



Walsall Council

PLANNING COMMITTEE

AGENDA

Monday, 20 June 2022 at 5.30 pm

In the Council Chamber at Walsall Council House

Public access to meeting via: [Walsall Council Webcasting Portal](#)

MEMBERSHIP:

Councillor M. Bird (Chair)
Councillor G. Perry (Vice Chair)
Councillor B. Allen
Councillor B. Bains
Councillor H. Bashir
Councillor P. Bott
Councillor S. Cheema
Councillor S. Cooper
Councillor N. Gandham
Councillor A. Harris
Councillor A. Hussain
Councillor I. Hussain
Councillor K. Hussain
Councillor R. Larden
Councillor J. Murray
Councillor A. Nawaz
Councillor S. Samra
Councillor M. Statham
Councillor A. Underhill
Councillor V. Waters

QUORUM:

Seven Members

AGENDA

PART I – PUBLIC SESSION

1. Apologies.
2. Declarations of Interest.
3. Deputations and Petitions.
4. Minutes of the previous meetings:
 - a. 7 April, 2022 – Copy **enclosed (Page 5 -11)**
 - b. 26 May, 2022 – **To Follow**

4. **Local Government (Access to Information) Act 1985 (as amended):**

To agree that, where applicable, the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.

5. Application List for Permission to Develop: **(Page 12 - 180)**
 - a) Items subject to Public Speaking;
 - b) Items 'Called-in' by Members
 - c) Items not subject to 'Call-in'

- Copy **enclosed** *Note plans list item 3 will be sent to follow

PART 2 – PRIVATE SESSION

6. Minutes of the previous meeting – 26th May 2022 – Copy **to follow**

The Relevant Authorities (Discloseable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

PLANNING COMMITTEE

7 April 2022 at 5.30 pm

In the Council Chamber, Council House, Walsall

Present:

Councillor M. Bird (Chair)
Councillor G. Perry (Vice Chair)
Councillor G. Ali
Councillor P. Bott
Councillor C. Creaney
Councillor A. Harris
Councillor A. Hicken
Councillor K. Hussain
Councillor J. Murray
Councillor A. Nawaz
Councillor M. Nazir
Councillor I. Robertson
Councillor S. Samra
Councillor M. Statham
Councillor V. Waters

In attendance:

P. Venables	Director of Regeneration & Economy
A. Ives	Head of Planning & Building Control
K. Moreton	Head of Highways & Transport
M. Brereton	Group Manager – Planning
S. Wagstaff	Principal Planning Officer
A. Scott	Senior Planning Officer
L. Wright	Principal Planning Officer
S. Bird	Senior Environmental Protection Officer
J. Raan	Major Projects Minor Improvements Manager
I. Jarrett	Principal Environmental Protection Officer
J. Grant	Environmental Protection Manager
F. Whitley	Senior Planning Enforcement Officer
A. Sargent	Principal Solicitor
J. Price-Jones	Planning Solicitor
D. Smith	Senior Legal Executive
C. Goodall	Principal Democratic Services Officer
E. Cook	Assistant Democratic Services Officer

59/22

Apologies

Apologies for absence were submitted on behalf of Councillors Cooper, Craddock, Rasab and Underhill.

60/22 **Declarations of Interest**

There were no declarations of interest.

61/22 **Minutes**

Resolved:

That the Minutes of the meeting held on 10 March 2022, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

62/22 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

63/22 **Local Government (Access to Information) Act 1985 (as amended)**

Exclusion of the Public

Resolved:

That, during consideration of the items on the agenda, the Committee considers that the relevant items for consideration are exempt information for the reasons set out therein and Section 100A of the Local Government Act 1972 and accordingly resolves to consider those items in private.

64/22 **Application list for permission to develop**

The Chair announced that a special meeting of the committee would take place on 4 May 2022.

Councillor Nazir addressed the meeting explaining that it was his last Planning Committee meeting as he was standing down at the election. He thanked Members and Officers for their support.

The application list for permission to develop was submitted, together with supplementary papers and information for items already on the plans list (see annexed).

The Committee agreed to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee and the Chair, at the beginning of each item for which there were speakers, confirmed they had been advised of the procedure whereby each speaker would have two minutes to speak.

