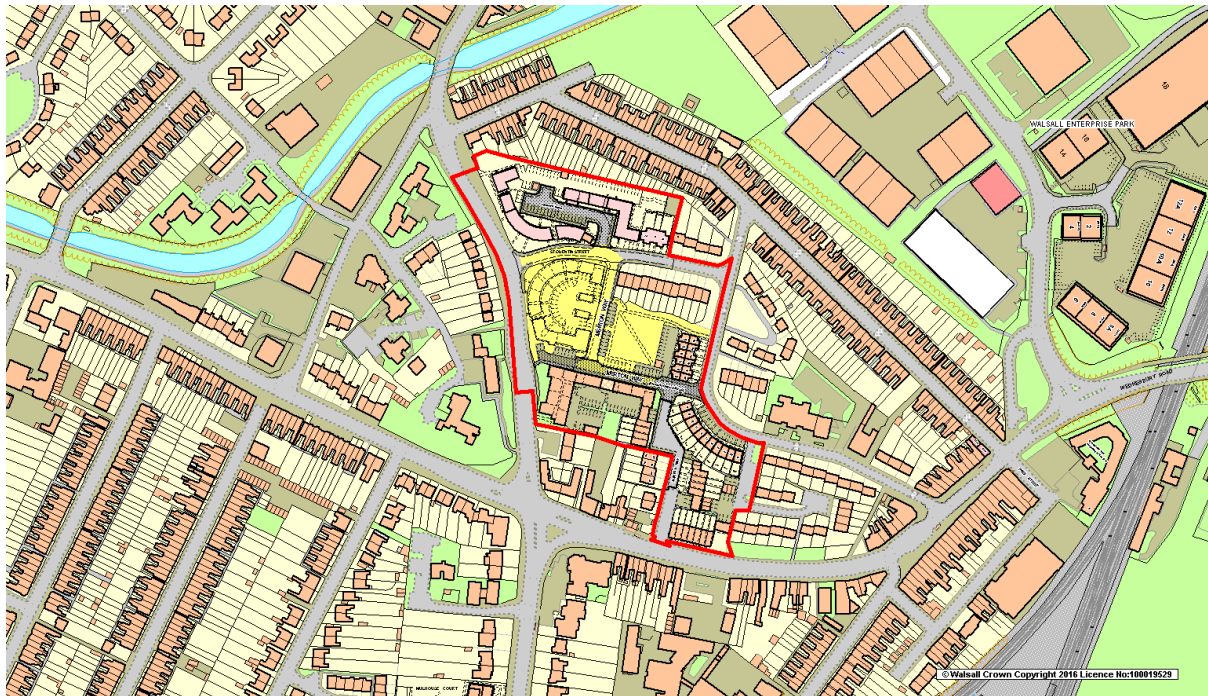
Location: LAND EAST OF MERTON WAY, MERTON WAY, WALSALL

Proposal: AMENDMENT TO PLANNING PERMISSION 06/1818/FL/W7 TO REMOVE PLAY AREA AND REPLACE / CREATE OPEN GENERAL AMENITY AREA.

Application Number: 17/0564
Applicant: BOVIS HOMES LTD
Agent:
Application Type: Full Application

Case Officer: Karon Hulse
Ward: Pleck
Expired Date: 15-Jun-2017
Time Extension Expiry:

Recommendation Summary: Delegate to The Head of Planning, Engineering and Transportation to grant subject to conditions and the signing of a Section 106 Agreement for an off-site play area in Pleck Park



Application and Site Details

This application seeks consent to vary the requirements of a previous planning permission, 06/1818/FL/W7 dated 14/12/06, for the residential redevelopment of the land between Old Pleck Road and Oxford Street, Walsall. The site was previously occupied by 6 tower blocks flats which have since been demolished and most of the approved residential housing has now been constructed and occupied.

The application land was approved as open space and included children's play equipment as part of the overall development of the site. The land, which is roughly a square shape, sits between Merton Way, St Quentin Street and Oxford Street, it is currently fenced off and general scrub land with some fly tipping having taken place. The amendment proposes to remove the play area to be replaced with a general open amenity area including resurfacing with turf and provision of a dedicated footpath across between Merton Way and St Quentin Street. The applicants have stated that the play area has become unviable and that it would become an area for antisocial behaviour.

The previous report outlined that there was no requirement for a Section 106 Agreement on the basis that Public Open Space was being provided on site and therefore no contribution was required for an off-site contribution.

On the basis that the proposals remove the play area, the applicants have offered a financial contribution to open space facilities outside the site. In order to secure this, a Section 106 Agreement is now required as part of this application. The applicants have agreed to enter into the agreement.

Pleck Local Centre is adjacent to the application site to the south on the opposite side of Wednesbury Road. The site is also located close to Walsall Enterprise Park and the Manor Quays employment allocation.

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***

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

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

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

Local Policy

Black Country Core Strategy (BCCS)

The relevant key policies are:

- CPS4
- ENV2

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

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)*".

The relevant policies are:

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV32: Design and Development Proposals
- LC1: Urban Open Spaces
- LC3: Children's Play Areas

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

DW3 – Character -design to respect and enhance local identity;
DW9 - High Quality Public Realm

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

Consultations

Transportation – no objections

Police ALO – no objections

Greenspaces – support subject to financial contribution for offsite works to the play area in Pleck Park

Public Participation Responses

Two representations one in support one concern on basis of the area is untidy and a dumping ground and loss of playground.

Determining Issues

- Principle of the proposed amendment
- Safety/security

Observations

Principle of the proposed amendment

The application site was previously intended and approved to be a children's play area, it is currently fenced off, scrub land with some fly tipping having taken place. The applicants have stated that the approved use is now unviable and potentially could become an area for antisocial behaviour and youths congregating. As such they seek to change the use to a general amenity area to be turfed and provide a link footpath between Merton Way and St Quentin Street. The area of land has designated parking spaces all round it.

UDP Policy GP3 requires the council to seek to secure the provision of any on or off-site facilities such as open space provision as necessary. In this instance the development included its own play area and open space and therefore no contribution is being required for an off-site contribution.

Since the play area is to be removed it is now considered that a financial contribution to secure off site facilities is necessary. The applicants have agreed to pay a sum of £15,000 to be utilised for the play area in Pleck Park.

On balance it is considered that the use of the financial contribution to be used for offsite open space facilities in particular the play area in Pleck Park and replacement with a general open amenity area is acceptable to mitigate against the loss of the children play area within the development.

Safety / Security

The potential for the land to become an attractor for anti-social behaviour and a dumping ground will be reduced by it being turfed and the provision of a dedicated footpath link which has good natural surveillance with numerous apartments and houses overlooking the area.

Conclusion

The change of use of this land which had previously been designated and approved as a children's play area, to general amenity space with a footpath link through, is considered to be acceptable on the basis that a financial contribution for off-site open space provision located at the play area in Pleck Park is secured by a Section 106 Agreement.

Positive and Proactive working with the applicant

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

Recommendation Summary: Delegate to The Head of Planning, Engineering and Transportation to grant subject to conditions and the signing of a Section 106 Agreement for an off-site play area in Pleck Park

Conditions

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

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

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

- Location Plan received 12/5/17
- Fence key plan received 12/5/17

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

3a. Notwithstanding the deposited "Fence Key Plan" on 12th May, 2017, no development shall be commenced until full details of boundary treatments around the area to be turfed shall be submitted to and approved in writing by the local planning authority.

3b. The approved boundary treatment shall be fully implemented prior to the use of the land first commencing and thereafter retained and maintained.

Reason: To ensure the satisfactory appearance of the development.

4a. Prior to the use of the land first commencing the area shall be turfed and the dedicated footpath fully consolidated and hard surfaced.

4b. These areas shall thereafter be retained, maintained and used for no other purpose.

Reason: To ensure the satisfactory completion and appearance of the development



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 7.

Reason for bringing to committee: Significant Community Interest

Location: 46 , IDA ROAD, WALSALL, WS2 9SS

Proposal: CHANGE OF USE FROM A1 (RETAIL) TO A5 (HOT FOOD TAKEAWY)

Application Number: 17/0588
Applicant: Gul Nawaz
Agent: Maurice Cotton
Application Type: Full Application

Case Officer: Mike Brereton
Ward: Pleck
Expired Date: 21-Jun-2017
Time Extension Expiry: 31-Jul-2017

Recommendation Summary: Refuse



Application Details

The application site is a vacant commercial unit within a row of terraces with a convenience store to the west (in the same ownership as applicant) and residential houses to the east. Further residential properties existing opposite to the south along with Abu Bakr Girls School. The Manor Hospital lies to the rear of the application site to the north. At ground floor, the application site was previously occupied by a claims company (A2 use class) and residential flats exist above the shop and the application site (numbers 46 and 48).

This application proposes to change the use of the application site to a hot food takeaway at ground floor (A5 planning use class). There is no off street car parking proposed and the proposal relies on existing on-street parking. The submitted application form sets out the proposed hours of opening would be 11.00am to 23.00pm Monday to Friday and 11.00am to 23.30pm on Saturdays, although these do not match those set out in the submitted Planning Statement which confirms; 12.00pm to 23.00pm Monday to Friday, 12.00pm to 23.30pm on Saturdays and 12.00pm to 22.30pm on Sundays.

The application also includes the siting of a rear ventilation flue for use by the hot food takeaway, no specific details of this have been submitted.

This application is a re-submission of previously refused applications for a hot food takeaway in 2002 and 2010.

This application is supported by a Planning Statement which explains:

- The application site has an existing A1 use and last in use as A2;
- Strong local demand for a hot food takeaway;
- Proposal would create 2 full time and 2 part time jobs;
- Proposed opening hours would be 12.00pm to 23.00pm Monday to Friday, 12.00pm to 23.30pm on Saturdays and 12.00pm to 22.30pm on Sundays;
- Extraction details could be secured by condition;
- Proposal would meet a local need to residents in Alumwell and visitors and workers of the Manor Hospital;
- Application site could be converted into a café or restaurant use under current permitted development rights and a sequential test is not required;
- Proposed use would not result in any adverse impact on neighbours' amenity; and
- Refers to petitions from local residents and hospital staff and visitors in support of the proposal.

Relevant Policies

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

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

- CSP4: Place Making
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets
- T7 - Car Parking

- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW4 Continuity

Policies are available to view online.

Relevant Planning History

46/48 Ida Road

BC19924P - Installation Of Shopfront And Extension – Grant Subject to Conditions, 1987.

BC24074P - Erection Of Garage And Covered Way – Grant Subject to Conditions, 1989.

BC29393P - First Floor Side Extension – Grant Subject to Conditions, 1990.

BC34134P - Ground Floor Rear Extension - Refused, 1991 (Loss Of Light And Outlook To Neighbours, Appearance).

BC35842P - Same Description As BC34134P (Refused On Similar Grounds).

BC58550P – Change Of Use To Hot Food Takeaway. Refused 24th January, 2002 For The Following Reasons:

- 1. Impacts on residential amenity to no. 44 and the adjoining terraced houses.*
- 2. Lack of parking opportunities and impacts on the freeflow of traffic and highway safety.*

09/1770/FL - Change of use to hot food take away. Refused on 11/02/2010 for the following reasons:

- 1. Detrimental to amenities of nearby residents.*
- 2. lack of parking availability and impacts on highway safety.*

At 16 Ida Road

BC31927P - change of use to hot food takeaway - refused, 1991:-
- increased noise, disturbance from vehicular traffic, smell and litter, especially at anti-social hours;

- prejudice highway safety and the freeflow of traffic (in close proximity to road junction and hospital access drive) - *this property is opposite the junction with Scarborough Road and alongside the bus/delivery access to the hospital.*

Consultation Replies (*Officers comments in italics*)

Access Officer – No comments received. (*NPPG confirms; ‘consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice’, which is the case in this instance*).

Environmental Health – No objection subject to conditions regarding noise, odour, extraction system, hours of opening and deliveries and Food and Hygiene (*Food and Hygiene could be added as notes to applicant*).

Fire Authority – No objection.

Pollution Control – No objection subject to conditions regarding noise, odour, extraction system and drainage.

Severn Trent Water – No objection and no conditions required.

Transportation – Objects on the grounds that the proposed change of use would exacerbate the existing parking issues and result in severe transportation impacts.

Representations

- 5 x letters in support of the application have been received in addition to support from Councillor Khizar Hussain, a Member for the Pleck Ward.
- A petition has been submitted in support of the application with 279 signatures from local residents and hospital staff and visitors.

Determining Issues

- Has this application overcome the previous refusal reasons?
- New Material Planning Considerations

Observations

Has this application overcome the previous refusal reasons?

The latest refusal reasons were in 2010 and will form the basis for the assessment of this current application which is for the same proposed development.

Refusal Reason 1: Detrimental to amenities of nearby residents.

The previous application (09/1770/FL) was refused on the grounds that the introduction of a hot food takeaway in such close proximity to residential properties had the potential to result in significant additional impacts on the amenity of residents by way of noise, odours and disturbance.

UDP Policy S10 sets the basis for Hot Food Takeaways to be in centres, and other 'shopping and commercial frontages'. Whilst, it is noted that a convenience shop exists at No.48, this is isolated and not within an existing shopping and commercial frontage. Therefore, in principle, this is considered an unacceptable location for an A5 hot food takeaway use.

Conditions as recommended by Pollution Control and Environmental Health regarding noise insulation, odour control and restriction of opening hours and deliveries are noted. It is considered that a hot food takeaway is considered a more intensive use and in this location would result in significant additional impacts on neighbours' amenity over and above that arising from the previous office use which is unlikely to have been open during evenings. Whilst the adjoining neighbour No.44 has written in support of this application, it is considered the proposal would result in significant disturbance from arrivals and departures of customers to this neighbour, and to any future occupiers of No.44. The application would not accord with UDP Policies GP2, ENV10 and S10.

The submitted Planning Statement explains that the proposed use would serve a local need. On balance, it is considered that serving a local need would not outweigh the harm to neighbours amenity and the applicant has failed to demonstrate how they have overcome the first refusal reason.

Refusal Reason 2: Lack of parking availability and impacts on highway safety.

The previous application was refused on the grounds that a hot food takeaway in this location would compound existing parking issues and result in highway safety impacts.

The application site has no off street parking and none is proposed, or possible due to local parking restrictions. For comparison purposes, the existing use requires 3 x parking spaces and the proposed use would require 5 x spaces, as set out in the Council's UDP T13 policy, there is a net increase for 2 x additional spaces.

Whilst the Planning Statement explains the proposed use would serve the local community, by its very nature the proposed use would attract increased vehicular trips and put further pressure on on-street parking exacerbating the existing traffic related and highway safety problems at this locality due to a history of parking issues associated with residents, the existing shop, hospital staff and the nearby school.

The Highway Authority has objected and it is considered that the cumulative impacts of the potential additional traffic and parking associated with the proposal alongside the existing traffic related issues at this locality is likely to have a severe impact on

the safe and satisfactory operation of the highway contrary to NPPF paragraph 32 and UDP Policy S10.

The general principle is that drivers are responsible for their own safety on the highway, although there is a possibility of local authorities assuming some liability if approval is given for a scheme where we are aware there is a safety risk. The case of Kane v New Forest DC 2001 3 ALL ER 914 is the most relevant on the facts. In this case the sightlines from a footpath to a road were poor. The council was found by the court to have been aware of this, and therefore to have caused the danger. It is considered, that if approval is given for this application and the risk that the highway authority has identified is real, then there is a possibility of future liability for personal injury if an accident occurs.

The applicant has failed to demonstrate they have overcome the second refusal reason.

Conclusion

In weighing the material planning considerations of this application with the applicants submission and the community interest, it is considered in this instance, the local planning authority is unable to support an approval of this application. In this instance, the proposed use gives rise to genuine highway safety concerns which, if granted, would leave the Council with a safety liability in the event of an accident as a result of the proposed use operating at this property. The planning authority considers there are no safeguarding conditions that could satisfactorily mitigate this safety concern. In addition, the applicant hasn't clearly demonstrated how they can or will mitigate detrimental impacts on neighbours amenity sufficiently for the local planning authority to be able to support the application.

Positive and Proactive working with the applicant

Refuse

This application fails to overcome the previous refusal reasons and due to the constraints of the site the proposal cannot be supported in this instance.

Recommendation: Refuse

1. As a result of the potential increase in vehicle trips to the proposed Hot Food Takeaway over and above the extant use and no off street parking being available, visitors to the premises are likely to park on the adjacent highway near to the premises. This in conjunction with the street being heavily trafficked and with on street parking already prevalent, the likely increase in demand for on street parking as a result of the development would be to further encourage indiscriminate parking exacerbating the existing issues which would be prejudicial to highway safety and inconvenience other road users contrary to BCCS Policy TRAN2 and policies 7.36, S10, T4, T7 and T13 of the Unitary Development Plan which aim to promote and

secure road safety and is likely to present severe transportation implications contrary to NPPF paragraph 32.

2. The proposed A5 use would be detrimental to the amenities of nearby residents and in particular those of no. 44 Ida Road, Walsall, by reason of noise and disturbance from arrivals and departures of customers and by reason of noise and smell which would detract from the proper enjoyment of the dwellings adjoining or in close proximity to the application site. The application is contrary to Unitary Development Plan Policies GP2, ENV10 and S10.

We the undersigned are residents of Alumwell ; we are aware of and support the proposed planning application for a small hot food takeaway at 46 Ida road. We also urge Walsall Council to support this proposal, which will provide local residents with a hot food takeaway facility convenient walking distance Alumwell.

NAME	SIGNATURE	ADDRESS	DATE
		38 IDA ROAD WS2 9SS	11/03/17
		10 Flaxhall WS2 9TW	11/3/17
		30 Ida road	11/3/17
		28 Ida rd " "	11/3/17
		" " "	11/3/17
		15, FLAXHALL ST WS29TW	11/3/17
		35, Flaxhall St WS29TW	11.3.17
		35, Flaxhall St WS29TW	11.3.17
		24 IDA ROAD WS2 9SS	11/3/17
		24 IDA ROAD WS2 9SS	11/3/17
		24 IDA ST	11-3-17
		4, Madison Av WS2 9UY	11-03-17
		4 Madison Ave WS2 9UY	11.03.17
		22 Ida Road	11.3.17
		98 MANOR HOSPITAL	11/3/17
		32 IDA ROAD	11/3/17
		32 Flaxhall St	11.3.17
		100, Priory AV	11.3.17
		39 FLAXHALL ST.	11.3.17
		98 Scarborough Road	11.3.17



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 8.

Reason for bringing to committee: Significant community interest

Location: 38, SELMANS HILL, BLOXWICH, WALSALL, WS3 3RL

Proposal: REPLACEMENT DWELLING

Application Number: 16/0795

Applicant: P Cheema

Agent: Andy Law

Application Type: Full Application

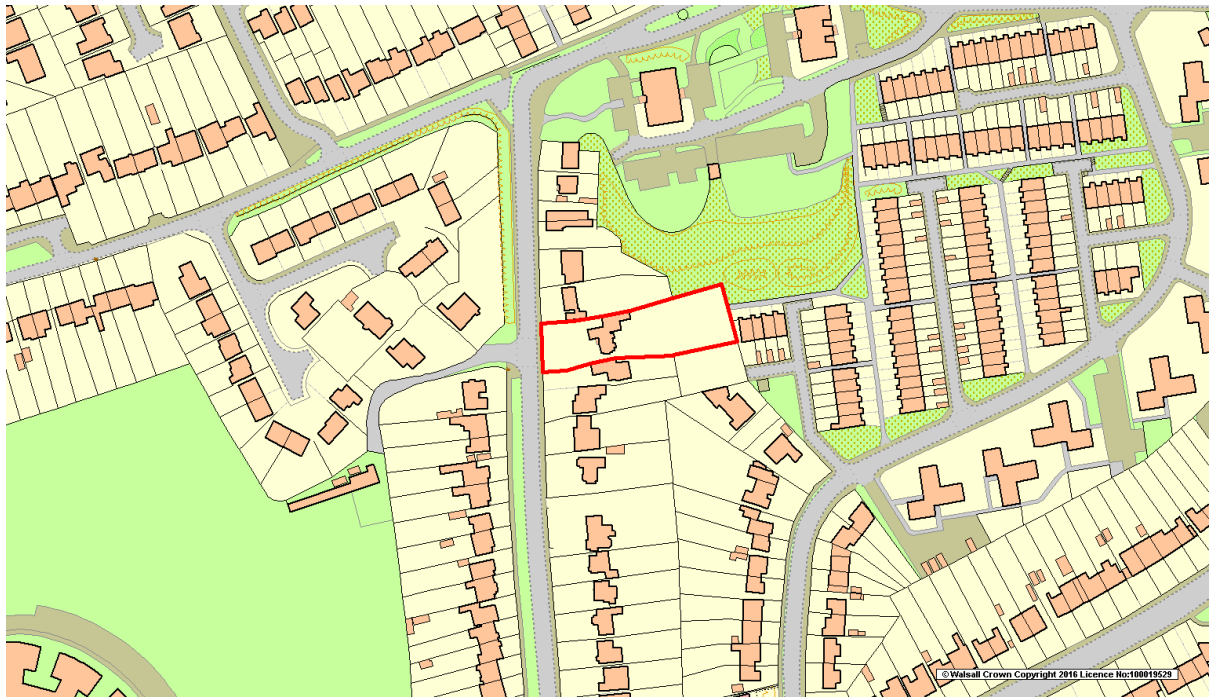
Case Officer: Jenny Townsend

Ward: Bloxwich East

Expired Date: 25-Aug-2016

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions.