65/22

Plans List Item 5 – 21/1740 – 8 Burton Farm Road, Walsall, WS4 2HN

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee.

The Committee then welcomed Alison Oakley who spoke in support the application.

There then followed a period of questioning and debate by Members.

It was **Moved** by Councillor Nawaz and duly **Seconded** upon being put to the vote was:

Resolved:

That, contrary to the recommendation in the officer report, the Head of Planning and Building Control be delegated authority to grant application 21/1740, subject to the amendment and finalising of conditions to include, but not limited to, the choice of materials and working hours. The reasons for this are:

- The whole nature of the neighbourhood has changed since the previous inspector decision;
- There was no longer open green belt to the rear of the property;
- The extension was not out of keeping with other properties in the locality.

66/22

Plans List Item 1 – 20/0721, Streetly Community Centre, Streetly Sports and Community Association, Foley Road East, Streetly, B74 3HR

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee.

The Committee then welcomed one speaker, Mark Welch, in support of the application. A speaker registered to speak against the application did not attend the meeting.

There then followed a period of questioning and debate by Members.

It was **Moved** by Councillor Bird, **Seconded** by Councillor Samra, and upon being put to the vote was:

Resolved:

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 20/0721 subject to:

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions.

Councillor Hicken arrived

61/22

Plans List Item 6 – 20/0882 4 Ellesmore Meadow, Aldridge, Walsall, WS9 0PR

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee.

The Committee then welcomed one speaker in support of the application, Steve Hare, and one against, Chris Harding. Mr Harding also read a statement from Geoff Howles.

There then followed a period of questioning and debate by Members.

It was **Moved** by Councillor Bird, **Seconded** by Councillor Hicken, and upon being put to the vote was:

Resolved:

That, contrary to the recommendation in the officer report, Planning Committee refuse permission for application 20/0882, for the following reasons:

- The impact on neighbours caused by the height of the balcony including the addition of bi-fold doors in place on windows;
- As the property is located in the green belt permitted development rights had clearly been removed;
- The air conditioning unit had not received planning permission or been submitted for review by Environmental Health.

62/22

Plans List Item 7 – 21/1447 – 99 Birmingham Road, Aldridge, Walsall, WS9 0AJ

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee.

The Committee then welcomed one speaker in support of the application, Teresa Gray, and one speakers against the application, James Withers.

There then followed a period of questioning and debate by Members.

It was moved by Councillor Samra to refuse the application. This proposed resolution was not seconded so failed for this reason.

It was **Moved** and duly **Seconded** by Councillor Bird, and upon being put to the vote was:

Resolved:

That, contrary to the recommendation in the officer report, the Head of Planning and Building Control be delegated authority to grant application 21/1447, subject to the amendment and finalising of conditions to include, but not limited to, the choice of materials. The reasons for this are:

- The previous reasons for refusal had been overcome by the applicant;
- The proposed bungalow would be part of a parade of bungalows;
- Whether or not the proposed development fitted in with the existing environment was a personal and/or subjective view.

63/22 **Plans List Item 2 – 21/0134, Former Sabre Leather Co LTD, 19-21 Sandwell Street, Walsall, WS1 3DR**

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee.

There then followed a period of questioning and debate by Members.

It was **Moved** and duly **Seconded** and upon being put to the vote was:

Resolved:

That the Planning Committee delegate to the Head of Planning and Building Control to grant planning permission for application 21/0134 subject to

- securing a section 106 agreement to secure an urban open space contribution of £8,412;
- the amendment and finalising of conditions.

64/22 **Plans List Item 3 – 19/0206 197 Stafford Street, Walsall, WS2 8ED**

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee.

It was **Moved** by Councillor Harris and was **Seconded** by Councillor Statham, and upon being put to the vote was:

Resolved:

That the planning permission for application 19/0206 be refused.

Councillor Nawaz asked that it be recorded that he voted against refusal of the application.

65/22 **Plans List Item 4 – 21/0795 - 24 Gwendoline Way, Walsall, WS9 9RG**

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee.

It was **Moved** by Councillor Perry and was **Seconded** by Councillor Waters, and upon being put to the vote was:

Resolved:

Resolved (Unanimously):

Planning Committee delegate to the Head of Planning and Building Control to grant planning permission for application 21/0795, subject to conditions and subject to the amendment and finalising of conditions.

66/22 **36 Upper Lichfield Street**

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee.

There then followed a period of questioning and debate by Members.

It was **Moved** by Councillor Hicken and duly **Seconded** by Councillor Murray and upon being put to the vote was:

Resolved:

1. That authority is granted to the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as specified in 5.5 of the report;
2. To authorise the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Order;
3. To authorise the Head of Planning and Building Control to amend, add to or delete from the wording set out below stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the notice, or the boundaries if the site, in the interests of ensuring that accurate and up to date notices are served.

67/22 **117 Sandringham Avenue**

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee.

There then followed a period of questioning and debate by Members.

It was **Moved** by Councillor Hicken and duly **Seconded** by Councillor Statham and upon being put to the vote was:

Resolved:

1. That authority is granted to the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as specified in section 3 of the report;
2. To authorise the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Order;
3. To authorise the Head of Planning and Building Control to amend, add to or delete from the wording set out below stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the notice,

or the boundaries if the sire, in the interests of ensuring that accurate and up to date notices are served.

68/22 **Private Session**

Exclusion of the Public

Resolved:

That, during consideration of the following items on the agenda, the Committee considered that the items for consideration were exempt information by virtue of Paragraphs 3, 6 and 7 of Schedule 12(A) of the Local Government Act 1972 (as amended) and accordingly resolved to consider that item in private session.

Please note that whilst the items below took place in private session the below is full and open minute of the discussion that took place.

67/22 **Minutes of the previous meeting – 10 March 2022**

Resolved:

That the Minutes of the meeting held on 10 March 2022, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

68/22 **Poets Corner**

Resolved:

That the item on Poets Corner be deferred to a future meeting.

Termination of meeting

There being no further business, the meeting terminated at 7.35 pm

Signed

Date



Development Management Planning Committee

Report of Head of Planning and Building Control on 20/06/2022

CONTENTS

Item	Planning Application Number	Planning Application Site Address	Planning Application Proposal	Officer Recommendation
1	20/0832	FORMER OLD BUSH INN, WALSALL ROAD Ward: Pelsall	DEMOLITION OF EXISTING BUILDINGS, THE ERECTION OF A RETAIL FOOD STORE (CLASS A1), WITH ASSOCIATED CAR PARKING AND LANDSCAPING	REFUSE PERMISSION
2	20/0830	PELSALL VILLA FOOTBALL CLUB, WALSALL ROAD Ward: Pelsall	OUTLINE PLANNING PERMISSION FOR A CARE HOME DEVELOPMENT WITH ACCESS ONLY TO BE CONSIDERED (ALL OTHER MATTERS RESERVED).	GRANT SUBJECT TO CONDITIONS
3	21/1781	LAND BETWEEN CANALSIDE CLOSE AND CANAL Ward: Blakenall	ERECTION OF 36 DWELLINGS, TO INCLUDE 7 X TWO BEDROOM DWELLINGS, 11 X 3 BEDROOM DWELLINGS AND 9 X 1 BEDROOM APARTMENTS AND 9 X 2 BEDROOM APARTMENTS CONTAINED WITHIN A THREE	GRANT SUBJECT TO CONDITIONS

			STOREY APARTMENT BUILDING. FORMATION OF A NEW ACCESS, BIN AND CYCLE STORES, ASSOCIATED PARKING AND AMENITY SPACE.	
4	21/1670 AND 21/1671	132-132A LICHFIELD STREET Ward: St Matthews	DETAILED APPLICATION FOR CONVERSION OF 132 LICHFIELD STREET (GRADE II LISTED) AND ERECTION OF APARTMENT BLOCK TO REAR OF LISTED BUILDING TO CREATE NO. 28 APARTMENTS AND AMENITY SPACE. DEMOLITION OF FORMER NIGHT CLUB, FOYER AREA AND CANOPIED OUTDOOR AREA AND PORTAL FRAME WAREHOUSE BUILDING TO THE REAR OF THE LISTED BUILDING.	GRANT SUBJECT TO CONDITIONS AND GRANT LISTED BUILDING CONSENT
5	18/1431 AND 19/0122	32-34 BRADFORD STREET Ward: St Matthews	PROPOSED CHANGE OF USE AND CONVERSION OF EXISTING OFFICES TO 5 APARTMENTS COMPRISING 2 NO. 2 BEDROOM AND 1 NO. 3 BEDROOM SELF-CONTAINED APARTMENTS IN 32 & 33 BRADFORD STREET AND 1 NO. 1 BEDROOM AND 1	GRANT SUBJECT TO CONDITIONS AND GRANT LISTED BUILDING CONSENT