Application and Site Details

This application seeks to extend an existing dwelling house. The description on the application was amended to a replacement dwelling as the plans showed that most of the original house elevations on the front, rear and side were to be replaced. The proposal has since been amended but there are still changes to the front, rear and sides of the house and the description is to remain as a replacement dwelling although it is unlikely that the existing house will be completely demolished.

The application site is in a residential area comprising of detached dwellings set in larger than average plots. There is a mix of houses and bungalows in the area that vary in design. The application house lies back from the road with an in and out driveway and walls, railings and gates to the road frontage. There is a large Cedar tree in the middle of the front garden which mostly blocks the house from view from the road. The tree is not protected.

The house is a traditional design with a two storey front gable projection and a hipped roof with chimneys each side. There is a single storey flat roofed section on the left-hand side of the house adjacent to the boundary with number 40 Selmans Hill that projects approximately 8 metres beyond the rear two-storey part of the house. The house currently has three bedrooms at first floor level and one ground floor bedroom. The proposed extension would not increase this.

The application proposes to add a garage to the front of the existing flat roofed section on the left and a new two-storey front gable projection on the other side of the house that would be slightly wider than the original front wing.

The original plans have been amended to omit a first floor section that was proposed above the new garage adjacent the boundary with number 40, reduce the length of the two storey part of the extension next to number 34 by 1.6 metres but increase the length of the rear ground floor section by 2 metres.

At the rear a two-storey extension 6.5 metres deep is proposed with a single storey section projecting a further 2.5 metres. This would be across the full width of the existing two-storey part of the house only. A balcony is proposed on the rear nearest to number 34 Selmans Hill that would be 2 metres deep, have 2 metre high steel framed privacy screening on each end with the handrail set back 0.7 metres from the edge. The privacy screens would have obscure glazing.

No additional windows or doors are proposed in either of the side elevations.

The rear garden boundary would be approximately 42 metres from the rear of the proposed extensions.

Number 40 Selmans Hill is a dormer bungalow to the north of the application site. The bungalow is positioned closer to the road than the application house with the rear approximately in line with the front of the application house. The nearest habitable room window on the rear of number 40 is set in approximately 4 metres at ground floor with a dormer window set in approximately 5 metres at first floor level. There are trees and bushes belonging to number 40 directly to the rear of the bungalow which are adjacent to the boundary for a length of approximately 7 metres.

Number 34 Selmans Hill is a house which is to the south of the application property. The front of number 34 is closer to the road than the front of the application house. At the rear, the boundary angles in towards the rear of number 34 and as a result the rear of the house is stepped in with the rear two storey gable projecting approximately 5 metres beyond the existing two storey part of the application house. Where the boundary angles in number 34 has a ground floor office window which is already shaded by the bulk of number 34 itself and the tall trees belonging to the application house which are adjacent to the 2 metre high boundary fence. There is a kitchen window on the rear of number 34 nearest to the boundary.

Relevant Planning History

04/2352/OL/E4 Outline permission for 1 dwelling (bungalow). Refused 14/12/04.

05/1622/FL/E4 Construction of a single detached bungalow. GSC 22/06/06.

BC63252T Pruning of Lime Trees. Granted 18/05/01.

09/0060/TR Crown lift row of lime trees on rear boundary, away from rooftop. Approval to prune trees 05/03/09.

11/0122/TR Crown reduce 2 x lime and 3 x birch trees located on land to the rear of 34-32 Selmans Hill by 20%. Permission Refused 16/03/11.

12/1513/FL Erection of a two-bed bungalow. GSC 14/12/12.

14/1016/HPD Single storey rear extension; 8m deep, 3.4m high to eaves, 3.6m to ridge. Prior Approval Not Required 01/09/14.

17/0150 Three lime trees adjacent 23 Millfield Avenue - re-pollard at 4m above ground level, crown lift to 3m. Part Approve, Part Refuse 07/04/17.

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:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- Appendix D

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

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

Consultations

West Midlands Fire Service – No objections with this application subject to access to water supplies.

Tree Preservation Officer – No objections subject to a condition to ensure the protection of the mature Cedar in the front garden and the protected trees adjacent the rear garden boundary.

Public Participation Responses

Three letters of objection to the original plans on the grounds that;

- The two storey extension would reduce natural light to their property and garden and affect their enjoyment of their garden as it would affect their flowering plants;
- The proposed balcony would cause a loss of privacy;
- Extension would be overbearing;
- Contractor's vehicles on Selmans Hill would affect the safety of this part of the road as there are already problems exiting their driveway due to the position on the brow of the hill;
- Increased vehicles using the property;
- The use of the extended house?;
- De-valuation of property due to the imposing structure and loss of light to the indoors caused by the extension;
- Nuisance, noise, dust, smells and rubbish during months of construction;
- Design of the extension is dominant and out of character with the existing properties in the street;

Another neighbour makes the following comments;

The house is the oldest dwelling on the road and been featured in the Local Heritage Directory because of its value as an example of 1920's house design- it would be a shame if it were to be completely demolished;

The cedar tree in the front garden may be protected;

In response to the amended plans, one neighbour has commented as follows:

- Whilst they note that the applicant has made some attempt to appease neighbours concerns, their initial concerns regarding the overbearing impact due to the size and position still stand.
- They include a copy of the Land Registry Entry for the application site which contains detailed of certain 'unimpeded rights' afforded to the owners of

number 34 Selmans Hill which they are concerned may be greatly affected by the proposal.

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

Determining Issues

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

Observations

Design of Extension and Character of Area

The addition of a second two storey front wing would reflect the existing design and utilise the area alongside the two storey front projection at number 34.

The additions to the front of the house would lie against the outline of the existing roof and both original chimneys are to stay.

The extent of the additions are considered in proportion with the size of the plot which is the widest in this part of the road and the house lies well back from the road behind the boundary wall and railings and large Cedar tree in the front garden. This tree already screens most of the house from view and this would continue to be the case for the new development.

The area is a mix of houses and bungalows which all vary in design. The proposal is considered would remain in keeping with this mixed character.

Amenity of Nearby Residents

The garage proposed adjacent to the boundary with number 40 Selmans Hill would be single storey with a flat roof the same height as the existing ground floor bedroom. The front of the garage would be in line with the rear of number 40 which has a bathroom window nearest to the boundary and tree screening adjacent the boundary.

The first floor part of the extension closest to number 40 would be set in 4.2 metres from the boundary and viewed from the kitchen window of number 40, would be approximately 13 metres away. Whilst it is acknowledged that the development would be to the south of number 40, this separation and the existing screening on the boundary which belongs to number 40 is considered would prevent significant

shading to the rear of number 40. Any shading would be to the garden area at a distance away from the house and the rear patio.

The proposed development would comply with the 45 degree code measured from the rear kitchen window of number 34. This code is used to assess impact on light and outlook of neighbours.

The two storey section nearest to number 34 would be in line with the rear of 34 with the balcony projecting 2 metres further. The proposals show each end of the balcony would have 2 metre high steel framed privacy screens with obscure glazing and the hand rail of the balcony would be set back 0.7 metres from the edge. This would prevent any overlooking to the rear windows and patio area of number 34 from the balcony. There are no windows proposed in the side elevation of the development nearest to number 34.

There would remain a 2.5 metre wide gap to the side of the application house and this together with the orientation to the north of number 34 is considered not to have a significant impact on loss of light to number 34 as a result of the development.

The proposed front additions would be set back from the front of number 34 and are considered would have little impact on the living conditions of the occupiers of this house due to the orientation and separation from the boundary.

The design of the proposals does not harm the character of the area or neighbour's amenities and there is adequate off street parking available. The proposals accord with Council policies.

With regard to the neighbours comments, the first floor element adjacent number 40 has been omitted from the proposal; the balcony has privacy screens each end and the hand rail is set back from the edge; the house is unlikely to be demolished; a condition has been added to ensure the protection of the Cedar tree. Parking of contractors vehicles, de-valuation of property and nuisance during construction are not material planning considerations that can be taken into account when determining a planning application. Covenants on deeds are private legal matters between householders. The applicants agent has confirmed that the use is for a single family however permitted development does allow for a property to be occupied by up to 6 unrelated people without the need for planning permission. All other comments have been addressed in the report.

Trees

The large Cedar in the front garden is not protected but makes a significant contribution to the street scene. The Council's tree officer considers that the proposals would not have any significant impact on this tree or the protected Lime trees adjacent the rear garden boundary. A condition is recommended to ensure these trees are not lopped, felled or root pruned without prior consent from the Local Planning Authority, or any changes of level, digging of trenches or storage of materials or equipment shall take place beneath the canopies of the trees.

Parking

The number of bedrooms would remain the same and the proposal seeks to add a garage. No changes are proposed to the existing driveway which on its own would provide sufficient parking to accord with UDP policy for a house with 4 or more bedrooms.

Conclusion

The design of the extensions is compatible with the original house and does not harm the character of the area, there is no significant harm to the adjacent neighbouring properties whose concerns are addressed in the report, conditions are included to protect the existing trees on and adjacent to the site and adequate parking is available.

Positive and Proactive working with the applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the bulk and mass of the extension in relation to number 40 Selmans Hill and overlooking from the proposed balcony, amended plans have been submitted which enable full support to be given to the scheme.

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. The development hereby permitted shall be carried out in accordance with the following approved plans and documents except insofar as other conditions may so require:

Location plan deposited 21 May 2016;

Block plan deposited 25 July 2017;

Existing elevations and floor layout plans drawing 30415/101 deposited 21 May 2017;

Proposed floor layout plans drawing 30415/102 deposited 6 April 2017;

Proposed elevations drawing 30415/103A deposited 12 April 2017.

PAGE 116 OF 220

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

3. a. No development shall commence until samples of all facing and roofing materials 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 to comply with policy ENV32 of Walsall's Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

5. The existing mature Cedar tree at the front of the site and the protected Lime trees in the rear garden shall not be felled, lopped, or root pruned without the prior consent of the Local Planning Authority. No digging of trenches or changes in ground level shall take place beneath the canopies of the trees nor the storage of construction materials and equipment.

Reason: To safeguard the significant mature Cedar tree in the front garden and the Lime trees protected by Tree Preservation Order adjacent to the rear garden boundary.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 9.

Reason for bringing to committee: Significant Community Interest

Location: CASTLEFORT GRANGE, 39 CASTLEFORT ROAD, WALSALL WOOD, WALSALL, WS9 9JL

Proposal: CHANGE OF USE FROM FORMER 20 BEDROOM RESIDENTIAL CARE HOME (C2) FOR THE ELDERLY TO A HOME IN MULTIPLE OCCUPANCY AS ASSISTED SUPPORTED ACCOMMODATION FOR VULNERABLE WOMEN WITH BABIES AND YOUNG CHILDREN. (SUI GENERIS)

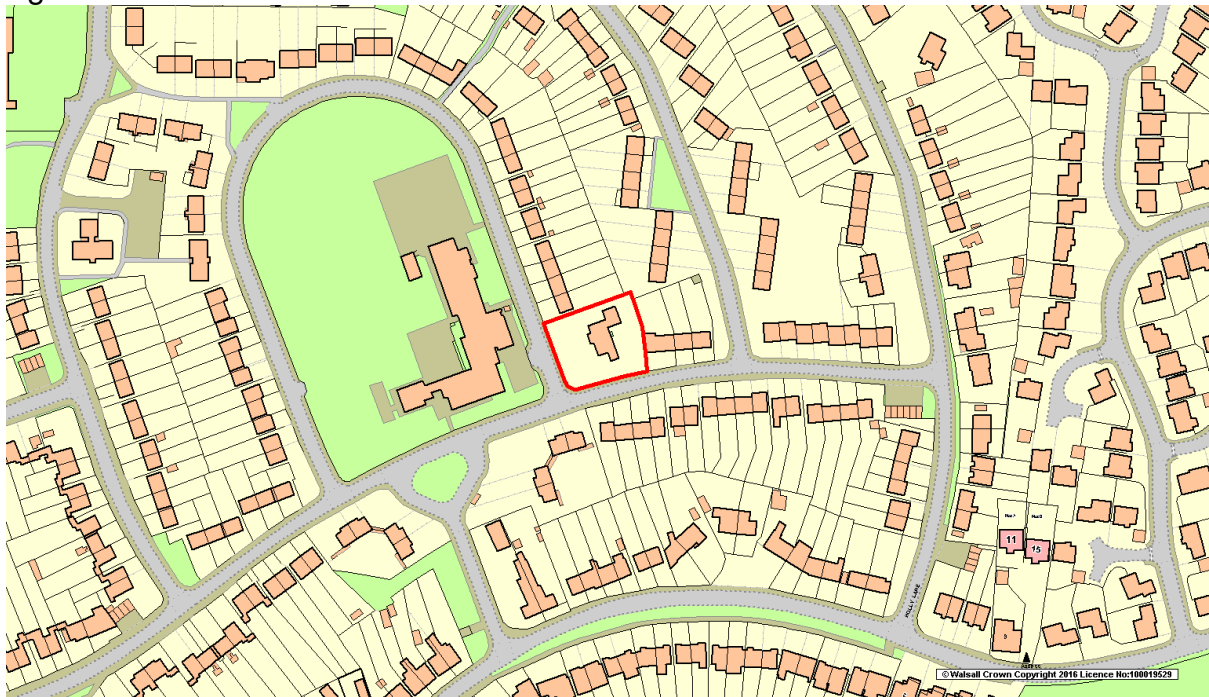
Application Number: 16/1865
Applicant: RKA Holdings Limited

Case Officer: Barbara Toy
Ward: Aldridge North And Walsall Wood

Agent: Cronin Development Consultancy Ltd
Application Type: Full Application

Expired Date: 05-Feb-2017
Time Extension Expiry: 07-Apr-2017

Recommendation Summary: Grant permission subject to conditions and a S106 Agreement



Application and Site Details

The site is situated on the corner of Castlefort Road and Blakemore Road and comprises a two storey detached building with single storey side extension and two conservatories to the rear, formerly used as a 20 bed residential care home for the elderly, last occupied in June 2013. The site has a car parking area accessed off Castlefort Road and a rear garden area backing onto Blakemore Road.

There are two storey houses in Castlefort Road and Blakemore Road to the west on the opposite side of Blakemore Road is Castlefort JMI School. The site is within a predominantly residential area serviced by local buses.

This is a retrospective application for the use of the premises as a house in multiple occupation for assisted supported accommodation for vulnerable women with babies or young children, which is a change of use of the premises from a C2 residential care home to a Sui Generis use.

The use has been operating since September 2016.

The premises provides 20 bedrooms for women and their babies or young children, with a maximum of 40 people over the 20 rooms. Of these, 10 rooms have en-suite facilities the remainder have a sink only and shared bathrooms. Other communal facilities include: two kitchens, laundry room, dining/day room and freezer room. The existing car parking area provides up to 9 off street parking spaces and the existing refuse storage area is utilised to store 4 x 1100 litre refuse bins operated through a private collection service.

The premises is managed by G4S who have a Home Office contract to provide housing and welfare support to asylum seekers referred by the Home Office. The building is now fully occupied and provides temporary accommodation for the women and babies/young children whilst their claims for asylum are heard and a decision is reached. Once a decision is reached the residents are moved to alternative accommodation. G4S provide housing and welfare support to the residents in association with local agencies.

The following have been submitted in support of the application:

Design Statement

This discusses the site, design concept, appearance, landscape, scale and massing and access.

Operation Plan

The revised Operation Plan submitted provides detailed guidance on the management and operation of the premises, including provision of CCTV, welfare provision and support to residents, occupancy agreements and disciplinary procedures for any breach of this.

Relevant Planning History

Between 1988 and 2008 several applications for alterations to the residential care home.

14/0263/FL, Change of use of care home to nine apartments with amenity and parking areas, GSC 15-04-14.

Relevant Planning Policy Summary

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

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

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

- Proactively drive and support sustainable economic development to deliver homes
- Actively manage patterns of growth to make fullest possible use of public transport, walking and cycling
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants.
- Take account of the different roles and character of different areas
- Encourage an effective use of land by reusing that that has been previously developed

Key provisions of the NPPF relevant in this case:

- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***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

- HOU2: Housing Density, Type and Accessibility
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

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

- GP2: Environmental Protection
- GP5: Equal Opportunities
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H5: Housing for People with Special Needs
- H7: Hostels and Houses in Multiple Occupation
- T7: Car Parking
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

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

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

Consultations

Transportation –No objections.

Housing Standards – No objections subject to compliance with the revised Operation Plan. Works to provide additional kitchen and dining facilities required have already been undertaken and the premises now fully complies with guidance.

West Midlands Police – No objections subject to compliance with the revised Operation Plan which includes CCTV provision, monitoring and dealing with any anti-social behaviour associated with the use.

Public Participation Responses

Eight letter of objection received including a letter from Castlefort JMI School. A further letter from Wendy Morton MP asking to be kept informed on the progress of the proposals.

Objections:

- Police attendance on a number of occasions
- Fear of crime to the vulnerable and elderly in the area, fear for community safety.
- Noise/shouting from the garden
- Parking already an issue in the area because of the school, don't need more problems on two bus routes
- States for women and children but in early hours of the morning men arrive, why?
- Noise and disturbance to neighbours in the early hours from people arriving
- Adequate parking within the site but visitors park on the road
- Poor housekeeping, refuse bins constantly overflowing, in view from the street
- Increased visitor numbers to the property
- Residents have no concern for the local community
- Constant comings and goings
- Vans arrive between 2300 and 0400 and park in the street
- Why have residents been notified after the home is already occupied?
- Taking school places from local children
- Limited resources in the area for doctors etc. and the school is already full
- Property devaluation due to the problems in the street (not a material planning consideration)

From the school:

- Four places in the nursery already offered to children from the home
- Concerns from local parents that these children may take reception places from local children
- School concerns re level of support to these children and mothers, family support worker workload already saturated.
- Increased support likely that the school is unable to cater for without impact on teaching team and resultant impact on standards.
-

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

Determining Issues

- Principle of the use
- Design and Layout and Impact on the Character of the Area
- Amenities of the surrounding occupiers
- Crime and disorder/Secure by Design

Observations

Principle of the use

The site is situated within a residential estate that has regular bus services (two routes), and just 850m from Streets Corner local centre that provides local shops and services as well as Oak Park Active Living Centre. Shire Oak local nature reserve, open space is less than 500m from the site. It is therefore considered that the site is located in a highly sustainable location with good local services in easy walking distance.

The premises were previously used as a care home (class C2) but had been vacant since June 2013 until the current use commenced in September 2016. The use has brought vacant premises back into use. The current use required very little physical alterations to the building, retaining the original 20 bedrooms and shared accommodation dayroom/dining room, conservatory etc. Whilst the number of people on site has increased to include a baby/young child with each resident the nature and general use of the building has not significantly changed. G4S provide management, supervision and welfare support to the residents in place of the care previously provided to the elderly residents.

The use provides temporary residential accommodation for its residents who are seeking asylum, within a sustainable residential area. The principle of the use is considered appropriate in this location and the use and function of the premises does not vary significantly from the previous care home use.

Design and Layout and Impact on the Character of the Area

All housing developments must comply with national housing standards such as the decent Homes Standard and must be free from category 1 hazards when assessed in accordance with the Housing Health and Safety Rating System (HHSRS) (sections 1 and 2 of the Housing Act 2004). The Council's Housing Services also apply specific standards to premises defined as Houses in Multiple Occupation (HMO's). The standards may relate to matters such as, minimum room size, occupancy levels, size and numbers of kitchens and communal areas, bathrooms and fire precautions. Further requirements may also be imposed where premises are subject to Mandatory HMO Licensing.

Ten of the bedrooms within the premises have an en-suite facility with the remainder having a sink and sharing bathrooms. Works have been undertaken to provide additional kitchen facilities and dining area following an Inspection by Housing Standards and now fully complies with their guidelines. Minor internal works are the only alterations made to the building, maintaining the previous number of bedrooms and appearance of the property within the street scene. These internal changes alone would not require planning permission, it is the change of use that requires permission.

The site has a large enclosed rear garden for use by residents (approx. 410sqm) which provides 20sqm per room in line with guidance in Appendix D of Designing Walsall for flat accommodation and is therefore considered appropriate for the use.