			NO. 2 BEDROOM SELF-CONTAINED APARTMENTS IN 34 BRADFORD STREET (PLANNING USE CLASS C3). REMOVAL OF REAR GARAGE AND ACCESS AND PARKING VIA BRADFORD LANE.	
6	21/1669	LAND AT FORMER PEAR TREE COTTAGE INN Ward: Brownhills	RESERVED MATTERS FROM OUTLINE APPLICATION 21/1057 SEEKING CONSENT FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR THE DEVELOPMENT OF 5NO 3 BEDROOM DWELLINGS (3 X 2.5 STOREY AND 2 X 2 STOREY), ASSOCIATED PRIVATE AMENITY SPACE AND PARKING.	GRANT SUBJECT TO CONDITIONS
7	21/0048	CAR PARK FORMER WALSALL WOOD LIBRARY Ward: Aldridge North And Walsall Wood	FULL APPLICATION FOR 4 NEW SEMI-DETACHED 2 BEDROOM DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING	
8	21/0842	CAR PARK FORMER WALSALL WOOD LIBRARY Ward: Aldridge North And Walsall Wood	EXTENSION TO CREATE A 1ST AND 2ND FLOOR TO EXISTING BUILDING TO ALLOW FOR THE CONSTRUCTION OF 6 X 2 BEDROOM APARTMENTS AND ASSOCIATED	

			PRIVATE AMENITY SPACE, CYCLE AND BIN STORE AND CAR PARKING. EXTENSION OF WINDOWS VERTICALLY AT GROUND FLOOR TO ALLOW FOR FRONT AND REAR ENTRANCES TO BUILDING.	
9	21/1339	6 LINDEN LANE Ward: Short Heath	PROPOSED 2 BEDROOM DETACHED BUNGALOW WITH PARKING TO THE REAR	GRANT SUBJECT TO CONDITIONS



Planning Committee

Report of Head of Planning and Building Control on 20 June 2022

Plans List Item Number: 1

Reason for bringing to committee

Major Application

Application Details

Location: FORMER OLD BUSH INN, WALSALL ROAD, PELSALL, WALSALL, WS3 4BP

Proposal: DEMOLITION OF EXISTING BUILDINGS, THE ERECTION OF A RETAIL FOOD STORE (CLASS A1), WITH ASSOCIATED CAR PARKING AND LANDSCAPING

Application Number: 20/0832

Case Officer: Leah Wright

Applicant: ALDI STORES LIMITED and Mr John Roberts

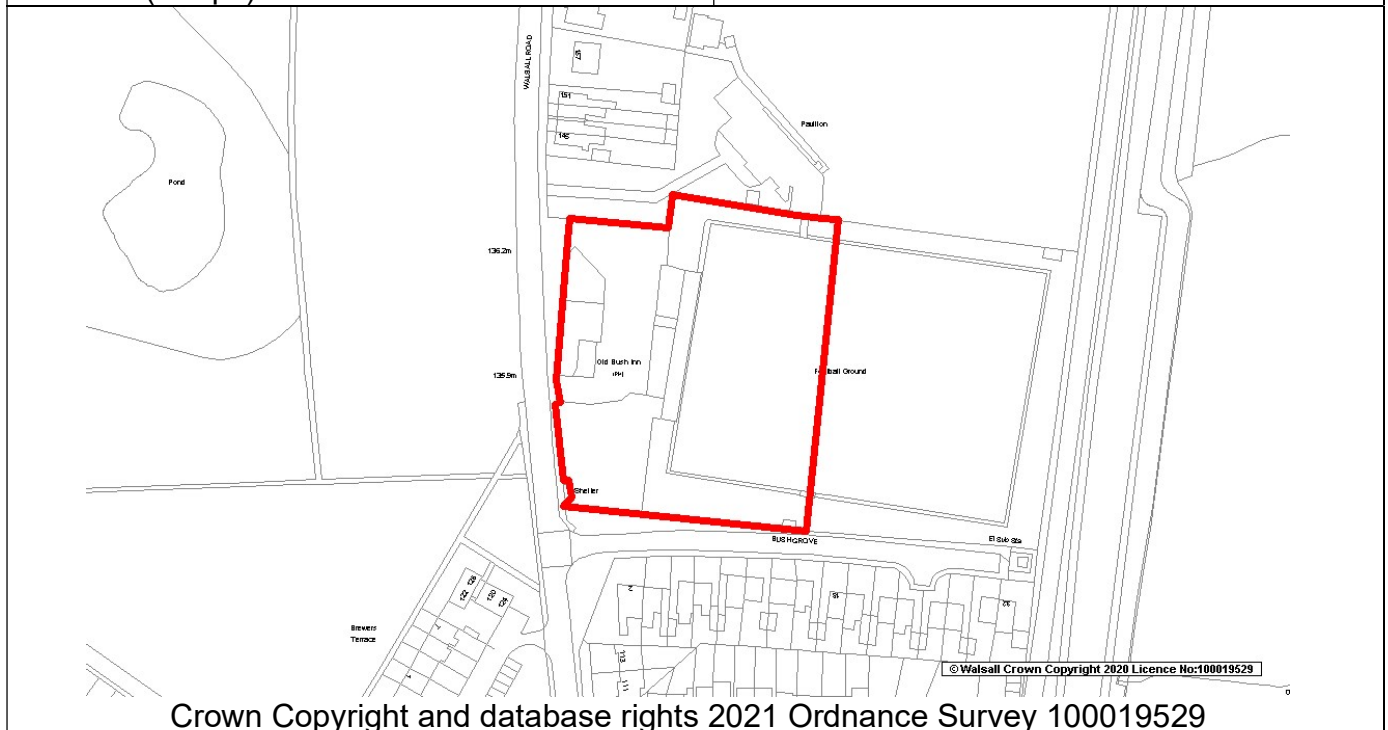
Ward: Pelsall

Agent: STOAS Architects Limited

Expired Date: 02-Nov-2020

Application Type: Full Application: Major Use Class A1 (Shops)

Time Extension Expiry: 15-Sep-2021



Recommendation

Refuse Permission

This planning application seeks full planning permission for the following development: “Proposed Demolition of existing buildings at the site of The Old Bush Public House, Walsall Road, Pelsall, WS3 4BP and the erection of a Class A1 Food Retail Store, with associated access, car parking, servicing and landscaping.”

The proposed store has a gross external area (GEA) of approx. 1863m²

The proposed store comprises:

- 1315m² retail space, to include mainly for food, with a small range of non-food products.
- Ancillary warehousing, servicing and staff welfare areas.
- Delivery bay and unloading area.

The proposed food store occupies the southern area of the Site. The shopfront façade has been designed to face towards the northern area of the Site, where the main car parking area is located. The proposed service yard and delivery area is located to the east of the food store, which faces away from Walsall Road.

The overall height of the proposed store is approximately 6.67m to the top of the roof from finished floor levels. The store will comprise mainly of brickwork facades in line with surrounding buildings.

The entrance is to have a glazed shopfront and canopy providing focus to the main elevation. The canopy, which is illuminated from below, also provides a covered, well-lit area over the trolley store.

A new dedicated vehicle access to the site will be created off Walsall Road with the retail store to the right hand side and car parking to the left hand side. There will be customer parking for the store along with landscaped boundaries and new trees. Deliveries to the store will be via the car park, with the loading bay at the far end of the building.

Pedestrian access will also be provided from Walsall Road, approximately 30m south of the proposed priority access junction. There will be a direct pedestrian connection between the entrance to the store and the footway on the east side of Walsall Road.