The site provides 9 off street parking spaces accessed off Castlefort Road with local bus services running along the road. Car ownership by the residents is unlikely given their circumstances, the parking spaces are likely to only be used by G4S staff and visitors to the premises. Policy T13 of Walsall's UDP provides no specific guidelines on parking provision for an HMO use. Guidance can be taken from the permitted change under General Permitted Development Order 2015 Part 3 Class L which allows for the change of use from a residential property falling within Use Class C3 to a use falling within Use Class C4, a small HMO of up to 6 residents. Policy T13 identifies that houses with 4 bedrooms or above would require 3 off street parking spaces. Using this basis for calculation of parking spaces for an HMO for up to 6 residents this would equate to 0.5 parking spaces per room. It is considered reasonable to expand on this rationale for a larger HMO use which would equate to a requirement of 10 off street parking spaces plus 10% disabled spaces for this 20 bed HMO. The 9 spaces provided therefore falls short by 2 spaces. Given the sustainable location and the nature of the use where car ownership is likely to be very low or non-existent the parking provision is considered acceptable.

The design and layout of the premises is considered acceptable and in line with Housing guidance and given the minor alterations and use of the premises it is considered that the use has no adverse impact on the character and appearance of the area over that of the previous care home use.

Amenities of the Surrounding occupiers

The premises have had minor internal alterations only to allow for the current use, maintaining the previous appearance of the property within the street scene. The existing parking and amenity space have not changed.

The number of bedrooms at the premises remains at 20, but now allows for up to 40 residents adding a baby/young child to each room. G4S now provide management, supervision and welfare to the residents in place of the previous care provision by staff.

Objectors have raised concerns about noise and disturbance, particularly in the early hours of the morning, increased visitors and comings and goings to the premises, and poor housekeeping of the bins. All these comments were made in the first four months of the use commencing when residents were arriving on a regular basis and taking time to settle in. The last letter or comment received by planning officers from neighbours was received in January 2017. Since the initial settling in period there have been no further complaints about the premises to the planning department. G4S have now implemented formal processes for the operation and management of the premises contained within the revised Operation Plan, to ensure no adverse impact on the amenities of the surrounding occupiers. Any new residents would arrive between 0800 – 2000 hours except on a rare urgent occasion, visitors requested to all park within the site and there are tenancy agreements in place regarding behaviour and disciplinary procedures for any breach by residents. Refuse storage and collection has been reviewed and improved since the first opening of the premises. G4S staff visit on a regular basis to supervise and provide welfare advice to residents.

Objectors have raised the issue of occupiers of the site taking places at the adjacent school in priority over local children. G4S have confirmed that the premises will be occupied by mothers and babies/young children and this is unlikely to result in any school age children at the site. Whilst the school have expressed concerns about the resources that may be required to meet the needs of the residents, they have also confirmed that 4 places at the school nursery have been allocated to residents children. School place allocation is a matter for the school and governors. It should be recognised however that the premises is providing temporary accommodation to residents whilst their asylum cases are being heard and will not provide permanent residences and a previous approval for the conversion of the property to 9 flats (5 x 1

bed and 4 x 2 bed) in 2014 would have had the potential for a number of nursery and school age children on a permanent basis.

It is considered that the use has no additional adverse impact on the amenities of the surrounding occupiers over that of the previous care home use and that the Operation Plan will ensure suitable supervision and management of the tenants and the premises.

Crime and disorder/Secure by Design

Objectors have raised the issue of fear of crime associated with the use.

Whilst the Police have had nine incident logs relating to the premises between September 2016 and June 2017, these have all related to welfare and domestic issues rather than criminal activity.

A Planning Inspector in allowing an appeal for a HMO use at 248 Walsall Road last year concluded that there was 'no firm evidence of crime vandalism, and anti social behaviour attributed to the occupiers of multi-occupied properties in general, crime and disorder does not seem to be an inevitable consequence of multi-occupation as opposed to single occupation dwellings, but rather a question of individual behaviour and appropriate management.'

The key to any HMO development is the satisfactory operation and management of the premises by operator. The Police and Housing Standards officers are now satisfied that the revised Operation Plan for the property will ensure the safety and protection of the residents and surrounding residential occupiers and the appropriate level of management for the premises. The Operation Plan includes procedure for dealing with any breaches of the tenancy agreement such as bad behaviour etc. and includes safeguarding measures such as monitored CCTV. The applicant and G4S as the operator of the premises have both agreed to enter into a S106 Agreement to secure the implementation of the Operational Plan.

Conclusion

The change of use is not dissimilar to the former use of the premises in terms of provision of supported accommodation; the location is sustainable and level of parking adequate to serve the needs of the development and with adequate amenity space. The Operation Plan will ensure that the site is managed efficiently to reduce potential impacts on amenity of surrounding occupiers.

Positive and proactive working with the applicant

Officers have liaised with the applicant, their agent and G4S during the course of the application to obtain additional information and clarification to allow full support to the proposals.

Recommendation: Grant permission subject to conditions and a S106 Agreement

1. The development hereby approved shall be built in accordance with the following plans:

Site Location Plan submitted 12th December 2016

Block Plan (Including Parking Layout) Drawing L(90)01 Rev A submitted 14th December 2016

Existing Ground and First Floor Plans Drawing 8286/1 submitted 12th December 2016
Proposed Ground Floor Plan Drawing A167(P)001 Rev B submitted 14th December 2016

Proposed First Floor Plan Drawing A167(P)002 Rev B submitted 14th December 2017

Design and Access Statement submitted 12th December 2016

Reason: To define the permission.

2. There shall be no sub division of any of the bedrooms within the accommodation, the maximum number of bedrooms shall remain at 20.

Reason: To ensure a satisfactory level of amenity and residential environment.

Note to Applicant

Your attention is drawn to a Section 106 Agreement that has been completed in conjunction with this permission.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 10.

Reason for bringing to committee: Significant community interest

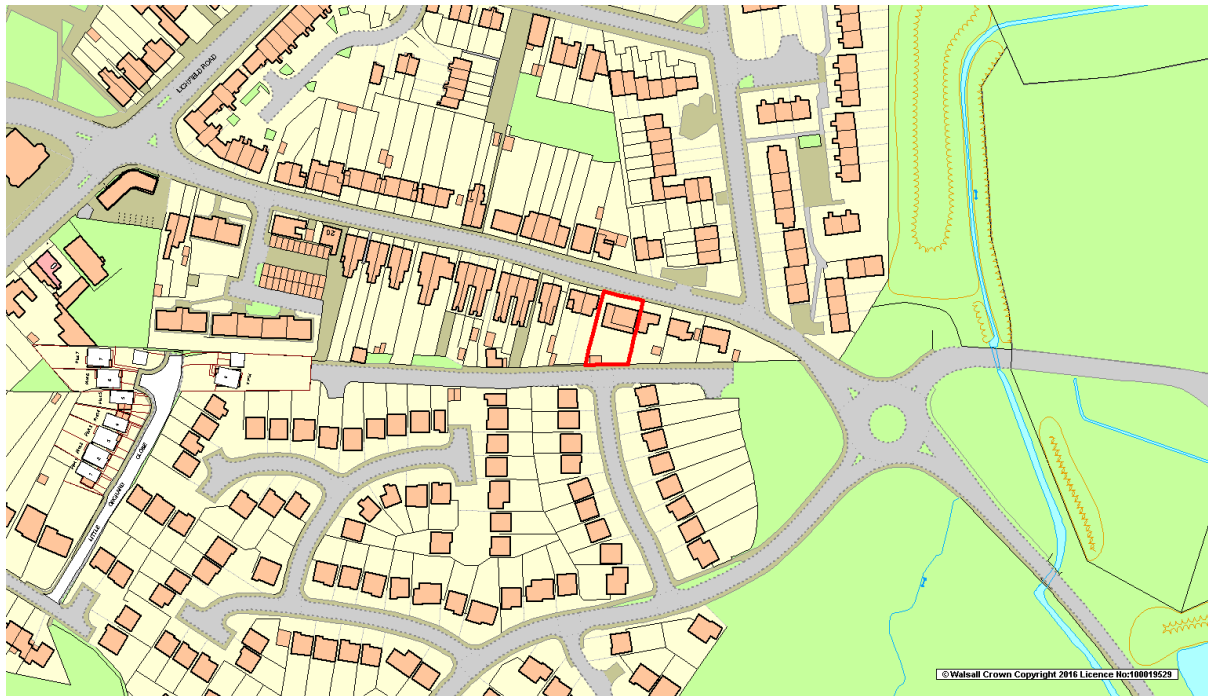
Location: 64 , SPRING ROAD, SHELFIELD, WS4 1QQ

Proposal: DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 2 DETACHED HOUSES, INCLUDING MASTER BEDROOM WITHIN THE ROOFSpace, DORMER WINDOW TO THE REAR AND PARKING TO THE FRONT AND TO THE REAR OFF SWAN POOL GROVE.

Application Number: 17/0066
Applicant: Mr Indi Singh
Agent: Damian Field
Application Type: Full Application

Case Officer: Barbara Toy
Ward: Rushall-Shelfield
Expired Date: 29-Mar-2017
Time Extension Expiry:

Recommendation Summary: Grant permission subject to conditions



Application and Site Details

The site is on the southern side of Spring Road (District Distributor route) and comprises a vacant detached hipped roof bungalow with single storey side garage, open front driveway parking and vehicle access on the frontage off Spring Road plus vehicle access gates to the rear off Swan Pool Grove.

66 Spring Road is a detached two-storey house which has parking to the side/frontage off Spring Road. 68 and 70 Spring Road are detached bungalows with frontage vehicle access that complete the street frontage. There is Green Belt land beyond to the east, The Swag, green belt land and pools. To the west 58 and 60 Spring Road is a pair of semi-detached two storey houses that have no vehicle access or parking to the frontage, they each have a garage and parking to the rear off Swan Pool Grove. On the opposite side of Spring Road are semi-detached and detached houses with a small communal parking area for residents that have no off street parking. There are modern detached houses in Swan Pool Grove. At the northern end of the Grove the road continues to provide an access cul-de-sac to the rear of the houses on Spring Road.

The site sits within a predominantly residential area approx. 190m to the east of the Sheffield local centre and has bus stops outside the adjoining property.

This application proposes the demolition of the existing bungalow and the erection of two detached, two and a half storey houses.

Plot 1 would comprise a 3 bed house with an additional study, with the master bedroom and en-suite within the roof space with a dormer window to the rear and 2 roof lights to the frontage. A single storey side extension is included in a setback position allowing for two off street parking spaces on Spring Road accessed via a new footway crossing. The house would have a mix of brickwork and render with a front to back gable roof and a small projecting two-storey flat roofed feature element to the frontage. A single garage and an additional parking space would be provided to the rear accessed off Swan Pool Grove. A garden area of 64 sqm would be provided to the rear as well as a bin store for 3 wheelie bins.

Plot 2 would comprise a 4 bed house with an additional study, with the master bedroom and en-suite situated within the roof space with a dormer window to the rear and two roof lights to the frontage. The design includes a single garage set back to the side with bedroom and bathroom above with a gable roof set at a lower level than the main house. The garage and parking space in front of it would utilise the existing vehicle access off Spring Road. The house would have a similar mix of brickwork and render with a front two-storey feature similar to plot 1. Two further parking spaces would be provided to the rear off Swan Pool Grove together with a bin store for 3 wheelie bins and a garden space of 111 sqm.

Both houses include an external flue to the side elevation for a log burner.

The scheme has been amended since submission to reduce the development from three terraced houses with all parking facilities to the rear to the current proposals.

Relevant Planning History

None

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

Black Country Core Strategy

- 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

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
- 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

- Policy DW1 Sustainability
- Policy DW2 Safe and Welcoming Places
- Policy DW3 Character
- Policy DW4 Continuity
- Policy DW9 High Quality Public Realm
- Policy 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 surfacing and drainage of parking areas, new dropped kerbs and to ensure no boundary treatment above 600mm high along Spring Road frontage.

West Midlands Police – No objections but the developer should be made aware of Secure By Design and the specifications and guidelines that can help secure this development from future crime.

Pollution Control – No objections subject to conditions to ensure electric vehicle charging points to each property, approval of a construction management plan for demolition and construction works and control of hours of working on site.

Fire Officer – No objections subject to access to water supply and access for emergency vehicles.

Public Participation Responses

19 letters of objection from 15 properties including one from Councillor Rattigan and a petition of 43 signatures submitted in relation to the original submission (3 houses) and 6 further letter received relating to the amended scheme.

The petition provides no reasons for the objection.

Objections to original scheme:

- Out of character with other properties in the area, new houses in the middle of traditional properties

- Already parking issues with excess parking taking place in New Street, 3 additional properties with no frontage parking is likely to make this worse
- Overlooking of surrounding properties from dormer window
- Loss of day light to surrounding properties particularly important as one occupier partially sighted
- On street parking in Spring Road causes traffic chaos
- 3 houses is over development of the site, 2 houses would be a better option
- Parking issues likely to be exacerbated causing conflict with neighbours
- Car park on Spring Road, used by residents without parking is likely to be lost to existing residents
- Noise and disturbance from additional families and traffic
- Additional houses will impact on drains, Council services, refuse collection etc.
- Height of properties inappropriate in the street and to replace a bungalow
- Side facing windows and proximity of new houses to existing house is inappropriate
- Vehicles parked on street have been damaged
- Insufficient parking for the new houses, what about deliveries and visitors?
- Additional parking to the rear will add to the chaos, consideration to existing residents should be made
- Loss of privacy
- Concern about structural damage to adjoining properties due to close proximity
- Will open up the back gardens onto Swan Pool Grove
- Additional traffic within Swan Pool Grove, a quiet residential street where children play
- Where will construction traffic park? Swan Pool Grove not designed for large vehicles
- 2 bed bungalow to 12 bedrooms within the houses
- Set a precedent for further development
- Infringement of Human Rights Protocol 1, article 1, public authorities have a duty not to interfere with property unless it's in accordance with law and in the public interest
- Swan Pool Grove very busy with parking, dangerous to pedestrians as no footpath, made worse by parking for additional houses
- Property devaluation
- Adverse impact on Swan Pool Grove residents

Objections to amended scheme:

- Still object to 2 houses
- Over development of the site
- Extra traffic
- Out of character with the rest of the area
- Other houses in Spring Road fenced off to the rear in Swan Pool Grove, some with access gates, but the proposals would be open, change in the appearance
- More traffic and parking in Swan Pool Grove

- Concern re large vehicles and construction traffic, disturbance and damage to Swan Pool Grove
- Swan Pool Grove already very busy with vehicles, no room for any more
- Property Devaluation
- Danger to pedestrians (particularly children) from extra traffic and through traffic in Swan Pool Grove
- Height of the houses will seriously affect the daylight to property opposite, occupier partially sighted so light extremely important
- Ugly design, tasteless, not in keeping with other properties in Spring Road
- Front parking resembles a garage forecourt
- Garage and bedroom above will block light to No 60
- Side extension will block light

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

Determining issues

- Principle of Residential Development
- Design and Layout and Impact on the Street Scene
- Impact on the Amenities of the Surrounding Occupiers
- Parking, Access and Highway Safety
- Local Finance Considerations

Observations

Principle of Residential Development

The site is within a residential area in a sustainable location within walking distance of Sheffield local centre, with bus stops directly outside the site.

The site is currently occupied by a detached bungalow that has been vacant for approx. 6 months and has no particular architectural merit.

The principle of residential development at the site is considered appropriate and in compliance with policy.

Design and Layout and Impact on the Street Scene

No 60 Spring Road is set 2.2m further forward than No 66. The proposed houses would be set in a stepped position between the two, forward of No 66 by approx. 1.2m. This stepped position is considered appropriate and would sit comfortably within the street scene.

The existing plot width of 16.5m is wider than any other plot on this side of the road. The average plot width in the immediate area is approx. 7m, the proposals would provide a plot widths of 8m and 8.5m, more characteristic of the surrounding area.

The revised proposals now provide some off street parking to the frontage off Spring Road as well as to the rear off Swan Pool Grove, providing spaces for the occupiers and for visitors. A large number of properties along this side of Spring Road already have parking facilities to the rear accessed off the cul de sac section of Swan Pool Grove, so the design and layout of the properties would continue this existing character.

Whilst the houses would have a modern design with a small two storey flat roofed projecting feature to the frontage, the street already have a wide variety of ages and styles of properties from traditional, to bungalows, to more modern houses. It is considered that the proposed houses would add to the variety and mix within the street and would not appear unduly obtrusive or out of context. The design includes a mix of brickwork and render, characteristic of the surrounding properties. Whilst the proposals do not include traditional chimneys that are characteristic of a number of properties in the area, a modern external flue would be incorporated for a solid fuel burner at each property, which is considered to be more in keeping with the modern design of the houses.

Whilst the house would have a dormer window to the rear to provide accommodation within the roof space, together with 2 roof lights to the frontage it is considered that this would have no significant adverse impact on the appearance of the property within the street scene.

Objectors have suggested that the size and height of the proposed properties would be out of character with the surrounding properties. The houses would replace an existing bungalow that sits between two storey houses and whilst they would be taller than the existing, the height at 8.5m would be similar to the height of Nos 58 and 60 adjacent, with the roof proportions similar to other properties within the street. It is considered for this reason that the proposed dwellings would not appear out of character or context within the street scene. Whilst the proposals would increase the overall height, bulk and massing over that of the existing bungalow they are considered appropriate and in keeping with the height, bulk and massing of surrounding properties and the character of the street scene.

The rear garden of Plot 2 at 111sqm would exceed the 68sqm required by Appendix D of Designing Walsall but Plot 1 at 64 sqm would fall slightly below. Nevertheless additional land is available to the rear to be used for additional parking, to prevent parking on street by visitors to the property. The site is also a short distance from Shelfield Park open space and from The Swag pools and green belt land. The level of amenity in this case is considered acceptable.

The design and layout of the proposals are considered appropriate and in keeping with the general character of the area and would have no adverse impact on the street scene.

Impact on the amenity of the surrounding occupiers

The proposals would comply with the 45 degree code and comply with separation distances contained within Appendix D of Designing Walsall.

The objectors have raised issues of loss of light and privacy to surrounding properties. Whilst the proposals include a dormer window to the rear, it is considered that this would not create any additional loss of privacy or overlooking to the surrounding properties. Officers are mindful that a dormer window could be added to the rear of any of the existing properties within the street under permitted development without requiring planning permission.

Whilst it is accepted there is generally some disturbance to neighbours during building work this can be mitigated in part by a condition to restrict the hours of working on site, a further condition is also recommended to ensure details of parking for site operatives is agreed prior to the commencement of any work on site to minimise disruption to neighbours.

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

Parking, Access and highway safety

Plot 2 would utilise the existing footway crossings to both Spring Road and Swan Pool Grove whilst Plot 1 would require new crossings to both roads. Spring Road is not a classified road but it is a District Distributor route. Policy T4 seeks to restrict direct access onto such roads. It is noted that there are numerous existing driveway access points onto Spring Road including one to the application site and it is considered that it would be unreasonable to refuse a new access as part of the development. The new access may actually discourage on street parking by residents and visitors on Spring Road.

The amended layout now incorporates two off street parking spaces to the frontage off Spring Road and a further two spaces for each house to the rear off Swan Pool Grove. Whilst this would exceed the 3 off street parking spaces required by Policy T13 of the UDP the level of parking is considered appropriate in this case to allow for additional visitor parking off street. Spring Road is a busy district distributor route with parking restrictions, the split of the parking between the frontage and the rear and the level of parking provided is considered appropriate.

The cul de sac element of Swan Pool Grove is already used by a large number of properties in Spring Road for rear access parking and the proposals would continue this character. Part of the original design of this residential estate Swan Pool Grove was to provide rear vehicular access to existing properties in Spring Road. There is no pedestrian footpath within Swan Pool Grove cul de sac element therefore the

visibility splays proposed are considered acceptable. Whilst the existing property does not utilise rear parking off Swan Pool Grove there is an existing footway crossing to the rear of the property which would be utilised by one of the new houses.

The bin storage areas would be located to the rear with collection off Swan Pool Grove.

The Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with the NPPF in this respect.

Local Financial Considerations

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

This application proposes 2 new homes.