The proposal is supported by the following documents:

Design and Access Statement – highlights Aldi’s retail approach, provides information around the site and context of the proposal, explains the proposed layout accessibility and design evaluation, including design constraints, scale, amount and density of development. The statement sets out the proposed hard and soft landscaping strategy, proposals for energy efficiency renewable and recycling, waste management ecology and arboricultural matters, heritage, secured by design, and sustainability.

Planning and Retail Statement – outlines the site, context and proposed operator, and details of the proposed development. Sets out the planning policy context and summarises planning considerations including retail and non-retail considerations, with a sequential test and retail impact.

Retail Health Check – Includes a review of the centre with the findings of the health check assessment presented. It is noted that the survey was carried out during a period where non-essential retail floorspace was prohibited from trading so the outputs of the assessment are

subject to caveat. It is concluded that the proposed ALDI development will not be in direct competition with the existing uses within the Local Centre, nor should it impact the existing trading of these units. Further it concludes that the Pelsall Local Centre continues to be vital and viable.

Financial Viability Statement – Which assesses the viability of retaining the Public House. The Assessed Development Options include the refurbishment of the building for use as a Public House with the minimum level of intervention in the current layout and format of the building, as well as the conversion to a day/nursery or crèche within the existing built envelope. The appraisal finds that both options would create negative residual land values. The statement concludes that the existing locally listed former public house cannot be viably re-used as a public house, or for any other community use via repair or conversion.

Transport Assessment with updating **Technical Note** – which asserts that, the site is highly accessible and well-conceived in terms of its access arrangements, composition and layout with car and cycle parking provision conforming to parking standards. The report asserts that service arrangements will be able to accommodate delivery traffic. The traffic assessment demonstrates the development traffic effects at the majority of study area junctions is negligible. An increase in traffic is shown at the site access junction, whilst a modest increase in traffic will occur at the B4154 Walsall Road / Hall Lane / Vicarage Road / B4154 Norton Road Signal Junction. Capacity modelling shows that the proposed site access junction will operate within capacity. The negligible traffic effect of the development is not likely to materially worsen any potential occurrence or pattern of collisions on the local highway network. The report concludes that the proposed development is acceptable from a transport perspective.

Travel Plan – which aims to increase awareness and encourage use of environmentally friendly modes of transport amongst staff and customers. Introduce a package of management measures that will help to facilitate staff travel by sustainable modes of transport. Reduce single occupancy, single purpose vehicle use by staff. The plan sets SMART targets. The initial target of the Travel Plan (i.e. the results of the first travel survey) will be to achieve a modal split in line with the average figures at, and to then reduce the proportion of staff driving single occupancy single purpose private car journeys to work by 5%, absolute, within five years of the Travel Plan being adopted.

Noise Assessment - a baseline noise survey was undertaken to determine the prevailing environmental noise levels at the nearest sensitive receptors to the store. Reference noise measurements of delivery activity at a similar operating Aldi store were used in the assessment. The results of the survey were used to undertake an assessment of the likely noise impact from deliveries at the store. Deliveries are proposed between 06.30 and 23.00 Monday to Saturday and between 08.00 and 17.00 on Sunday. The assessment has concluded that deliveries within these periods would have at worst a negligible noise impact. Noise from the proposed external plant will be of 'low impact' when assessed at the most affected residences in accordance with BS 4142:2014. Based on the findings of this assessment, noise from external plant and delivery activities should not be a reason for refusal of planning permission.

Townscape and Visual Impact Appraisal – which highlights that while the site is within a conservation Area there is no character appraisal. The assessment concludes that the poor condition of the Site currently has a detrimental influence on the character of the area and the quality of close distance views. The Proposed Development would introduce retail facilities that differ from the existing uses and would not have the local historic interest of the Old Bush PH. However, the Proposed Development would increase the vitality of the area and would not detract from the key characteristics of the conservation or quality of views which are characterised by the open undeveloped common land and its mature trees.