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

Recommendation: Grant permission subject to conditions

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

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

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

Proposed Elevations Drawing 256LO02 Rev C submitted 7th April 2017

Proposed General arrangement Ground Floor Drawing 256LO03 Rev C submitted 7th April 2017

Proposed General Arrangement First Floor Drawing 256LO04 Rev C submitted 7th April 2017

Proposed General Arrangement Second Floor Drawing 256LO05 Rev C submitted 7th April 2017

Proposed Site Layout, Boundary Treatment and Landscaping Drawing 256L(9)06 Rev C submitted 7th April 2017

Proposed Roof Plan Drawing 256L(27)07 Rev B submitted 7th April 2017

Proposed Foul and Surface Water Drainage Runs Drawing 256L(2) 08 Rev B submitted 7th April 2017

Proposed Streetscene Elevations Drawing 256L09 Rev B submitted 7th April 2017

Existing Site Layout Drawing 256L10 Rev A submitted 7th April 2017

Proposed Garage Rear of Plot 1 Drawing 256L 11 submitted 7th April

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 any development above damp proof course level samples of all facing and roofing materials for the proposed houses, plus all proposed hardsurfacing within the site 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 facing and roofing materials harmonise with those in the surrounding vicinity.

4a. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority.

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 any engineering, site clearance / preparation, and / or construction works commencing on site a Construction Management Plan setting out how the works will be undertaken and giving details of arrangements for the control of noise, vibration, dust and debris (including site drag-out), and the management of any materials arising from the works, shall be provided in writing to the Local Planning Authority.

6b. The approved plan shall be implemented upon commencement of any works on site and shall be maintained until the site is completed.

Reason In order to protect the amenity of the area.

7a. Prior to the first occupation of either of the new dwellings hereby approved, the parking and vehicle manoeuvring areas serving that dwelling 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.

Note: On account of the sloping nature of Spring Road, particular attention is drawn to:-

i) the level difference between the proposed driveway to Plot 1 and the back of highway to ensure that appropriate drainage is installed so that surface water run-off from driveway does not discharge onto the highway or into any highway drain and conversely,

ii) the profile of the interface between this driveway and the new dropped kerb footway crossing to ensure that surface water from the highway does not discharge onto property.

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

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

8a. No development above damp proof course shall commence until details of the electric vehicle charging points, to be provided for the dwellings has been submitted to and approved in writing by the Local Planning Authority.

8b. Prior to first occupation of the development the electric vehicle charging points shall be fully installed in accordance with the approved details and shall be retained and maintained for the life of the development.

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

9. Prior to the front and rear driveway and parking areas first coming into use, new vehicle footway crossings to align with the new access points 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. The new crossings shall not exceed five 900mm flat kerbs and two 900mm taper kerbs.

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

10. At no time shall the front boundary treatment along the Spring Road frontage exceed 600mm in height above carriageway levels.

Reason: To maintain adequate visibility at the access points, in the interests of highway safety.

11. Prior to first occupation of the houses hereby approved the landscaping and boundary treatment shall be implemented in accordance with Drawing 256L(9) 06 Rev C submitted on 7th April 2017. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree. Shrub or plant of the same or greater size and same species as that originally required to be planted.

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

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,

Refuse 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:

Transportation

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 654675

Electric Vehicle Charging Points

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

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

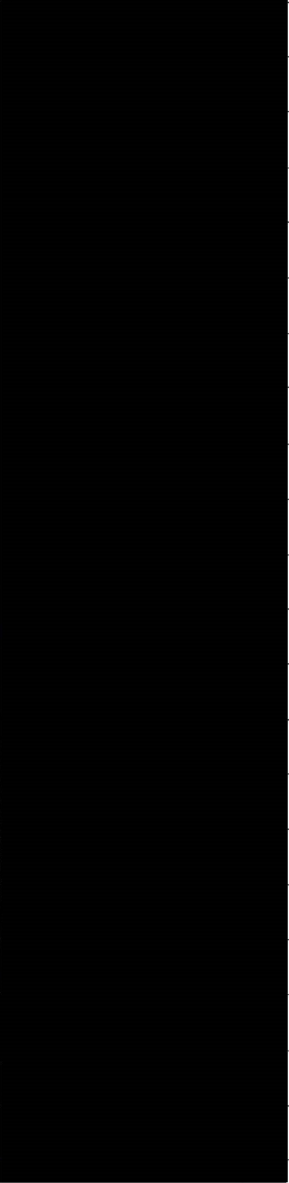

West Midlands Police

It is recommended that due to the crime experienced in this area that the developer is made aware of the specifications and guidelines that can help secure this development against future crime and the benefits that can be achieved on this site through adopting the principles of Secure By Design. Information can be found at <http://www.securedbydesign.com/pdfs/SBDNewHomes2014.pdf>

I recommend the developer seeks the accreditation on the full scheme.

Petition Objecting to Application 17/0066

64 Spring Road. Sheffield.

Name	Address	Signature
	66 Spring Rd	
	66 SPRING RD	
	68 SPRING RD	
	68 SPRING RD	
	70 SPRING RD	
	70 SPRING RD	
	45 SPRING RD	
	" — "	
	47 Spring Rd	
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	43 SPRING RD	
	43 SPRING RD	
	41 SPRING RD	
	41 SPRING RD	
	37 SPRING RD	
	37 Spring rd	
	31 Spring rd	
	37 Spring Road	
	35 Spring Road	
	35 Spring Road	
33. Spring Rd		



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 11.

Reason for bringing to committee: Called in by Councillor Wilson who supports the proposals.

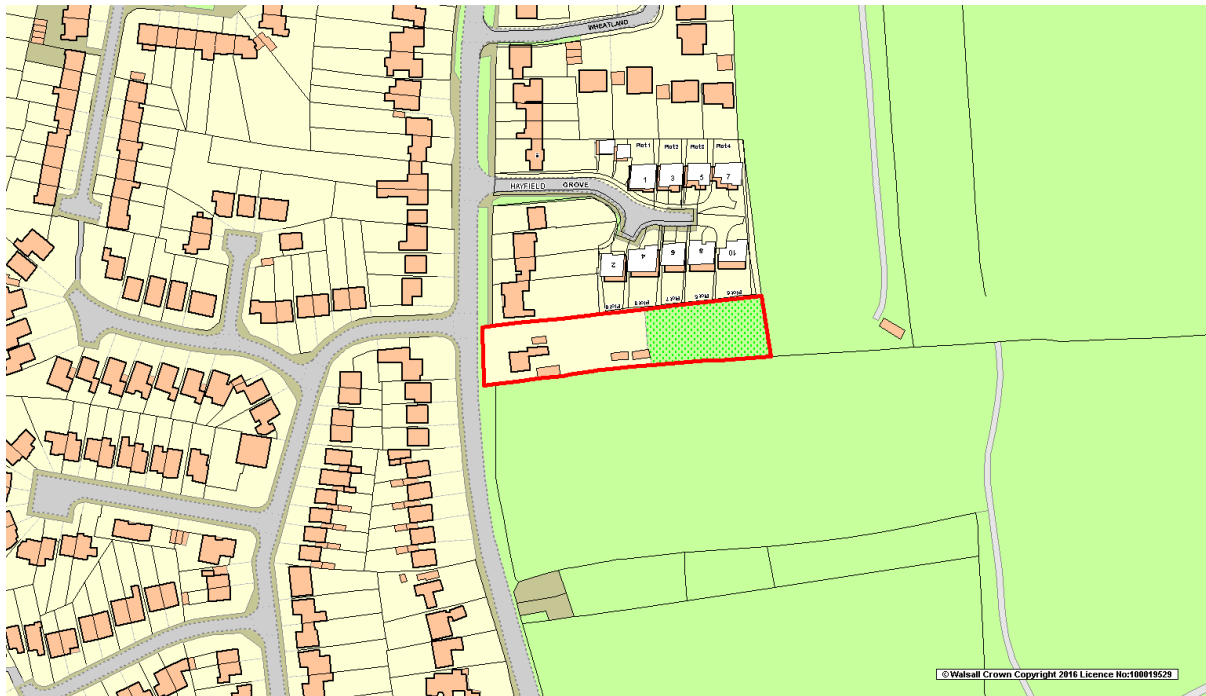
Location: 135, ERDINGTON ROAD, ALDRIDGE, WALSALL, WS9 0RT

Proposal: PROPOSED DEMOLITION OF EXISTING BUNGALOW AND OUTBUILDINGS, AND ERECTION OF 4 NO DETACHED DWELLINGS.

Application Number: 16/1153
Applicant: Mrs J Titchener and Mr I Williamson
Agent: Spooner Architects
Application Type: Full Application

Case Officer: Devinder Matharu
Ward: Aldridge Central And South
Expired Date: 16-Oct-2016
Time Extension Expiry: 14-Jul-2017

Recommendation Summary: Refuse



Application and Site Details

The application seeks planning permission for the demolition of an existing bungalow and outbuildings, and erection of 4 no detached two storey dwellings. The proposal will include the erection of a dwelling fronting Erdington Road and three dwellings served off a driveway projecting back into the site.

Plot 1 would be positioned adjacent to 131 Erdington Road and would be set 0.8m off the boundary with this property and would project out 1.8m beyond the rear elevation of this neighbouring property. To the south of this plot would be the proposed driveway. The house will have a rear amenity area of 136 square metres.

Plot 2 would be positioned 56m into the site and would be positioned to the southern boundary of the site. A large detached garage would sit in front of plot 2 at a distance of 11.6m. The house will have a rear amenity area of 155 square metres.

Plot 3 would be positioned 95m into the site and would be positioned to the northern boundary of the site. The proposed house would be set 0.8m off the boundary with number 8 and 10 Hayfield Grove. The house will have a rear amenity area of 146 square metres.

Plot 4 would be positioned 101.6m into the site and would be positioned to the northern boundary of the site. The proposed house would be set 2m off the southern boundary. The house will have a rear amenity area of 110 square metres.

Plots 1 and 4 would be 6 bedroom houses measuring 9.1m by 10.5m, 4.8m to the eaves and 8.4m to the ridge. The design will include a pitched roof dormer window and tiled canopy on the front elevation.

Plots 2 and 3 would be 4 bedroom houses irregular in shape measuring 10.5m by 11.3m, 5m to the eaves and 8.1m to the ridge. The proposed design will include a front projecting gable feature and a single storey rear extension.

The proposed driveway is to the south of plot 1 which has access from the new driveway rather than Erdington Road. The access would extend 80m into the site meandering towards the northern boundary to provide access to plots 2, 3 and 4. The access is 2.6m away from the boundary with number 6 Hayfield Grove and 2m off the boundaries with 4 and 6 Hayfield Grove at this point.

The detached garages would measure 5.3m by 5.2m, 2m to the eaves and 5.4m to the ridge.

The existing bungalow is positioned towards the front of the site further forward than 131 Erdington Road. The application site is set at a lower level than 131 Erdington Road. There are trees and shrubs along the frontage of the site with a boundary hedge to the south of the site. There are a number of trees within the site itself.

To the north of the site are residential dwellings including 131 Erdington Road, a detached dormer bungalow and 2 to 10 Hayfield Grove, a cul-de-sac of two storey houses on a higher ground level than the application site. Beyond the site boundaries to the west and south is the West Midlands Green Belt. Other properties in the vicinity are two storeys high.

There are outbuildings within the gardens of properties in Hayfield Grove that adjoin the boundary to 135. The boundary treatments mainly consists of 1.8m high close board timber fencing.

The following documents have been submitted:

- Arboricultural Survey which identifies the trees on site.
- Ecological survey that concludes prior to demolition a further inspection is carried out to establish whether there are any migrating bats, removal of mature trees containing potential roosting features could result in the loss of bat roosts and have a significant impact upon the conservation status of the bat populations, badgers, reptiles, foxes and hedgehogs may use the site and measures are required to protect them. Evidence of nesting birds were found within the bungalow and shed and trees, measure will be taken to protect them.

Relevant Planning History

Nearby site rear 119-133 Erdington Road

06/2208/FL/E12- Land rear of 119-133, Erdington Road, Demolition of 121 Erdington Road and erection of 9 dwellings plus roads and sewers to rear of 119-133 Erdington Road, Aldridge. Grant subject to conditions 2007.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring good design

- Conserving and enhancing the natural environment
- Promoting healthy communities

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.

The Black Country Core Strategy (BCCS) (2011)

- ENV1: Nature Conservation
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality
- TRAN2: Managing transport impacts of new development

Walsall's Unitary Development Plan (UDP)

The relevant policies are:

- GP2: Environmental Protection
- ENV1: Boundary of Green Belt
- ENV2: Control development in the Green Belt.
- ENV3: Detailed evaluation of proposals within the Green Belt.
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources

- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T4 - The Highway Network
- T7 - Car Parking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis
 - 1, 2 and 3 bedroom houses 2 spaces per unit
 - 4 bedroom houses and above 3 spaces per unit
- WM4: Provision of Recycling Facilities in Development Schemes

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:

Conserving Walsall's Natural Environment

- Development with the potential to affect species, habitats or earth heritage features
 - NE1 – Impact Assessment
 - NE2 – Protected and Important Species
 - NE3 – Long Term Management of Mitigation and Compensatory Measures
 - Survey standards
 - NE4 – Survey Standards
 - The natural environment and new development
 - NE5 – Habitat Creation and Enhancement Measures
 - NE6 – Compensatory Provision
 - Development with the potential to affect trees, woodlands and hedgerows
 - NE7 - Impact Assessment
 - NE8 – Retained Trees, Woodlands or Hedgerows
 - NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall (2013) Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies. The following are the relevant policies;

- DW3 Character
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

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.

Black Country Air Quality (2016)

The West Midlands suffers from the most extensive exceedance of the EU health based limit value for Nitrogen Dioxide (NO₂) in the UK outside of London. Recent research has estimated that road transport emissions account for 630 premature deaths each year in the West Midlands¹

- 5.5 As a minimum, new developments should include the provision of electric vehicle charging points.

It is considered in this case that the relevant provisions of the BCCS, Walsall's saved UDP policies and Designing Walsall, Conserving Walsall's Natural Environment and Black Country Air Quality SPD's are consistent with the NPPF.

Manual for Street Guidance – gives advice on highway design.

Consultations

Arboricultural Officer – Objection on the grounds of shading and the long-term retention of trees.

Coal Authority – No objection subject to standing advice on coal.

Transportation – Objection – Inadequate layout in terms of lack of segregated pedestrian access, lack of pedestrian visibility splays, failure to demonstrate adequate turning for refuse vehicles, plot 1 access too close to the junction, access width provision of a suitable service strip and fire service vehicles to access the site. A fire hydrant marker and a street lighting column may need to be relocated to the back of the new footway. The existing trees may have implications for visibility at the access.

Fire Service – No objections

Police – No objection subject to Secure by Design.

Pollution Control – No objection subject to a planning condition to prevent or minimise environmental impact during the course of building works.

Strategic Policy – No objection but makes comments on providing a satisfactory residential amenity, ecological and arboricultural surveys to be submitted, shadow diagrams to be submitted and trees to be retained.

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

Structures & Geotechnics – No objections

Public Participation

Twenty three letters of objection from ten residents have been received objecting to the proposal on the following grounds:

- Policy Issues including: Site not allocated in UDP, NPPF clear previously developed land definition means development to front of site only and where outbuildings lay, garden grabbing, not appropriate to assume whole of site is brownfield land, Walsall has in excess of 5 year housing supply, no significant pressure to release windfall sites.
- Green Belt issues including: adjacent to Green Belt, erosion of green Belt, Urban Sprawl, Hayfield Grove already visible from Green Belt, exposed location on fringe of open countryside and green Belt
- Plan issues including: Land registry plans are incorrect as neighbouring houses have been extended, no windows on side of plot 1 concerns if this changes, houses closer than shown on plans, sections required to demonstrate separation distances and level differences, discrepancies between plans,
- Asbestos survey needs to be undertaken
- Prior to demolition site clearance undertaken
- Secluded position of houses on Hayfield Close
- Land too small for number of houses
- Out of character
- Overbearing
- Loss of privacy
- Loss of light, shadowing and overlooking to garden and habitable rooms
- Noise/light pollution
- Deciduous trees would not provide adequate screening
- Visual impact including: brick wall visible during winter months and roof and walls of houses seen from neighbouring properties
- Plot 3 issues including too close to the boundary with neighbouring properties, look out to a brick wall, 10m and 11m from habitable room windows of neighbouring house, outlook to roof and first floor of plot 3, proposed plot extend across three quarters of rear garden length, overbearing, intrusive, not

- in keeping, drop from neighbouring fences below 3m, dwelling off set from boundary and reoriented.
- Concerns over landscape boundary treatments
- Ecology issues: including loss of wildlife, the need for an environmental impact assessment, impact upon potential habitats, vegetation debris provide habitat to wildlife, Phase 1 Habitat survey needs to be submitted, assessment should demonstrate no conflict with policies.
- Tree issues including: loss of mature trees, extensive tree coverage, consider direct and indirect impact to trees, no tree survey
- Firewall concerns and the need to prevent fire
- Access and parking issues including: extra traffic, opposite junction with Whetstone Lane, Hayfield Close on brow of hill with limited vehicular visibility, potentially 16 plus cars, speed issues, previous planning applications refused on highway grounds for new access on Erdington Road, contractors need to park considerately and not on grass verges, residents currently park on grass verge reducing visibility and blocking driveways, entrance/exit positioned on a blind corner, black spot for accidents, refuse collection issues, no transport statement to demonstrate technical acceptance of proposed access, nothing to confirm safe egress can be achieved,
- Loss of view- *Not a material planning consideration in this case.*
- Financial gain- *Not a material planning consideration in this case.*
- Devalue property- *Not a material planning consideration in this case.*
- Bungalow allowed to become derelict
- Small bungalows suitable that do not result in privacy issues and respects trees and habitats.
- Development to the front only should be considered.

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

Determining Issues

- Principle of development
- Design, layout and character of the area
- Impact upon neighbouring residential occupiers
- Trees and Landscape
- Impact upon protected species
- Access and Parking

Observations

Principle of development

The site is not allocated for housing in the UDP but paragraph 49 of the National Planning Policy Framework seeks to boost the supply of housing and there is a presumption in support of sustainable development. BCCS Policy CSP2 states that the areas outside the strategic centres and regeneration corridors will provide a constant supply of small-scale development opportunities. Policy H3 of the UDP seeks to support windfall sites. Whilst the whole site may not be previously developed land, National and Development Plan policy supports development in green field sites, such as this. The site is also in a sustainable location at 0.7 miles from the edge of Aldridge District Centre.

Whilst Walsall has excess 5 year land supply of housing, the NPPF supports the boost of housing supply, as such in principle the development of the site can be supported.

Design, layout and character of the area

The position of plot 1 is considered acceptable, as it is reflective of the existing character of the area and pattern of development along Erdington Road. The design of the proposed house fronting Erdington Road is acceptable as the site is set at a lower level than 131 Erdington Road, so the two-storey house would sit almost in line within this property without being prominent and overbearing in the street scene.

The rear garden of plot 1 would run parallel to the proposed driveway along its full length. The use of this driveway with comings and goings of vehicles would result in loss of amenity to the potential occupiers of this plot in terms of noise and disturbance. Residents would have no relief from noise and disturbance from the use of this driveway.

Residential occupiers in the immediate vicinity along Erdington Road and Hayfield Grove have private rear gardens and residents have a reasonable level of amenity. This would not be the case for plot 1 and would not be reflective of the character of the area and as such would be contrary to policy and cannot be supported.

The positioning of plot 2, 50m back into the site and all subsequent plots creates tandem back land development that represents poor design and is not reflective of the character of the area. It also leads to a poor relationship between plots where the fronts overlook the rear of other plots. Despite meeting the Council's standard separation distances between plots, this is not reflective of the character of the surrounding pattern of development.

The rear garden of plot 2 would also sit parallel to the proposed driveway with a turning head at the end of the private amenity space. The use of this driveway and turning head in terms of vehicles coming and going would result in loss of amenity to the potential occupiers of this plot in terms of noise and disturbance. Furthermore, the proposal seeks to erect a large detached garage in front of plot 2, which is not reflective of the character of the area.

Whilst plot 2 has a rear garden area of 155 square metres, there are trees to be retained in the rear garden of this plot as well as the front of the plot. No shading diagram has been submitted but it is considered that the cramped form of development would result in excessive shading and loss of light detrimental to the amenities of these occupiers. The Arboricultural Officer has expressed concerns over the pressure to remove trees off site due to excessive shading.

Plot 2 is 1.8m from the southern boundary of the site beyond which is the open countryside and Green Belt. The proposed detached garage would be positioned 1.6m off this southern boundary. It is considered that the positioning of this house and garage in close proximity to the Green Belt boundary would have a detrimental visual impact upon the open character especially when viewed from the Green Belt and open countryside.

Plots 3 and 4 are also set back within the site and creates back land development that represents poor design. Despite having adequate garden areas as the proposed development seeks to retain a number of trees in the rear gardens these are likely to heavily shade the gardens. No shading diagram has been provided. The proposed development is a cramped form of development which would result in excessive shading and loss of light to the amenities of future occupiers. Despite having large gardens the useable garden space that is not shaded for each plot is reduced and not reflective of the character of the area and cannot be supported. Furthermore, the Arboricultural Officer has expressed concerns over the pressure to remove trees off site due to excessive shading.

Plots 3 and 4 are at the extremity of the plot and are exposed from views from the wider green belt. The positioning of these houses and garages in close proximity to the Green Belt boundary would have a detrimental visual impact upon the open character especially when viewed from the Green Belt and open countryside.

The development as a whole would provide a cramped form of development with tandem back land development that would be out of character with the existing pattern of development.

Impact upon neighbouring residential occupiers

Plot 1 would project 1.8m beyond the rear of 131 Erdington Road and whilst the proposal would result in some loss of light to the rear garden of 131, it is considered it would not be significant sufficient to warrant refusal of the scheme.

The occupiers of 131 Erdington Road have raised concerns about the inaccuracy of the submitted plans in respect to their property and side facing windows and firewall. If the proposal was to be supported a planning condition could restrict the installation of any further windows within this plot. The Fire Officer has no objections to the development as a whole.

Plot 2 would be positioned 22.8m from the rear of 2 Hayfield Grove, this is in accordance with the residential standards as set out in Annex D of Designing Walsall SPD.

The occupiers of number 8 and 10 Hayfield Grove have raised concerns about the positioning of plot 3 which is positioned in close proximity to the rear gardens and as such this would have an overbearing visual impact. They also state the proposal would result in overlooking of the garden and habitable rooms, loss of privacy and loss of light. There are no side facing windows in Plot 3 that would result in overlooking of habitable rooms of these properties including their gardens. Annex D of Designing Walsall SPD requires a minimum of 13m between habitable rooms and blank walls exceeding 3m high and in this case, the proposal meets the separation distance. Whilst there may be some loss of light and shading to the gardens of these properties it would be to the very bottom of the gardens and considered not to have a significant impact sufficient to warrant refusal on these grounds.

The proposed driveway to serve the development is 2.6m and 2m away from the northern boundary of the site with numbers 2 to 6 Hayfield Grove. The use of this driveway and turning head in terms of vehicles coming and going would result in loss of amenity to the potential occupiers of this plot in terms of noise and disturbance.

Neighbouring occupiers have also raised concerns about asbestos, site clearance and noise pollution. Any issues regarding asbestos will be dealt with at Building Regulations stage, Pollution Control have not sought any details on site clearance but have recommended that hours of construction are restricted by condition to protect neighbouring residential amenity. Should the proposal be supported details of any external lighting could be sought by way of planning condition.

Trees and Landscape

The site is currently derelict with a large overgrown garden that contains trees of varying ages and physiological and structural conditions. None of the trees are currently protected by tree preservation orders and the site is not within a Conservation Area. There are only four trees of moderate quality. The proposed site layout will result in the loss of the majority of trees on the site. Plot 1 has the least impact for the existing trees on site. Plot 2 is too close to the large retained Sycamore on the south boundary, there is a significant amount of growth potential which will quickly bring it into conflict with the house. This along with the shading is likely to result in the premature loss of the tree. The better quality trees on site occupy the majority of the rear amenity space of plot 3. These trees would dominate the rear garden and be overbearing. There is a moderate quality Oak tree south of plot 4 which has significant growth potential which would bring it into conflict with the proposed house and also result in excessive shading.

The proposed layout would not allow for the long-term retention of the retained trees on site and their close proximity and orientation to the houses would result in excessive shading and direct conflict as the tree matured and increased in size. This would lead to pressure to remove the trees by future residents. Consequently, the Arboricultural Officer objects to the proposal its current layout due to the longer-term implications for the retained trees on site. The proposed development would be contrary to Development Plan policies including the Council's Conserving Walsall' Natural Environment SPD.

If the proposal were being supported then landscape boundary treatments could be sought by way of planning condition.

Impact upon protected species

The submitted Ecological Survey states any removal of mature trees containing potential roosting features could result in the loss of bat roosts and could have a significant impact on the integrity and conservation status of the bat populations at a district or county level, depending upon the species, roost type and numbers identified to be roosting. The proposed development which seeks to erect four detached dwellings on the site with two crammed into the rear of the site would in the future put potential pressure to fell these trees. The Arboricultural Officer has identified above the potential pressures on existing trees on the site with the proposed layout. Loss of the trees in future is likely were the application to be approved hence this would have an adverse impact on protected species also. It is considered that the proposed development would be contrary to Development Plan policies including the Council's Conserving Walsall' Natural Environment SPD.

Access and Parking

As there are two four bedroom houses and two six bedroom houses parking policy T13 of the UDP requires a total of three parking spaces for each property.

The proposed layout fails to demonstrate that it can provide the required 2.4m x 100m visibility splay in both directions along Erdington Road within which no structure or vegetation shall exceed 600mm in height above carriageway levels. In the circumstances the proposal are detrimental to the safe and satisfactory operation of the development and to highway safety contrary to UDP Policy GP2.

The proposed layout fails to provide a safe, segregated pedestrian link between the proposed access road and the existing highway footway to the north of the site. This is detrimental to the safe and satisfactory operation of the development and to highway safety contrary to NPPF paragraphs 32 and 35 and UDP Policy T1 and T8.

The application has failed to provide a waste/recycling strategy including any details to show a 10.7m long refuse vehicle can satisfactorily access and egress the entrance point on Erdington Road and make a full turning manoeuvre in the proposed turning head in order to collect waste/recycling materials from the proposed dwellings. The furthest plot is about 90m from the main carriageway. This is detrimental to the safe and satisfactory servicing of the development contrary to Manual for Streets 1 guidance and UDP policies GP2 and WM4.

The access point to the parking area to Plot 1 is too close to the junction detrimental to the safe and satisfactory operation and of the access point and to highway safety contrary to UDP Policy GP2.

The proposed shared service access road is less than 5m wide that is considered inadequate to accommodate the required 2m wide service strip and maintain at least 3.7m width access for emergency vehicles in the event of the statutory undertakers working in the road. The proposal is contrary to UDP Policy GP2 and Manual for Streets1 guidance.

Conclusion

The design and layout of the proposed development is out of character with the pattern of surrounding developments as it introduces tandem back land development where the fronts of properties overlook the backs of others and would be obtrusive when viewed from the wider open countryside and green belt land. It also adversely affects the amenities of existing and future occupiers by reason of noise and disturbance from use of the new access and overshadowing the new plots from retained trees that could lead to potential future loss detrimental to the character of the area and potential loss of protected species roosting features. The access is also inadequate in terms of pedestrian safety and access for emergency services and

refuse vehicles. For these reasons the proposals are contrary to adopted development plan policies and cannot be supported.

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the agent and sought further information to support the proposal. However, given the further documents submitted in respect of this scheme, Officers are still unable to support the scheme and the agent has been informed.

Recommendation: Refuse

1. The proposed development is contrived to accommodate the number of dwellings on the site and creates tandem back land development where the front of plots overlook the back of plots which represents poor design that is not reflective of the character of the area. The positioning of dwellings and detached garages in close proximity to the Green Belt boundary would have a detrimental visual impact when viewed from this wider area. Furthermore, the cramped nature of the development will result in rear gardens dominated by crown coverage of trees resulting in excessive shading and loss of light detrimental to the amenities of future occupiers. As such the proposal would be contrary to the National Planning Policy, Policies CSP4, HOU2, ENV2 and ENV3 of the Black Country Core Strategy, Saved Policies GP2, ENV1, ENV3, ENV32, ENV33 and H3 of the Walsall Unitary Development Plan, Policies DW3, DW9, and DW10 of Designing Walsall SPD.
2. The rear gardens of plots 1 and 2 would run parallel to the proposed driveway and the use of this driveway with comings and goings of vehicles would result in loss of amenity to the potential occupiers of these plots in terms of noise and disturbance. Furthermore, the use of the proposed driveway and turning head in close proximity to the rear gardens of 2 to 6 Hayfield Grove and associated coming and going of vehicles would also result in loss of amenity to these occupiers in terms of noise and disturbance. As such the proposal would be contrary to the National Planning Policy, Policies CSP4, HOU2, ENV2 and ENV3 of the Black Country Core Strategy, Saved Policies GP2, ENV1, ENV3, ENV32, ENV33 and H3 of the Walsall Unitary Development Plan, Policies DW3, DW9, and DW10 of Designing Walsall SPD.
3. The proposed layout would not allow for the long-term retention of the trees on site and their close proximity and orientation to the proposed houses would result in excessive shading and direct conflict as the trees mature and increase in size. This would lead to pressure to remove the trees by future residents. The removal of mature trees containing potential roosting features could result in the loss of bat roosts and could have a significant impact on the integrity and conservation status of the bat populations at a district or county level. The proposed development would be contrary to saved Policies GP2, ENV32, H3, ENV18 and ENV23 of the

PAGE 158 OF 220

4. Walsall Unitary Development Plan and the Council's Conserving Walsall's Natural Environment SPD.
5. The proposed layout fails to provide safe and satisfactory means of access for pedestrians and vehicles in terms of the following:
 - i. Failure to demonstrate adequate pedestrian visibility splay along Erdington Road
 - ii. Proximity of the access and parking area for plot 1 to the highway junction
 - iii. Lack of a segregated pedestrian link between the proposed access road and existing footway in Erdington Road
 - iv. Failure to provide a waste/recycling strategy or satisfactorily demonstrate access and turning for refuse and emergency vehicles

As such the proposals are detrimental to the safe and satisfactory operation of the development and to pedestrian and highway safety contrary to NPPF paragraphs 32 and 35, saved Policies GP2, ENV32, T1, T8 and WM4 of the Walsall Unitary Development Plan and Manual for Streets Guidance.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 12.

Reason for bringing to committee: Recommendation Contrary to Statutory Consultee Objection

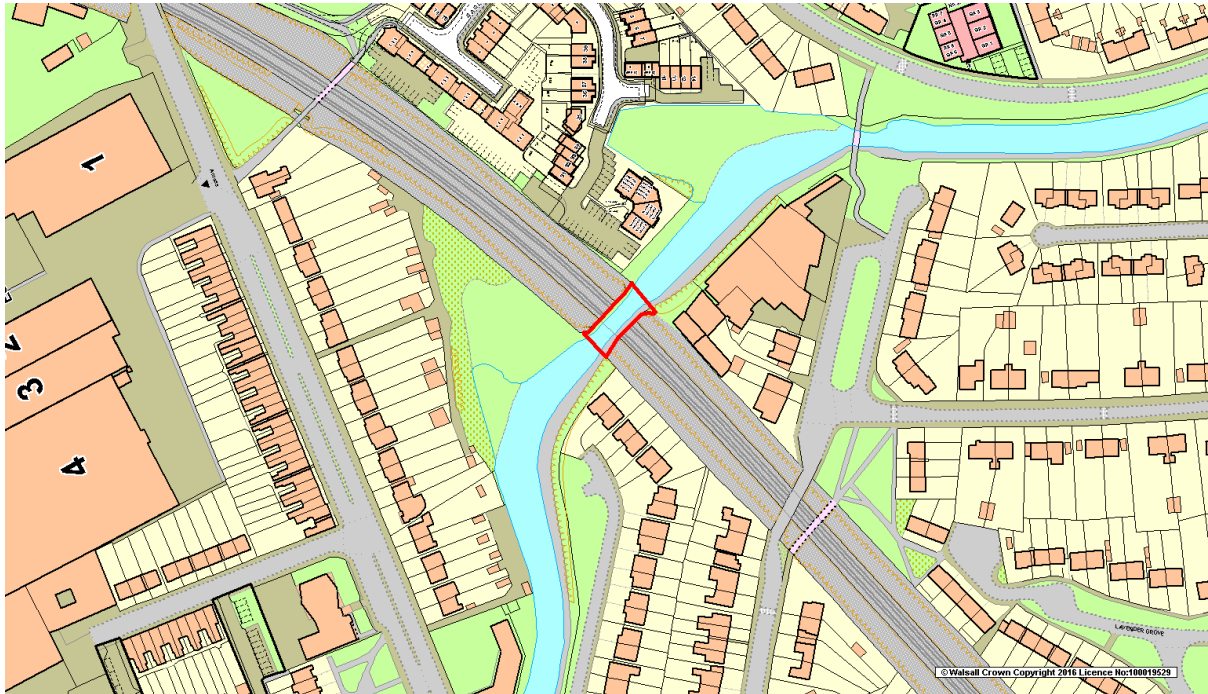
Location: AQUADUCT OVER RAILWAY NORTH OF 50 RAYMOND CLOSE, PUBLIC
RIGHT OF WAY BETWEEN FOREST LANE AND HAWBUSH ROAD, WALSALL

Proposal: PROPOSED MODIFICATION OF BRIDGE PARAPETS AND
PROGRAMME OF STRUCTURAL REFURBISHMENT.

Application Number: 16/1713
Applicant: Network Rail Infrastructure Ltd
Agent: Mr Michael Gradwell
Application Type: Listed Building Consent:
Alter / Extend

Case Officer: Stuart Crossen
Ward: Blakenall
Expired Date: 25-Dec-2016
Time Extension Expiry:

Recommendation Summary: Grant listed building consent subject to conditions



Application & Site Details

The application proposes to raise the parapet of a railway aqueduct from 1400mm to 1800mm across the length of the bridge along the towpath. The pillars either side would have anti-climb coping stones.

The aqueduct forms part of the infrastructure of the Wyrley and Essington Canal Aqueduct. The aqueduct was listed at Grade II in January 1996, with the description stating:

Aqueduct carrying Wyrley and Essington Canal over the Walsall-Bloxwich Railway. Dated 1856. Lloyds Foster and Co., engineers. Cast iron with blue brick abutments. Waterway carried in iron trough supported on central brick pier. Iron arch supports the towpath. Inscribed "Lloyds Foster and Co., Engineers, Wednesbury 1856". Solid panel iron parapets with interlaced arch pattern in relief and moulded iron parapet coping.

The applicant has provided a heritage statement with the following relevant information:

This is required in order to meet safety legislation in connection with the electrification of the Walsall-Rugeley railway line ("the Chase Line"), with the structural work required in order to ensure the long-term sustainable future preservation of the aqueduct in its original use.

The structure's existing cast iron parapets and coping stones are in a relatively poor condition. Some are missing altogether and others are damaged or dislodged. Furthermore, the aqueduct has suffered from various graffiti attacks to the parapets, which does serve to diminish its heritage value somewhat.

Network Rail has been mandated by the Office of Rail Regulation to fully implement the provisions of European Standard BS EN 50122, which sets out requirements for safety standards on electrified railways.

Network Rail have permitted development rights to undertake the work but require listed building consent.

A Heritage Statement has been submitted which concludes: It is considered that the works proposed are respectful to the character and appearance of the listed structure. There is a sound justification for the proposed works, in that they are essential to enable the electrification of the railway and ensure public safety. This will be done in a manner that is respectful to the heritage significance of the aqueduct and its context of forming part of the historic canal network.

Relevant Planning History

14/1398/LB - Wyrley and Essington aqueduct, over the railway to the north of 50 Raymond Close. - Listed Building Consent: Tactile inspection and assessment of aqueduct, including minor intrusive investigation works to structural elements. GSC 07/11/14

Relevant Policies

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

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

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

- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals

Unitary Development Plan

- GP2: Environmental Protection
- ENV26: Industrial Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW8 Adaptability
- DW9 High Quality Public Realm

Policies are available to view online:

Consultation Replies

Canal & Rivers Trust – Objection - The proposals would adversely impact on the character of the Grade II Listed Aqueduct to the detriment of its historic value and setting within the canal corridor contrary to saved Policies GP2 & ENV27 of the Walsall UDP 2005 and Policy ENV4 of the Black Country Core

Strategy.

Transportation – No objections

Inland Waterways – Objection on grounds that there is a lack of clarity on the plans and that more detail is required about the construction method.

Office of Rail and Road - 'For new or renewed overline bridges where pedestrians are not excluded by Statutory Order, the 1800mm minimum height requirement may be reduced to 1500mm where either the structure is sited at a low risk location, or the provision of 1800mm (min) high parapets over the railway is not practicable or appropriate (e.g. due to geometrical, technical, safety or planning limitations), provided that (a) the height reduction has been justified by appropriate site-specific risk assessment, and (b) the justification is included with supporting evidence within Form 001 and Form 002 design submissions and is accepted by the Network Rail Asset Manager (Civils) and (for reduced height parapets over OLE) Network Rail Asset Manager (E&P).'

'For the purposes of the above reduced requirement, low-risk locations are typically considered to have the following attributes:

- Low risk of route crime (e.g. away from built up areas, schools, other frequently used pedestrian routes, train depots and other crime-susceptible installations); and
- Low risk of suicide (footway less than 10m above the tracks); and
- No/low risk of electrocution (e.g. no existing or planned OLE or where 'protection by safety clearance' [to OLE] is provided).'

Representations

None

Determining Issues

- Impact on the historic fabric of the listed aqueduct and Public Safety-
Conclusion

Observations

Impact on the historic fabric of the listed aqueduct and public safety

The Canal & Rivers Trust does not support the raising of the parapets and prefers a mesh sheet, colour coated black or grey as the preferred approach. In addition they suggest that the existing palisade fencing should be removed and replaced with mesh fencing to ensure consistency and improve the overall visual appearance of the proposed works.

Amended plans have been received which shows a mix of raising the pilasters with brick and includes a mesh. The conservation officer considers that the 4 brick course height extension of the pilasters impacts on the historic fabric of the structure and considers that the Office of Rail and Road advice allows flexibility in reducing the height of the scheme below the current British Standard.

In this instance it is considered that the proposal results in substantial harm on the special architecture or historical interest of this heritage asset by the raising pilasters by 4 brick courses, however this must be balanced against public safety concerns.

In this instance the Office of Rail and Road have flexibility on the boundary height of this type of bridge where they are in areas of low risk of route crime, low risk of suicide and where there is no/low risk of electrocution. It is considered that the location of this bridge in a high density area of Walsall, 1 mile from the town centre and above a railway line which is about to be electrified (the reason for these works) would not benefit from this flexibility in this instance and the applicant has little choice but to raise the height of the parapet in the interests of Public Safety. For this reason officers consider that the public safety concerns outweigh the harm to the heritage asset. .

Other concerns raised about the construction and method of the works are noted and can be secured by condition.

Concerns about the lack of provision for fenders on either side of the canal and the removal of existing palisade fencing as raised by the Canal & River Trust cannot be addressed through condition. These works do not require planning permission and are no different to the existing situation would not meet the government tests for imposing conditions to planning permissions.

Conclusion

In this instance the case officer has balanced the harm of the proposed works to a listed building against the need to protect the public, taking full account of the requirements of the Office of Rail and Road and on balance the proposal is recommended for approval.

Positive and Proactive working with the applicant

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

Recommendation: Grant listed building consent subject to conditions

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

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

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

Location Plan (5249158 rev A) received 31/10/16

Existing general arrangement sheet 1 of 5 received 31/10/16

Existing general arrangement sheet 2 of 5 received 31/10/16

Existing general arrangement sheet 3 of 5 received 31/10/16

Existing general arrangement sheet 4 of 5 received 31/10/16

Existing general arrangement sheet 5 of 5 received 31/10/16

Amended proposed remedial works sheet 2 received 21/03/17

Proposed remedial works sheet 6 received 31/10/16

Proposed remedial works sheet 7 received 31/10/16

Proposed remedial works sheet 8 received 31/10/16

Amended Proposed plans sheet 1 received 01/06/17

Heritage Statement received 31/10/16

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).

3a) Prior to the commencement of the development a Construction Management Plan shall be submitted and agreed in writing by the local planning authority.

3b) The approved details shall be fully implemented and retained thereafter

Reason: To ensure the satisfactory appearance of a listed structure and to comply with UDP policy ENV27



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 13.

Reason for bringing to committee: Called in by Councillor Hughes on the grounds that the proposal would impact on the amenity of neighbours and the surrounding area.

Location: 188C, CHESTER ROAD, STREETLY, SUTTON COLDFIELD, B74 3NA

Proposal: PROVISION OF NEW EXTRACT EQUIPMENT, INSTALLATION OF NEW SHOP FRONT, AND PROPOSED REVISION TO OPENING HOURS. RESUBMISSION OF 16/1849

Application Number: 17/0416
Applicant: Mr Xenophos Joannou
Agent: PMDG Architects
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Streetly
Expired Date: 25-May-2017
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application proposes a new shop front extended opening hours and improved extraction equipment at an existing takeaway called the Picnic Basket. The application is a resubmission of an application refused by planning committee in March.

The application site is in the Streetly local centre at the end of a row of shops with parking to the front. Next to the application property is a takeaway, betting shop, hair dressers, off licence, double glazing outlet and Tesco Express.

The proposal includes a new shop front and single extraction flue (a reduction from the previous application which proposed two flues) to be located at the rear of the property colour coded brown and which would extend a metre above the roof ridge.

The existing opening hours are 08:00 and 18:00 Mondays to Saturday with no opening on Sunday or Bank Holiday. The proposal seeks opening hours of 08:00 and 21:00 Mondays to Saturday with no opening on Sunday or Bank Holiday.