Heritage Statement – Indicates that the proposal will have an impact on the character and appearance of Pelsall Common Conservation Area but, taking the opportunity for redevelopment as a positive, a well-designed building will represent a minor enhancement. The retail proposal will have a material impact on the significance of the Pelsall Common Conservation Area but will be at the low end of less than substantial harm. The proposal will have no material or physical impact on other nearby designated heritage assets and therefore will cause no harm to significance elsewhere. Harm to significance of the former Old Bush PH will be substantial but given the fact that the restoration and retention of the building would not be feasible or viable the benefits of its replacement outweigh the dis-benefits.

Preliminary Ecological Appraisal with Dawn and Dusk Re-entry Survey - identified one European statutory site within 5 km of the survey area, five UK statutory sites within 2 km and 14 non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The desk study also provided records of protected/ notable species within a 1 km radius of the survey, including: bats, badger, hedgehog, amphibians, birds, invertebrates, aquatic mammals and plants. Remaining habitats include dense scrub, ephemeral/short perennial, fencing, scattered trees, tall ruderal vegetation and short sections of wall. Recommendations are provided for mitigation and enhancement including requirement for a Construction Ecological Management Plan including avoidance strategies, retention of existing notable habitats including mature trees, sensitive lighting design, vegetation clearance to avoid bird nesting, badger walkover prior to construction, mammal ramps during construction and vigilance for invasive plant species.

The Dawn and dusk Re-entry survey found that trees on site possessed potential roosting features. One bat species was recorded during the dusk and dawn surveys; common pipistrelle. No bats emerged from or re-entered any features associated with the site. Commuting and foraging activity was recorded during the survey period. Mitigation and enhancement measures recommended include, provision of Bat Boxes, sensitive lighting design, cessation of works should bat roosts be discovered.

Land Contamination Assessment and Geo-environmental appraisal Historical land uses of the site and adjacent areas have the potential to provide ground contamination. Coal Mining Authority identifies that the property is in the likely zone of coal mining within the site area. Possible pollution linkages to groundwater are possible from localised chemical and oil sources on the site via infiltration and leaching through the Made Ground, or to construction ground-workers from direct contact with contamination in the Ground or from ground gasses, although Ground gas monitoring to date indicates that the site is in CS1 and gas protection measures are not required. In addition, the site is in an area not requiring radon precautions. The Report recommends that intrusive site investigations be undertaken, Demolition Asbestos survey is conducted and detailed foundation design is undertaken.

Arboricultural Assessment – covers the application site including the adjacent land to the rear at the former Pelsall Villa Football Club. The Assessment identifies a total of 16 individual trees, 10 groups of trees and 1 hedgerow were surveyed, all were categorised A and B aside from 2 category U trees. The 11 of the trees were typically in fair condition and were of moderate prominence within the site. As such, they were assessed as being of moderate retention value. A further 6 were typically in fair condition with many of them exhibiting defects which limited their likely future potential. Consequently, they were assessed as being of low retention value. The assessment presents a standard list of recommendations including the retention of Category a and b trees, avoidance of Root protection areas, the need for an Arboricultural Method Statement, and a recommendation that Any proposed new planting should consist of a mix of ornamental, native and wildlife attracting species with a robust management plan to assist with the development proposal and to offer mitigation for any tree loss.

Air Quality Technical Note – indicates that Background concentrations taken from Defra background concentration maps of NO₂, PM₁₀ and PM_{2.5} were well below the air quality objectives in 2020. Defra Climate Pollution Mapping modelling also show modelled roads in the vicinity of the Site - the A4124 Wolverhampton Road, 1.2km north west of the Site, and the A461 Lichfield Road, 1km south east of the Site. These roads close to the Site do not show exceedances of the NO₂ air quality objective in 2018. In line with the Black Country Air Quality SPD, EV charging points and a travel plan are recommended.

Sports Facilities Supporting Statement - that considers the implications of the proposed redevelopment of the former Pelsall Villa FC sports ground. The report concludes that the redevelopment will result in the loss of an area of playing field land which is identified in the Walsall Playing Pitch Strategy. The facilities are disused and despite their being identified as of low quality without adequate mitigation the proposal would be contrary to Policy LC6, the NPPF and Sport England policy as well as the site specific provisions of the Playing Pitch Strategy. A financial contribution of £475, 178 was calculated based on the replacement cost of a Category G football ground, which could be used to meet the locally identified need for a 3G artificial grass pitch.