The application has been submitted with a design and access statement which states the following relevant points:

- The new shopfront would remove the existing door recess
- The flue would have the appropriate noise attenuation and odour control equipment.
- The existing step up from the front would be replaced with a ramp

Number 188B is the adjoining unit, a Balti takeaway with dining above. On the other side is a modern sheltered housing flat development.

Relevant Planning History

15/0132/FL - Retention of hot food takeaway (A5 use) with ancillary dining facilities -- Granted Subject to restricted hours condition.

16/1849/FL - Provision of new extract equipment, installation of new shop front, and proposed revision to opening hours - Refused for the following reasons:

The location, siting, height and proximity of the flue to neighbouring residents would result in odour severely affecting the amenities of occupants

The location, siting, height and proximity of the flue would have a significant impact on the visual amenities of the area

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 7 - Requiring good design***
- ***NPPF 8 - Promoting healthy communities***

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.

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

The relevant key policies are:

CSP1: The Growth Network

CSP2: Development Outside the Growth Network

CSP3: Environmental Infrastructure

CEN2: Hierarchy of Centres

CEN5: District and Local Centres

CEN6: Meeting Local Needs for Shopping and Services

CEN8: Car Parking in Centres

ENV2: Historic Character and Local Distinctiveness

ENV3: Design Quality

ENV8: Air Quality

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

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

GP2: Environmental Protection

ENV10: Pollution

ENV32: Design and Development Proposals

S1: Definition of Town Centre Uses

S2: The Hierarchy of Centres

S3: Integration of Developments into Centres

S5: The Local Centres

S6: Meeting Local Needs

S8: Housing in Town Centres

S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets5

T7: Car Parking

T13: Parking Provision for Cars, Cycles and Taxis

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 the NPPF policy. The relevant SPD's are;

Designing Walsall SPD (Feb 2008)

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

The following are the relevant policies;

DW3 – Character

Consultations

Transportation – No objections

Environmental Health – No objections

Pollution Control – No objections

Public Participation Responses

Four objections have been received on the following grounds:

Object to chip shop (photos also received showing vehicles parked on the highway)

The petition submitted to the Council by the applicant originally had the heading "Save our cafe", which residents have signed on this basis and not for a chip shop, a resident claims.

Noise

Smell/odour

Increase traffic

Not enough parking and difficult shared access with Hunters Court (adjacent flats)

Indiscriminate parking in the footpath would prevent disabled people access and hinder buses.

Smell of fish and chips

Anti-social behaviour

Litter

Too many chip shops

Applicant says it will be a café not a chip shop, may change it after permission is obtained.

A petition of support has been received (the heading is of the planning application details) with 69 people from 50 households and two businesses

A petition objecting to the proposal on the grounds detailed below has been submitted signed by 511 people.

Parking and traffic

Odour and noise

Litter

Anti-social behaviour

Proliferation of takeaways

Takeaway refused in the centre previously

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

Determining Issues

Whether the proposal overcomes the previous refusal reasons with respect to:

- Design and Character of the Area
- Amenity of Neighbours

The following determining issues were assessed previously:

- Principle of Development
- Parking and Access
- Anti-social Behaviour

Observations

Design and Character of the Area

The second refusal reason related to the location, siting, height and proximity of the flue would was considered to have a significant impact on the visual amenities of the area.

The proposed flue system is reduced to a single outlet and would be located to the rear of the building. From the street scene level the flue is unlikely to be a significant addition due to the depth of the building and 1 metre proposed projection. Houses to the rear would see the flue but the proposed brown finish is considered acceptable in the context of the existing development in the local centre and would not result in any significant harm to the character of the area which is defined by similar uses.

Amenity of Neighbours

The first refusal reason related to the location, siting, height and proximity of the flue to neighbouring residents would result in odour severely affecting the amenities of occupants.

The application site is within the local centre and the activity of the local centre is part of the established character of the area. This context would be a reasonable consideration for occupiers of the flats when choosing to live there.

The adjacent flats to the site are also within the local centre and policy S8 recognises that the acceptable level of residential amenity may not be the same as that expected in suburban locations which would have been a determining issue of the original permission for these flats.

The drawing submitted by the Applicant meets the DEFRA requirements for odour dispersal. The Proposed Layout/Elevations Diagram show the flue terminating approximately 1 metre above roof eaves level and is to be fitted with a high velocity cowl. The Applicant is intending to install carbon filters and an ON100 Odour Neutraliser unit to deodorise fumes from the hot food preparation area.

Pollution Control recommend a planning condition is included with any permission that requires the Applicant to install the odour extraction system and confirm installation details with Environmental Health (Local Planning Authority) and for the equipment to be serviced and maintained in accordance with manufacturer's recommendations. If approved this condition can be attached to planning permission.

A Planning Condition requiring for the installation, maintenance and servicing of a drainage grease trap is also recommended.

It is noted from the Proposed Layout / Elevations diagram that the fan and odourising unit is to be located on the flat roof at the rear of the building. Although the Applicant has included some information about noise from the proposed unit, including the use of an acoustic cabinet fan, it is recommended that a planning condition is included that should ensure nearby residents will not be significantly affected by noise from the extraction system.

Environmental Health Officers have raised no objections to the scheme, support the recommendation of Pollution Control and would enforce the requirements of the Food Safety and Hygiene (England) Regulations 2013 and relevant European Community Regulations and Health and Safety at Work etc. Act 1974.

The proposed opening hours propose earlier closing than hours recommended in UDP policy S10 which states where nearby dwellings are likely to be affected the Council will usually impose a condition requiring the premises to close at 23.00 hours Monday to Friday and 23.30 hours on Saturdays. The proposed extended opening hours are therefore considered to be reasonable in the context of the existing local centre.

For the above reasons the proposal is considered acceptable and does not result in any significant loss of amenity for nearby residents.

Other issues raised through consultation:

The petition submitted to the Council by the applicant originally had the heading "Save our cafe", which residents have signed on this basis and not for a chip shop, a resident claims.

The claim that the petition in support of the proposal has been modified is noted, no evidence has been submitted and in any case the use of the property is already A5 and no permission is required to change between the current use as a café to a chip shop.

The following issues raised were considered in the previous application and were not reasons to refuse the application.

Noise

Increase traffic

Not enough parking and difficult shared access with Hunters Court (adjacent flats)

Indiscriminate parking in the footpath would prevent disabled people access and hinder buses.

Anti-social behaviour

Litter

Too many chip shops

Takeaway refused in the centre previously

Positive and Proactive Working with the Applicant:

The applicant and agent are aware of the concerns raised by residents and have provided this amended scheme which is supported by officers and addresses the previous reasons for refusal.

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: -

Amended location plan (1833 01) received 31/03/17

Site plan (1833 02a) received 29/03/17

Existing elevation and floor plans (1833 03a) received 29/03/17

Proposed elevation and floor plans (1833 04c) received 29/03/17

Odour extraction details received 29/03/17

Design and Access Statement received 29/03/17

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

3 (a). Prior to commencement of the development details shall be submitted confirming that hot-food cooking points shall be served by extract-ventilation systems, with extracted gases and fumes passing through filtration and odour mitigation systems that meet requirements, of which are to be approved in writing by the Local Planning Authority

3 (b). The approved details shall be fully implemented prior to the use commencing, and shall be retained thereafter.

3 (c). The approved extract-ventilation and odour control systems shall be cleaned, maintained and serviced in accordance with manufacturers' and/or installers' recommendations.

Reason: To safeguard the amenities of neighbours by way of smell prior to the use commencing in accordance with UDP policy S10.

4 (a). Prior to the commencement of the development details of a grease trap system to ensure that Fat/Oils/Greases cannot enter the drainage shall be submitted to and approved in writing by the Local Planning Authority.

4 (b). The approved details shall be fully implemented and retained thereafter.

Reason: To safeguard the amenities of area.

5. The flue hereby approved to serve extraction from commercial hot-food cooking points shall terminate at least 1 metre above the building roof ridge level.

Reason: To safeguard the amenities of neighbours by way of smell prior to the use commencing in accordance with UDP policy S10.

6. Where extract-ventilation flues and associated fan and motor units are attached to any wall or other structural building elements, appropriate vibration isolation mounting systems shall be used and ductwork shall be de-coupled from fans and motor units.

Reason: To safeguard the amenities of neighbours by way of smell prior to the use commencing in accordance with UDP policy S10.

7. Noise from the extraction system shall be designed and operated to achieve a Noise Rating of NR 40 dB one metre from the window of any habitable room between 11.00 pm and 07.00 am. Validation to the local planning authority to this effect shall be provided before the development is brought into use.

Reason: To safeguard the amenities of neighbours by way of smell prior to the use commencing in accordance with UDP policy S10.

8 (a). Windows to kitchens and serving areas shall be kept closed when food is being prepared or served.

8 (b). Doors to kitchens and serving areas shall be kept closed except when used for ingress and egress.

Reason: To ensure noise and fumes do not affect nearby residential premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

9. The grease trap, odour extraction plant, associated filters and motors hereby approved shall be maintained and serviced in accordance with the manufacturer's and supplier's recommendations.

Reason: to ensure drains do not get blocked, and noise and fumes do not affect nearby residential premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

10. A litter bin shall be made available to customers during all opening hours of the takeaway within the customer serving area.

Reason: To ensure the satisfactory operation of the development and to safeguard the amenities of the area to comply with UDP policy GP2 and ENV32.

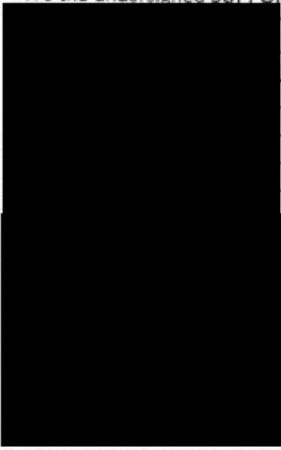
11. The premises shall not be open to customers, or for deliveries, outside the hours of 08:00 and 21:00 Mondays to Saturday with no opening on Sunday or Bank Holiday.

Reason: To safeguard the amenities of the locality and to comply with UDP policy S10

APPLICATION TO WALSALL COUNCIL FOR PLANNING PERMISSION

APPLICATION NUMBER: 17/0416
SITE ADDRESS: 188C CHESTER ROAD, STREETLY, SUTTON COLDFIELD, B74 3NA
DETAILS: PROPOSED PROVISION OF NEW EXTRACT EQUIPMENT,
INSTALLATION OF NEW SHOP FRONT, AND PROPOSED
REVISION TO OPENING HOURS.

We the undersigned SUPPORT the above application for Planning Permission:



Field 1, Couplun Court, Walsall Rd.
32 Chester Rd Walsall
b743HD
b74 2JA
WS14 0BN (12)
30, SWALLOWDALE -
- 134 Chester Rd -
6 REGENT AV STREETLY SOLIHULL
5, Oakdale, Thornhill Road S/C
8 SCHOOLAGE Rise B74 3PR
30 Forest Close B74 2JZ
Wood Lane B74 3LS
Limerick Rd B74 3LR
40 Warren Farm Road B44 0QT
10 STONELEIGH CLOSE B74 2QS
"
"
"
7 LUTTRELL RD B74 2SR
7 LUTTRELL RD B74 2SR
78 CINDROSA RD B74 3LVB
80 BRIDLEWOOD B74 3HE
56 Main St WS99DX
56 Main St WS99DX
19 PARKSIDE CLOSE ST B74 2AX
21 BARRETS LANE WS8 6HZ
75 De Luge Road B23 7SQ
5 color drive B74 3LJ
184 B ^{chasey} road B44 ONG
76 THORNEY RD B74 3HE
30 NIGHWOOD PRING
7 Sherfoot Lane
97 NICHOLS CLOSE
49 Hundred Acre Rd B74 2LA



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 14.

Reason for bringing to committee: Called in by Councillor Sabina Ditta

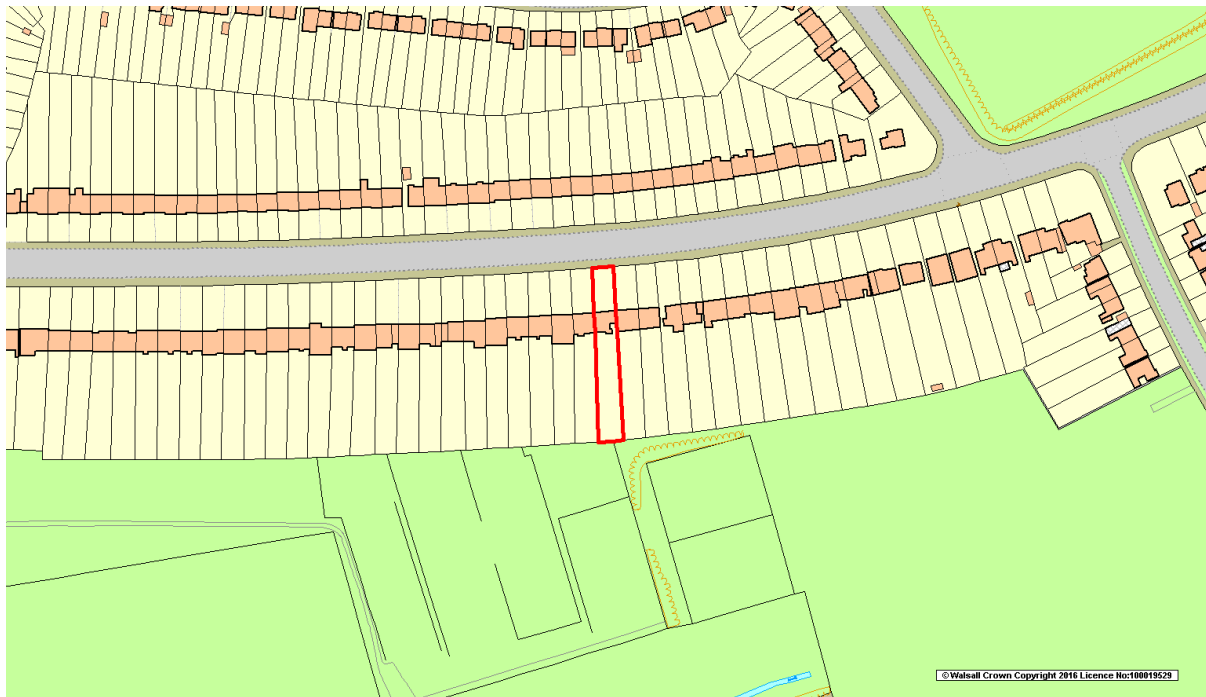
Location: 129, BROADWAY, WALSALL, WS1 3HB

Proposal: TWO STOREY SIDE AND REAR EXTENSIONS, SINGLE STOREY REAR EXTENSION AND FRONT GARAGE EXTENSION AND NEW PITCHED TO FRONT

Application Number: 16/1519
Applicant: Ms Amarjeet Kandola
Agent: Mrs Amandeep Gill
Application Type: Full Application

Case Officer: Helen Smith
Ward: Palfrey
Expired Date: 24-Jan-2017
Time Extension Expiry:

Recommendation Summary: Refuse



Councillor S Ditta has called this application before planning committee as she considers that the reason for refusal is outweighed by the needs of the applicant and it is considered the proposed development would not be detrimental to the character or visual amenity of the area. The Councillor considers the development will not impact on the amenity of neighbours and will not cause harm to amenities enjoyed by the neighbours.

Application Details

This is a 1930's semi-detached house within a row of similar houses a number of which have previously been extended at first floor up to their shared side boundaries at no's 127, 131 and 135 Broadway. These extensions were granted planning permission prior to the adoption of the terracing policy included in Appendix D of Designing Walsall SPD. The application house is located along an important route into the borough and houses along this road have a similar appearance.

The existing front elevation of the property is stepped with the part nearest to 127 Broadway extending 0.7 metres forward of the adjacent front elevation of no. 131 Broadway, the adjoining semi. There is a flat roofed section above the front living room and an existing garage extension to the side next to 127 Broadway.

This proposal will enlarge an existing garage, provide a new dining room/kitchen, ground floor and first floor shower/bathrooms and increase the total number of bedrooms from three to 4. This proposal includes the following additions;

Two Storey Side Extension

- 3.3 metres wide
- In line with the adjacent front elevation
- Hipped roof with a ridge line 0.4 metres lower than the existing roof
- Set in 0.2 metres from the shared side boundary with 127 Broadway

Two Storey Rear Extension

- Positioned 0.2 metres from the side boundary with 127 Broadway
- 3.9 metres wide
- Extending 2.5 metres further than the existing two storey rear extension
- Gable roof, 2.1 metres lower than the original ridge line
- Rear facing bedroom window
-

Single Storey Rear Extension

- Replace two existing rear extensions
- 5 metres deep
- 7.9 metres wide
- Gable roof, 2.3 metres high to the eaves and 3.5 metres high to the ridge

- Rear facing habitable room windows
- Three side facing roof lights

Front Garage Extension and new Pitched Roof to Front

- Extend 1.2 metres forward of the existing garage next to the boundary with 127 Broadway.
- Pitched roof above the garage extension and existing living room flat roof

There are playing fields and tennis courts to the rear of the application house and the rear garden is 45.7 metres long. There is space for at least two vehicles on the existing hard-surface drive.

The neighbouring houses near to the application property include;

127 Broadway

No. 127 sits to the east of the application house with its rear elevation facing south. This neighbouring house has an existing two storey side extension with first floor side facing landing and bathroom windows. There are front and rear facing habitable room windows in no. 127 near to the application house and a detached brick outbuilding built next to the rear garden boundary with no. 129. The two storey front and rear elevations of the application house are in line with those at no. 127.

131 Broadway

No. 131 sits to the west of the application house with its rear elevation facing southwards. The two storey elevations of no. 131 are in line with the two storey elevations at no. 129 whilst there is a 3.5 metres deep single storey extension next to the boundary with no. 129. This house has front and rear facing habitable room windows near to the shared boundary with no. 129.

126 & 128 Broadway

These houses face across Broadway to the application house with a habitable room window to window separation distance of 48 metres.

This application is supported by a bat survey prepared by Dr Jackie Underhill dated November 2016.

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:

- ***NPPF 7 – Requiring good design***
- ***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. Pre-application engagement is encouraged.

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV23: Nature Conservation and New Development

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

Supplementary Planning Document

- Development with the potential to affect species, habitats or earth heritage features
 - NE1 – Impact Assessment
 - NE2 – Protected and Important Species

Designing Walsall

- DW3 Character
- Appendix D

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

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

Relevant Planning History

P19045 – Garage – approved 16/8/56

Consultation Replies

Pollution Control – No objections subject to the inclusion of a condition in relation to the implementation of approved gas protection measures detailed in drawing AG24/1/17 Foundation Detail.

Representations

None

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Protected Species
- Parking
- Conclusion

Observations

Design of Extension and Character of Area

The proposed hipped roof is considered would reflect the design of the host dwelling.

The first floor side proposal would be built 0.2 metres from the side boundary with no. 127 Broadway, which has been extended up to the shared boundary at first floor.

The limited gap of 0.2 metres between no's 127 and 129 Broadway when combined with the lack of a first floor set back to the front is considered would result in a terracing effect arising between no's 127 and 129 Broadway to the detriment of the appearance of these two houses and street scene.

The Council's terracing policy included in Appendix D of Designing Walsall SPD states that to avoid the creation of terracing a minimum 0.9m gap to the boundary should be retained and first floor extensions set back by a minimum of 1m.

The Council has requested an amendment to provide a 1 metre deep set back of the first floor front elevation and a set in from the side boundary with no. 127 Broadway which have been declined. The submitted extension proposal would not meet the terracing guidance included in Appendix D of Designing Walsall SPD.

The 40.7 metres length of the remaining rear garden would meet the garden dimensions recommendation referred to by Appendix D.

Councillor Ditta has stated that she considers that the reasons for a refusal are outweighed by the needs of the applicant. The Governments national planning advice states that personal circumstances will seldom outweigh more general planning considerations and the extensions would remain long after personal circumstances cease to be material.

Amenity of Nearby Residents

The proposed first floor side extension would not extend forward of the front elevation of 127 Broadway and the two side facing windows in no. 127 serve a landing and bathroom. These windows are considered to be non-habitable room windows by current planning guidance and are not afforded the same protection as habitable room windows.

The proposed garage extension would sit next to an existing garage at no. 127 and is considered would have little additional impact on neighbours' existing amenity.

The rear elevations of no's 127, 129 and 131 face south and it is considered that this orientation would limit the impacts of the proposed rear two and single storey extensions on neighbours' existing light.

The proposal complies with the Council's 45 degree guidance, as referred to in Appendix D of Designing Walsall SPD, in respect of the front and rear facing habitable room windows in no's 127 and 131 Broadway. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

The habitable room window to window separation distance of 48 metres between the proposed side extension and no's 126 and 128 Broadway would exceed the minimum recommended separation distance of 24 metres, referred to in Appendix D, by 24 metres.

Protected Species

The bat survey report comments that whilst the proximity of foraging and commuting habitat might increase the potential of the building to accommodate bats, there are negligible opportunities for bat ingress into the roof of the building and no gaps around the verges or the eaves of the house where the plastic soffits and fascias are fixed tightly to the walls.

The report states that there are no recommendations for further surveys prior to the commencement of any works, if approved. The inclusion of an informative note for the applicant could be included should bats be detected during such works, if approved.

Parking

The increase in the total number of bedrooms from three to four will require the provision of 3 off-street parking spaces with access from the highway to meet the requirements of UDP Policy T13 Parking.

The existing garage parking space would remain and there is space for two further vehicles on the existing front driveway. This parking provision would meet the requirements of Policy T13, detailed above subject to a safeguarding condition for the garage and the two spaces on the driveway to remain in perpetuity.

Conclusion

The design of this proposal creating a terracing effect between 127 and 129 Broadway is considered to be unacceptable in this location and would fail to meet the Council's guidance in relation to terracing. It is considered that the impact of this proposal on the existing street scene would be harmful and detrimental to the character of the area by closing a remaining valuable visual gap between existing pairs of houses

Whilst the proposal would benefit the applicant and his family by providing additional living accommodation, this would be a wholly private benefit that would not be sufficient to outweigh the harm that has been identified or the resultant development plan conflict. Consequently, this proposal is recommended for refusal.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and have suggested that a 0.9 metres wide is introduced along the first floor side boundary to provide a visual gap between houses and avoid any appearance of terracing. There are a number of historical first floor side extensions which have close gaps between houses and it is considered that the remaining gaps are important to the appearance of the street scene. In this instance, despite helpful changes being made, the Council is unable to support the proposal.

The proposal would benefit the applicant and their family by providing additional living accommodation. However, this would be a wholly private benefit that would not be sufficient to outweigh the harm that has been identified or the resultant development plan conflict.

Recommendation: Refuse

1. The lack of a first floor set back to the front when combined with the limited gap of 0.2 metres between no's 127 and 129 Broadway is considered would result in a cramped appearance creating a potential terracing effect which would have a detrimental impact on the street scene and character of the area. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; the Black Country Core Strategy policies ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, and ENV32, Appendix D of Designing Walsall SPD.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 15.

Reason for bringing to committee: Called in by Councillor Murray who considers the application requires delicate judgement.

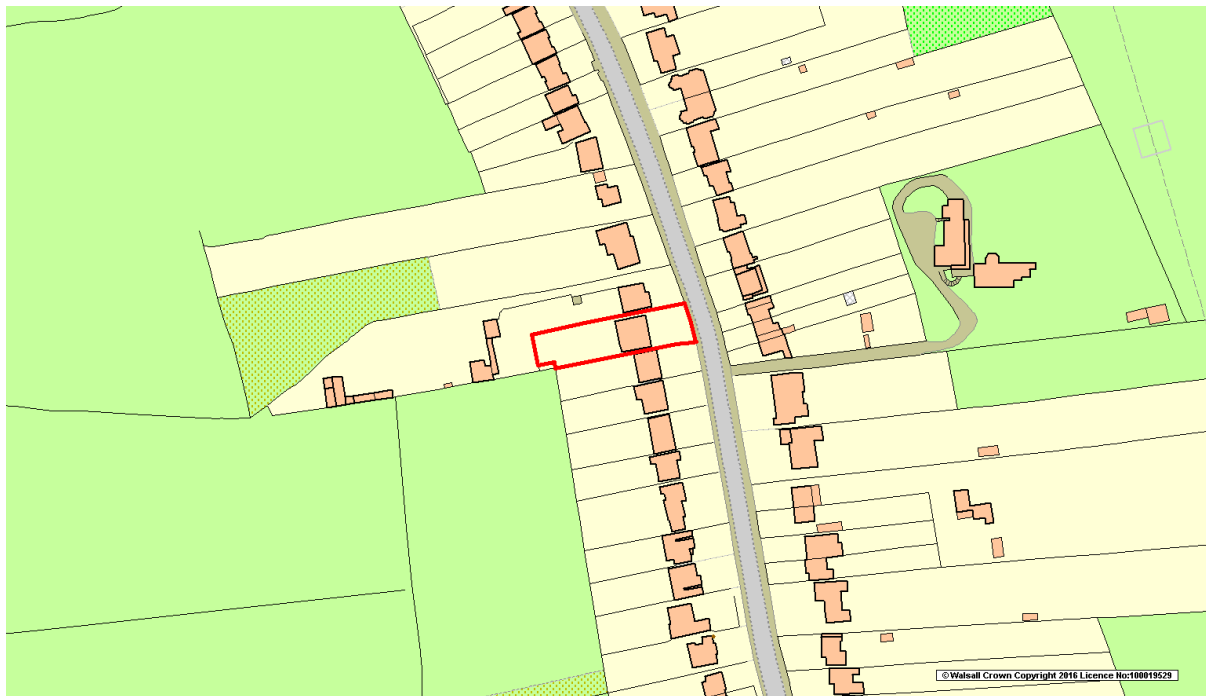
Location: 129, LONGWOOD ROAD, ALDRIDGE, WALSALL, WS9 0TB

Proposal: CONVERSION OF BUNGALOW WITH BASEMENT TO A TWO STOREY DWELLING WITH BASEMENT.

Application Number: 17/0333
Applicant: JAB
Agent: JAB
Application Type: Full Application

Case Officer: Jenny Townsend
Ward: Aldridge Central And South
Expired Date: 08-May-2017
Time Extension Expiry:

Recommendation Summary: Refuse



Application Site and Details

This application seeks to convert a bungalow with a basement to a two storey dwelling by adding a first floor with a two storey central front projection. A single storey front lounge bay window extension and a two storey gable on the rear with a balcony at first floor level. The site is in a residential area which is a mix of houses and bungalows that vary in design. The application bungalow is on the western side of Longwood Road and is the first in a line of 10 bungalows on this side of the road. The rear gardens of the properties slope down in level to open fields at the rear. The site is in the Green Belt.

The application bungalow is a plain design with a gable roof 4.8 metres high to the ridge. There is a central driveway that leads to a garage which is part of a basement area beneath the whole property which also includes a games room, bedroom, study, kitchen, sauna and bathroom. The existing drawings include the basement accommodation but the proposed drawings mark this as 'condemned as habitable space'. The applicants have advised that the cost of making the basement habitable is too expensive but no evidence has so far been provided to support this claim. The bungalow currently has 4 bedrooms including the one in the basement.

The proposed extension would be built above the existing property apart from the single storey side sections adjacent to the boundary with number 143. It would provide 4 bedrooms, all with en-suite's and a dressing area and store. The ground floor layout would be re-configured to provide a lounge, garage, garden room, bathroom, office, utility room, kitchen/diner and hallway.

The applicants have advised that the extension is required due to medical reasons for one of the family members but no evidence has yet been provided to support this.

The proposed front single storey extension would be to the existing lounge and would be 1.0 metre deep, 3 metres wide. The two storey front projection would be 2 metres deep, 4.5 metres wide with a gable roof. The new roof is proposed to have a gable section next to number 127 and a cat slide roof on the other side next to the bungalow 143 Longwood Road with a dormer window inserted in the roof slope. The ridge would be 8 metres high with a lantern roof light above the middle section which projects a further 0.5m above the main roof.

Two first floor windows are proposed in both side elevations to serve the en-suite shower rooms.

At the rear the central two storey gable would be 0.9 metres deep, 4.5 metres wide with a balcony at first floor that would have 1.0 metre high screening around the edge.

The same screening is proposed around a raised patio area which is proposed across most of the rear elevation of the house and accessed via the folding doors to the rear kitchen diner. This would be 2.5 metres deep and supported by four posts.

The proposed plans for the rear elevation show the basement windows and doors in situ.

Number 127 is a house which is to the north of the application site approximately 0.5 metres lower ground level than number 129. There is a gap of approximately 3 metres between the properties. The front of number 127 projects forward from the front of the application property but the rear extends approximately 3.5 metres beyond the rear of number 129. There are habitable room windows on the rear of 127 closest to the boundary with first floor windows in the side elevation facing towards number 129 serving the master bedroom. There is a window on the front elevation which also serves this room. There is a 2 metre high wall on the boundary which continues for approximately 3 metres beyond the rear of the application bungalow and the remainder of the boundary shared with number 127 has conifer trees at least 5 metres tall on both sides of the 2 metre high fence.

Number 143 is a bungalow which is to the south of the application site. There is a window in the side of number 143 facing the side of 127 which is obscurely glazed. The front of 143 projects beyond the front of the application bungalow and the rear elevation is also further forward than 129 and has a bay window closest to the 2 metre high boundary fence.

There is space on the front driveways to park at least 4 cars.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***
- ***NPPF 9 - Protecting Green Belt Land***
-

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- 3.4 :The Countryside and Green Belt
- ENV2: Control of Development in the Green Belt
- ENV3: Detailed Evaluation of Proposals within the Green Belt
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- Appendix D

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

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

Relevant Planning History

BC62667P Retrospective: Alteration to retaining wall at rear of garden. GSC
27/02/01.

Consultation Replies

None.

Representations

One e-mail from a neighbour with the following concerns:

- The increase in height would block sunlight to their house, cast a shadow and reduce the amount of daylight;
- There are windows proposed in the side of the extension that would directly look into their bedroom and en-suite bathroom windows.

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

Determining Issues

- Design of Extension and Character of Green Belt
- Amenity of Nearby Residents
- Parking

Observations

Design of Extension and Character of Green Belt

The proposal would convert the bungalow to a house. The roof design would not reflect the simple gable roof shape of the existing bungalow but there are a variety of roof shapes on the nearby properties and on balance, the design is considered would not harm the appearance of the area.

There is also a mix of houses and bungalows on both sides of the road so the principle of adding a new level would not necessarily be out of keeping with the existing character of the area.

However the site is in the Green Belt where extensions are allowed provided they are not disproportionate in relation to the original dwelling or are justified by very special circumstances. The re-use of existing buildings within the Green Belt will be acceptable provided that this would not have a materially greater impact than the present use on the openness and purposes of the Green Belt.

The proposal would increase the roof height by 3.5 metres and increase the volume of the property by approximately 49%. As such the proposal would be disproportionate in relation to the original dwelling and the bulk, mass and increased roof height is considered would have a materially greater impact on the openness of the Green Belt due to the addition of the first floor.

A very recent Planning Inspectorate decision on an appeal that has been dismissed in relation to disproportionate additions at a dwelling in the Green Belt highlights that *“insofar as openness can be defined as an absence of development, such a substantial and disproportionate increase in the size of the appeal dwelling could not fail to have an adverse impact upon openness.”* The same principles are considered to apply with the current application.

The applicants and their agent have been asked to provide verification that the basement area of the house is not habitable, as they have advised that the reason they need the proposed extension is to replace this area. At the time of writing, no details have been received to substantiate this claim and on the basis that the proposed plans show the basement windows and doors on the rear, it is considered that the basement could be brought back into use in the future. Whilst this may not result in any harm to the neighbours or the area, the very special circumstances that may be relied upon to justify the disproportionate addition of the further floor of accommodation within the dwelling would be lost..

The proposed extension is considered would be disproportionate in relation to the original dwelling and the addition of the first floor would have a materially greater impact on the openness of the Green Belt by virtue of height, bulk and mass of the extended dwelling.

Amenity of Nearby Residents

The proposed extension would be to the north of number 143 which has no side windows except for an obscurely glazed one which already faces the side of the application bungalow. The proposals are considered to have no greater impact on this window.

The proposed patio area would extend a further 2.5 metres into the garden but there is an existing 2 metre long fence to the side of a similar patio at number 143 which would provide screening between the rear of the adjacent properties.

The extension would comply with the 45 degree code measured from the quarter point of the bay window of number 143. Due to this orientation and as the properties have the same ground floor level, it is considered that there would be little impact on the light, outlook or amenity of the occupiers of number 143 from the proposal.

The extension would be to the south of number 127 and is considered would result in a loss of light to the side bedroom windows of this house. The front window is the largest window to the room and would be unaffected by the proposal but both side windows would be shaded by the extension. As these are secondary windows that would not normally be given full weight in considering the impact of the proposals on neighbouring properties they, would add to the cumulative effect on the living

conditions of the occupiers of number 127 from the proposal when coupled with the increased height, mass and bulk of the new first floor of accommodation.

There are two windows proposed in the side of the extension which would serve non habitable rooms (en-suites) but would be almost opposite the clear glazed bedroom windows of number 127. A condition could be added for the new windows to be obscurely glazed and non-opening which would protect the privacy of the occupiers of both properties should the application be granted permission.

Number 127 has a kitchen window on the rear closest to the boundary. A 45 degree line measured from the quarter point of this window just clips the rear corner of the application bungalow. The proposed extension would be built directly above this part of the dwelling. Given, 127 has a lower floor level and the orientation of the proposed extension it is considered that the proposals would result in an overbearing impact on the light and outlook of this window which would result in harm to the living conditions of the occupiers of this neighbouring house.

The proposed patio would be set in from the boundary and the existing wall would continue to provide a screen between the rears of the houses so has no significant impact.

In conclusion, the proposal is considered would have an overbearing impact on the light and outlook of the rear kitchen window of number 127 due to the orientation of the proposed extension together with the differing ground levels between 127 and 129 Longwood Road and would result in harm to the living conditions of the occupiers of 127 Longwood Road.

Parking

No changes are proposed to the number of bedrooms at the property or to the existing driveway which provides sufficient parking space to accord with UDP policy for a house with 4 or more bedrooms.

Conclusion

The proposed extensions are considered disproportionate additions to the dwelling given the increased height, mass and scale of the proposals detrimental to the openness of the Green Belt. The proposals also have an adverse impact on the amenities of the adjacent occupier in terms of the overbearing impact they have upon the outlook and daylight detrimental to residential amenities.

Positive and Proactive working with the applicant

Refuse

Officers have spoken with the applicant's agent to request additional information but in this instance are unable to support the proposal.

Recommendation: Refuse

1. The proposed extension would be disproportionate in relation to the size of the original dwelling and the bulk, mass and increased roof height is considered would have a materially greater impact on the openness of the Green Belt due to the addition of the first floor. As such the proposal would conflict with the aims and objectives of the National Planning Policy Framework including paragraphs 56, 57, 58, and 64, Walsall's Saved Unitary Development Plan policies, in particular 3.4, ENV2 and ENV3.
2. Due to the lower ground level of number 127 Longwood Road and the orientation of the proposed extension at 129 Longwood Road which lies to the south of this house, it is considered that the proposed extension would result in an overbearing impact on the light and outlook of the rear kitchen window of number 127 which would result in harm to the living conditions of the occupiers of this house. This coupled with the impact on loss of light to the two secondary bedroom windows on the side elevation that face the extensions at 129 would have a cumulative adverse impact on the living conditions of the occupiers of 127 Longwood Road detrimental to residential amenities. As such the proposal would conflict with aims and objectives of the National Planning Policy Framework including paragraphs 56, 57, 58, and 64, Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV32 and the Supplementary Planning Document "Designing Walsall".



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Jul-2017

Plans List Item Number: 16.

Reason for bringing to committee: Significant community interest

Location: 74, BLOXWICH ROAD NORTH, WILLENHALL, WV12 5PS

Proposal: PROPOSED PORCH, FRONT EXTENSION TO EXISTING GARAGE, LOFT CONVERSION WITH X4 DORMERS TO FRONT ELEVATION, X1 DORMER TO REAR ELEVATION AND PITCHED ROOF OVER GARAGE AND SUNROOM.

Application Number: 17/0394
Applicant: Mr Joe Davies
Agent: JAF Design
Application Type: Full Application

Case Officer: Sally Wagstaff
Ward: Short Heath
Expired Date: 22-May-2017
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application relates to the erection of a porch to the front elevation, extension to the existing garage with replacement pitched roof over the garage and rear sunroom and loft conversion with 4 dormers to the front elevation and one to the rear elevation.

The proposal includes an additional two bedrooms, en-suite, bathroom and dressing room within the roof space. Changes to the ground floor include a larger porch and larger garage.

Porch

1.2 metres in depth

2.4 metres in width

2.5 metres in height

Garage extension

2 metres in depth

3.2 metres in width

Dormers to the front elevation

2 metres in width

1.7 metres in height with a pitched roof (Dormer above front gable 1 metre in height)

3 metre projection from the roof slope

Dormer to the rear elevation

2.6 metres in width

2.5 metres in height with a flat roof

4 metre projection from roof slope

The property is a detached bungalow with a front gable projection and two bay windows to the front elevation. The property has a flat roofed garage to the side elevation set back from the front elevation by 2 metres. The garage extends along the side of the property with flat roof rear projection for a sunroom and utility which is 2.1 metres in depth.

The property has a large driveway to the front that accommodates adequate off-street parking. The property is set back from the highway by approximately 12 metres with a boundary wall with two sets of gates at the back of the highway.

The rear garden of the property is on two levels, immediately to the rear is a patio area with steps down to a garden area. To the rear boundary are a number of tall conifer trees screening the property from those in Andrew Close.

The host property is neighboured by two bungalows, which are both set forward of the host property.

Number 72a is a detached bungalow, it has had two gable front projections and a rear extension adjacent to the boundary with number 72. The property has four Velux windows within the roof space on the front elevation and four to the rear. There is a laurel hedge between the application site and the neighbour which screens the patio areas.

Number 76 is a detached bungalow, it has a flat roof projection to the front of the property. It also has a flat roof garage attached to the side of the property projecting beyond the front elevation. There is a fence between the two properties screening the patio areas.

The street scene consists of a variety of two storey detached dwellings and detached bungalows. There is no uniform building line and the size and character of properties differ along Bloxwich Road North.

Relevant Policies

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

Key provisions of the NPPF relevant in this case:

- NPPF 7 - Requiring good design

On planning conditions the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- ENV3: Design Quality

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

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

Relevant Planning History

None

Consultation Replies

Pollution Control – Support the application

Canal and Rivers Trust - No comment

Representations

Two objections have been received from nearby residents with concerns relating to:

- Height and debris from trees within the rear of the site
- Maintenance of trees
- Potential damage to foundations of neighbouring property if trees are to get bigger

One letter of objection from a nearby resident with concerns relating to:

- Shadowing of patio area and loss of light to living room due to proposed dormer to the rear of the property.

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

Determining Issues

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

Observations

Design of Extension and Character of Area

The porch addition is considered to be a minor alteration to the front of the property. The design of the porch is similar to the current porch on the property and would not have an adverse impact upon the character of the area.

The proposal would result in an increase in roof mass to the rear of the property due to the introduction of a gable roof design over the existing sun room and utility. It is considered that in terms of size and scale the proposed increased roof mass would not be an unduly dominant addition to the property.

It is considered that increasing the pitched roof over the existing garage would be in keeping with the design of the existing property and neighbouring properties and would not be detrimental to the character of the area.

The proposal includes the addition of four dormers to the front elevation. It is considered that the design of the dormers with a pitched roof are in keeping with the design of the host property. The character of the area is not defined by one building style, the street scene is made up with a variety of properties. It is considered that the proposed dormers to the front elevation would not have a detrimental impact upon the character of the area.

The dormer to the rear elevation is to have a flat roof, whilst this is not in keeping with the roof shape of the existing property, it is considered to be of limited visibility within the street scene and would have a limited impact upon the character of the area.

Amenity of Nearby Residents

The proposed porch would be set away from the boundaries of the application site and would have little impact upon the amenity of nearby residents.

The garage is to be extended by 2 metres flush with the front elevation. The garage extension would be built to the boundary with 72a with a 1.5 metre gap between the garage and the neighbour's property. The neighbouring property has two windows within the side elevation which would face onto the blank wall of the extension. The windows are obscurely glazed and appear to be non-habitable. The proposal involves the removal of the flat roof and a continuation of the pitched roof to accommodate loft space and a dormer window. It is considered that the proposed pitched roof extension would not be overbearing on the neighbouring amenity of number 72a.

The rear projection would remain at the current depth of 2.1 metres however a gable roof design would replace the flat roof in order for the roof space to be used as a bathroom. It is acknowledged that there would be an increase in roof mass on the boundary with 72a. It is considered that the roof mass would not be unduly overbearing on the amenity of 72a as to limit the enjoyment of the neighbour's rear garden. No comments have been received from the neighbouring property. The two Velux windows within the bathroom are to be obscurely glazed to further safeguard the amenity of the neighbouring property.

The proposed front elevation dormers would be located approximately 39 metres from the nearest neighbour number 53 Bloxwich Road North on the opposite side of the road. Two of the dormer windows would serve bedrooms within the host property. Whilst the dormers would face onto habitable room windows within number 53, it is considered that due to the distance between the two properties the proposed

dormers would not lead to window to window conflict nor overlooking neighbouring amenity space.

The proposed rear dormer would project from the existing roof slope of the property by 4 metres, it would be set in from the edge of the roof slope by 2 metres and set down from the existing ridgeline. There would be a separation distance of approximately 5 metres between the proposed dormer and the neighbour's property number 76.

It is acknowledged that due to the orientation of the dormer to the south there would be an element of shadowing to the neighbouring properties patio area however due to the set back of the property there is already some shading of the patio.

It is considered that the proposed rear dormer would not result in significant harm to the living conditions for the neighbouring property number 76. To add, a rear dormer in this location of this size could be built under permitted development therefore it is considered that the principle of development has already been established.

A neighbouring property has expressed concerns regarding the impact upon a potential conservatory extension. As this conservatory has not been constructed it is cannot be material consideration in the determination of this application.

On balance it is considered that the proposed development would have limited impact upon the amenities of neighbouring properties sufficient to warrant refusal of this application.

The officer acknowledges comments made by nearby residents with regards to the trees to the rear of the site however comments made are not material to the determination of this application. Any matters relating to size, debris and maintenance of the trees is a civil issue between the neighbour and the applicant.

Parking

The introduction of a fourth bedroom would mean there is a need to increase the number of parking spaces required from 2 to 3 in total. The existing detached garage and large driveway would provide sufficient space for three vehicles, meeting with parking standard requirements.

Conclusion

The design of the proposals considered to be acceptable and on balance would have a limited impact on neighbours' amenity. The proposal is considered to accord with the aims and objectives of relevant Council policy and guidance.

Positive and Proactive working with the applicant

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

Recommendation: Grant 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: -

Block Plan – drawing 2 of 4, deposited 27/03/17

Proposed Elevations and Plan View - drawing 4 of 4, deposited 27/03/17

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 walls and roof of the extension shall comprise facing materials that match, in size, colour and texture as those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

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

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

5: The roof lights within the roof slope of the bathroom hereby approved shall be obscurely glazed to meet Pilkington level 4 or equivalent and be retained thereafter.

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 06-Jul-2017

Plans List Item Number: 17.

Reason for bringing to committee: Called in by Cllr Murray who considers the proposals require delicate judgement

Location: 19, RINGWOOD AVENUE, ALDRIDGE, WALSALL, WS9 0HZ

Proposal: PROPOSED SINGLE STOREY ATTACHED GARAGE

Application Number: 17/0470

Applicant: Mr and Mrs Howell

Agent: Mr John Sharpe

Application Type: Full Application:
Householder

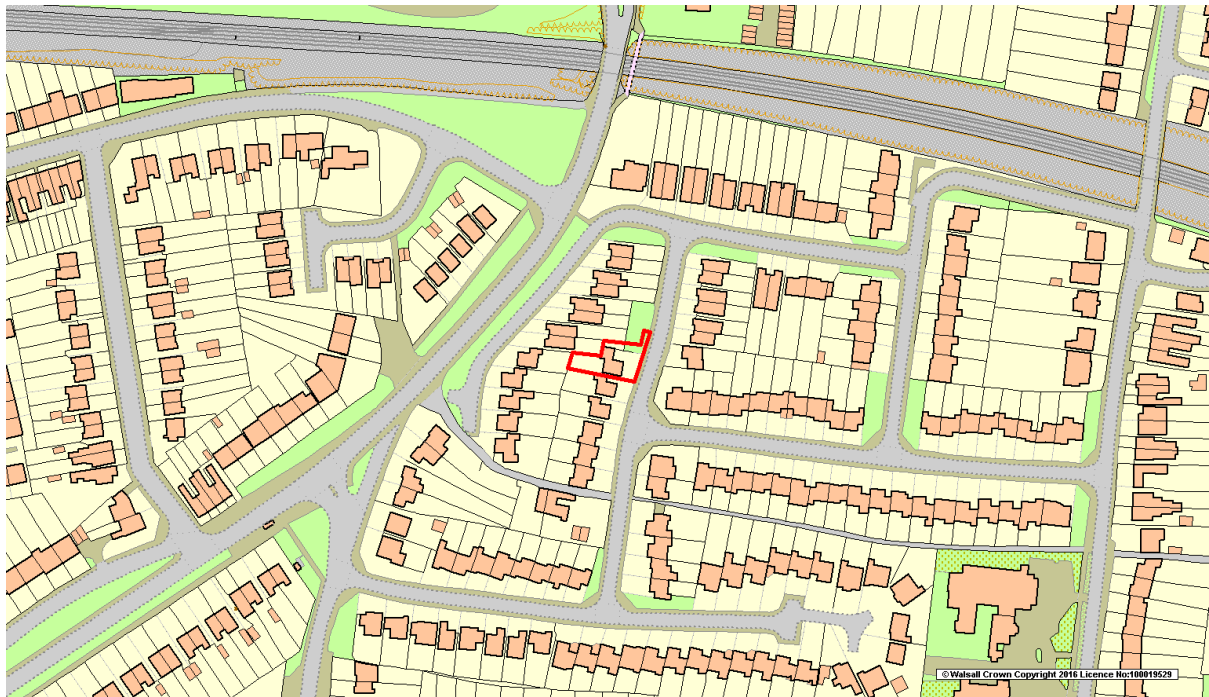
Case Officer: Sally Wagstaff

Ward: Aldridge Central And South

Expired Date: 04-Jun-2017

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application relates to the erection of a single storey flat roof garage to be attached to the existing utility/ garage on site.

The garage is to be 3 metres in height, 5.3 metres in length and 3 metres in width at the widest point. It is to have a flat roof and an up and over door on the front elevation.

The application site is a detached property to the end of a row of houses on Ringwood Avenue. The property is 1960's in character with an attached single storey garage/utility to the side elevation of the property. The garage/utility is flat roofed in design with an up and over door and window within the rear elevation.

The property is set back approximately 5.5 metres from the highway with the garage utility set back 10.5 metres from the highway. To the side of the garage/utility the land level drops by approximately 500 mm to a grassed area and patio which has a small boundary wall to enclose this area. To the front of the property is a driveway and an area of grassland.

Ringwood Avenue is a mix of detached and semi-detached 1960's style houses, many with single storey garages to the side of the property. There is evidence within the street scene of alterations to the front of properties.

Numbers 23, 25 and 27 Stonelea border the application site to the rear. of these, 25 Stonelea has a single storey rear extension, the rear boundary of this property adjoins the existing garage/utility at 19 Ringwood Avenue and the remainder of the boundary comprises a 1.8 metre. The garden for number 23 Stonelea adjoins the side boundary of the application site; there is a 1.8 fence that runs along the area where the proposed garage extension would be. The proposed garage would be sited to the rear garden boundary with neighbouring property 25 Stonelea and the side boundary of the rear garden of 23 Stonelea. Number 23 has a single storey rear extension and conservatory.

Due to the topography of the land properties to the rear of the application site are lower in level.

Relevant Policies

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

Key provisions of the NPPF relevant in this case:

- NPPF 7 - Requiring good design

On planning conditions the NPPF says:

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

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

Local Policy

Black Country Core Strategy

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

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

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

Relevant Planning History

16/1093 - Proposed single storey front extension – Granted Subject to Conditions 26/01/17.

Consultation Replies

None

Representations

Two objections have been received by nearby residents. Concerns raised relate to the following:

- Land subject to covenant
- Security of nearby resident's property
- Drainage
- Quality of retaining wall and depth/foundation
- Visual Impact
- Party Wall Act
- The use of the garage
- Involvement with an interested party
- Loss of daylight
- Overshadowing
- Impact upon street scene Re- submission of application

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

Determining Issues

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

Observations

Design of Extension and Character of Area

The design of the proposed garage is considered to integrate with the design of the existing garage/utility and the character of the property.

The proposed garage is considered to be subservient in nature due to being single storey, the same depth as the current garage/utility and less than half the width than the current garage utility. The scale and mass of the proposed development is considered to be modest and whilst it would infill the existing gap to the side boundary, the proposal would not appear a dominant addition to the site.

The proposed garage would be set back from the highway by 10.5 metres; it would not project any further forward than the existing development. The proposal would be viewed as a continuation of the current structure and is considered not to be an incongruous feature within the street scene.

Amenity of Nearby Residents

The rear garden of number 25 Stonelea is approximately 10 metres in length; there is a single storey flat roof rear extension approximately 3 metres in depth attached to the rear of the property and a seating area at the end of the garden. The proposed extension is to be built adjacent to the rear of the neighbour's garden; the garden is short in length in comparison to rear gardens within the vicinity of the application site.

It is acknowledged that the proposal would lead to an area of the garden being over shadowed however the seating area to the rear of the garden is already shaded by the fencing; whilst the proposal would result in additional shading it would not be significantly worse than the current situation. It is considered that the proposed extension would not be unduly overbearing as to limit the enjoyment of the neighbours rear garden.

The nearest habitable room window within number 25 Stonelea is located within the rear extension. There is no required separation distance between this habitable room and the blank wall of the extension as it will not be more than 3 metres in height. It is considered that the proposed extension would be viewed as a continuation of the existing development therefore the outlook from the rear habitable rooms of the neighbour's property would not be unduly diminished in comparison to the existing situation.

The rear garden for 23 Stonelea is approximately 18 metres in length. There is a 3 metre conservatory attached to what appears to be a mono pitched extension. The proposed garage would be located approximately 9 metres from the conservatory and would extend 5.4 metres along the boundary with this property.

The current patio area is to be filled in order for the garage height to match the existing height of the garage/utility. Whilst it is acknowledged that the neighbouring property at number 23 would be approximately 500 metres lower in level, the proposed garage would not be any higher than the current garage/utility. The height above the existing fence would be 1.2 metres. It is considered that the proposal would not be unduly overbearing as to limit the enjoyment of the neighbours rear garden.

The nearest habitable room window within number 23 is located within the rear conservatory. The conservatory is to the side of the application site therefore it is considered that the rear habitable room windows would face directly into the neighbours own garden. In addition the proposed extension would be located approximately 9 metres from the rear elevation of the property therefore it is considered that the outlook from the conservatory would not be unduly diminished.

It is acknowledged that the proposed extension may cause some shading to the property in the morning due to the orientation of the property however it is considered that the over shadowing would not be significant enough to warrant to refusal of the application for this reason.

Parking

The proposal would not have an impact for parking provision at the property and would create additional parking space.

Other matters

Land subject to covenant

Comments relating to a covenant on the land are not material to the determination of this application; any covenant on the land does not prejudice the outcome of a planning application. This matter is covered by separate legislation.

Removal of shrubs and trees

It is not considered necessary to condition that shrubs and trees removed from the rear of 23 Stonelea are replaced as part of any approval of this application. It is considered that their removal does not have an unduly harmful impact upon the character of the street scene.

Security

Comments are acknowledged relating to potential security concerns due to the raising of part of the land level but it is considered that the proposal would not unduly compromise the security of neighbouring properties.

Potential problems from rain water run off

Drainage is dealt with under separate building regulations legislation and Severn Trent Water.

Query relating to Councillor Murray's Involvement in application

Councillor Murray has been consulted on the application as a ward Councillor, he has called the application to be decided before Planning Committee. The committee will be making the decision on this application, the officer makes the recommendation.

Quality of the retaining wall and depth/foundations

Comments relating to the construction of the garage are not material to the determination of this application; the applicant does not need to provide details of this at the application stage and this matter would be covered by building regulations.

The use of the existing garage/utility and proposed use of garage

The Local Planning Authority cannot control what the existing garage/ utility is used for so long as it is ancillary to the dwelling house. A condition has been recommended to ensure the development remains for ancillary purposes only to safeguard the amenity of adjoining premises. The applicant is not required to justify the proposed development as part of the application process.

Previous application 16/1093

A nearby resident has raised concerns that the proposed plans do not differ from a previous application in which the garage was removed from the approved scheme under planning application 16/1093. To clarify, the amended plans did enable the case officer to fully support the earlier scheme however on balance the garage could have been supported had it been retained. The garage wasn't removed from the

scheme due to any request by the case officer to do so. The concerns shared with the applicant were from residents.

Conclusion

The design of the proposed extension in this location is considered to be acceptable and would have a limited impact on neighbours' amenity. On balance, the proposal is considered to accord with the aims and objectives of relevant Council policy and guidance.

Positive and Proactive working with the applicant

Approve

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

Recommendation: Grant Permission Subject to Conditions

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: -

Proposed Garage- drawing no. P1, deposited 10/04/17

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 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 garage/utility 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: 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.

5:The garage hereby permitted shall be used for purposes ancillary to the residential use of the dwelling known as 19 Ringwood Avenue only and for no other purpose and shall not be used as utilised for business at any time.

Reason: To safeguard the amenities 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 06-Jul-2017

Plans List Item Number: 18.

Reason for bringing to committee: Called in by Councillor Jukes who considers the proposals require delicate judgement

Location: 20, BIRCHOVER ROAD, WALSALL, WS2 8TU

Proposal: TWO STOREY SIDE AND FRONT EXTENSION.

Application Number: 17/0229

Applicant: Mrs Amanjot Kaur

Agent: Aman Gill

Application Type: Full Application

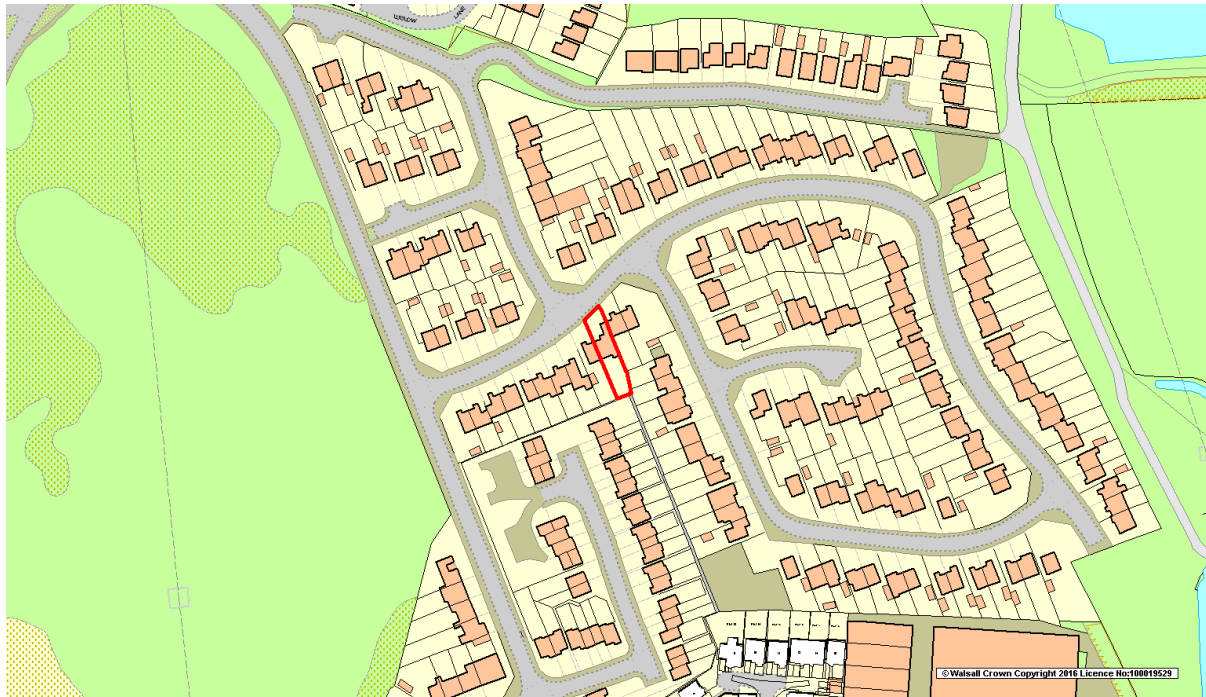
Case Officer: Sally Wagstaff

Ward: Birchills Leamore

Expired Date: 18-Apr-2017

Time Extension Expiry:

Recommendation Summary: Refuse



Application and Site Details

The application relates to the erection of a first floor side extension above the garage at a semi-detached house to facilitate an additional bedroom and landing at first floor. The proposal also includes a new pitched roof above the porch.

The proposed first floor extension would have a gable projection, it would extend 6.6 metres along the side elevation of the property with a landing which would be 2.16 metres deep. The extension would be 2.9 metres in width.

The application property is a two storey house with a garage attached to the side elevation which projects beyond the front elevation of the property by 4.6 metres. The property has a small flat roof porch attached to the front elevation. The property has been previously extended with a single storey side and rear extension. There is also a summer house in the rear of the garden.

Within the vicinity of the application there are semi - detached properties similar in design, size and age. Opposite the application site are four dormer bungalows. The host property is within a row of three properties which are staggered forward of each other within the street scene.

The neighbouring property number 22 has had a first floor side extension attached to the garage of the host property and a single storey rear extension to the boundary with the host property.

The neighbouring property number 18 mirrors the design of the host property however they have a garage to the side of the property within the rear garden.

A number of amended plans have been received during the application process due to officer concerns regarding the depth of the extension and the impact on the amenity at number 22-

There are two discrepancies on the current plans for consideration. On the rear elevation plan a window is shown to the landing but not shown on the floor plan and the rear elevation plan does not show the playroom window which is on the floor plan. Due the recommendation for refusal amended plans have not been sought at this stage.

Relevant Policies

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- ENV3: Design Quality

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

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

Relevant Planning History

BC28176P - Kitchen, Utility, W.C & Garage Extensions- Granted Subject to conditions 30/11/1989

Consultation Replies

None

Representations

Pollution Control - The site of this development is located upon land known to be producing elevated levels of ground gas. The applicant shall demonstrate that suitable ground gas ingress measures to protect the proposed structure can be achieved. Conditions to address these concerns are recommended to any approval issues.

Determining Issues

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

Observations

Design of Extension and Character of Area

The proposed extension will project beyond the front elevation of the existing property and will have a gable roof design. Due to the location of the extension it would be visible within the street scene. It is acknowledged that the extension would introduce a design not commonly found within the area however it is considered that due to the staggered position of the properties within the vicinity the proposed extension would not be obtrusive and would be viewed against the background of the neighbour's extension at number 22.

-It is acknowledged that the extension would be built to the boundary with number 22 therefore the existing gap at first floor would be closed. The street scene is not uniform in character, separation distances between properties vary and there is no definitive building line therefore it is considered that the proposed extension would not be unduly detrimental to the character of the area sufficient to warrant refusal for this reason alone.

The extension would be stepped at the rear elevation, it is considered that whilst this is a contrived design it would not be visible from the street scene and would not be harmful to the character of the area.

Amenity of Nearby Residents

The proposed extension would be built to the boundary with the neighbouring property number 22 and would extend beyond the rear habitable room window by 1.8 metres. The distance between the 45 degree line drawn from the quarter point of the neighbour's window and the wall of the extension is approximately 900 mm. It is considered that the proposed extension would be overbearing on neighbouring amenity given this proximity.

The extension has been reduced in depth and has been stepped in design to take into consideration officer concerns regarding the breach of the 45 degree code from the first floor habitable room window within number 22 and the impact on outlook from this window. If the landing element of the scheme was removed it would improve the situation but would not meet the applicant's needs. Whilst the applicant has amended the depth of the extension and introduced a stepped design, the proposal still does not meet the Council's 45 degree guidance, as referred to in Appendix D of Designing Walsall SPD, in relation to the rear facing habitable room window in number 20 Birchover Road. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

It is considered that the proximity of the extension to the neighbour's rear bedroom window would be detrimental to the amenity of the occupiers of number 22 in terms of outlook and light.

A window is proposed within the front and rear elevation of the additional bedroom. It is considered that the proposal meets the Council's required separation distances between habitable room windows.

It is considered that the proposed extension would have limited impact upon the amenity of number 18 Birchover Road.

Parking

The development seeks to extend the property increasing the number of bedrooms from 3 to 4 and removing a garage. UDP parking policy T13 requires 3 parking spaces for 4 bedroom dwellings. The development retains 3 frontage parking spaces which accords with the policy requirement. Means of access is existing.

Conclusion

It is considered that whilst the introduction of an additional bedroom would benefit the applicant, the design of the proposed extension in this location is considered to be harmful to the neighbouring amenity in terms of loss of light and outlook. On balance, the proposal is considered to be contrary to the aims and objectives of relevant Council policy and guidance.

Positive and Proactive working with the applicant

Officers have communicated with the applicant's agent regarding concerns about this proposal and in this instance we are unable to support the application.

Recommendation: Refuse

1. The proposed extension would result in an overbearing impact, unacceptable loss of light and outlook to the bedroom window within the rear elevation of the adjoining property 22 Birchover Road because of the close proximity of the proposed extension. As such the proposal would be contrary to the aims and objectives of the National Planning Policy Framework including paragraphs 56, 57, 58, and 64, Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV32 and the Supplementary Planning Document "Designing Walsall".