Site and Surroundings

The Site is located on the B4154 (Walsall Road), directly to the south of central Pelsall. It comprises a former public house (The Old Bush), a locally listed building, and part of a disused football pitch (which previously accommodated Pelsall Villa). The Site also includes an area of hardstanding, which previously provided car parking associated with the public house.

The site is approximately 750m away from Pelsall Local Centre. The Site measures approximately 7,986sqm, and is a rectangular shape. There are two TPOs on the site (17/1976 and AB 3/1964), including a group of trees to the rear of the former Old Bush PH which contains 4 poplar trees and along the southern boundary of the site along Bush Grove where there are 5 Birch, 1 Poplar and two 2 Ash trees. The application site is located within Pelsall Common Conservation Area.

According to the planning statement the Public House closed in October 2014 and has remained vacant since this date. Since the closure of the PH, the associated buildings/structures have suffered from acts of vandalism and fire damage. The most serious fire occurred in July 2016, which destroyed a substantial part of the building, including most of the roof.

The football ground was rendered incapable of use following vandalism and a serious fire in 2017. Pelsall Villa subsequently left the ground in July 2017. The football pitch has remained disused since this date.

The surrounding area is characterised by a range of uses, including public open space/sports facilities and existing residential properties. The open space provision includes the extensive Pelsall Common and Pelsall Cricket and Sports Club to the north of the site. The Site is also in close proximity to a small parade of shops on Allens Lane (c.100m to the southwest), together with a wider range of facilities and services forming part of the Pelsall Local Centre 0.4miles to the north along Norton Road.

Relevant Planning History

Old Bush Inn

BC59439P/C - Full Application for emergency fire escape to rear – GSC 16/08/1999

07/1781/FL/E10 - Full Application for Erection of smoking shelter - Refuse Permission - 16/10/2007

07/2568/FL/E10 - Full Application for Erection of Canopy roof as a shelter for Smokers - GSC13/03/2008

20/0946 - Prior Notification: Demolition, Prior approval for the demolition of the former Old Bush Inn public house. - Prior Approval: Refused 08/09/2020

Reason for refusal: The works described above and in the details of the application fall outside the scope of Schedule 2, Part 11 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended from time to time) As such an application for full planning permission is required. The GDPO excludes Public Houses as being permitted development for demolition.

Pelsall Villa Football Club

BC63281P/C - Full Application for 15m high telecommunications mast and ancillary equipment. - Refuse Permission, 31/05/2001

02/0114/FL/E7 - Full Application for Telecommunications mast designed as an existing floodlight - Refuse Permission, 15/03/2002

13/0682/PT - Full Application for Replacement of existing 16mt. monopole with new 16 metre dual user monopole, reinstatement of floodlights and one no. cabinet to replace two existing ones. – GSC, 08/07/2013

16/1763 - Full Application for Creation of a vehicular access off Bush Grove. – - Refused permission 19-May-2022 for the following reasons (*summarised*):

1. *Increase in traffic and detrimental to the free flow of traffic along the highway and to highway safety.*
2. *Insufficient on-site parking to meet its operational needs.*
3. *Potential harm to protected trees.*
4. *Impact on the existing amenities of nearby occupiers from additional noise and disturbance.*
5. *Harm to local landscape.*

20/1385 - Prior Approval Telecommunications: Installation of 2 no. equipment cabinets and 1 no. meter cabinet enclosed by a 2.1m high palisade fence and ancillary works. - Prior Approval: Granted, 23/12/2020

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest

- ENV28: The ‘Local List’ of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and use of Water Resources
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- LC1: Urban Open Spaces
- LC6: Sports Pitches
- LC8: Local Community Facilities
- T4 - The Highway Network
- T5 - Highway Improvements
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- CEN5: District and Local Centres
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- 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
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- SLC1: Local Centres
- SLC2: Local Centres Development Opportunities
- OS1: Open Space, Sport and Recreation
- EN5: Development in Conservation Areas

Supplementary Planning Document

Conserving Walsall’s Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision [Page 23 of 180](#)

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Open space, sport and recreation

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

Air Quality SPD

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

Consultation Replies

Archaeology

No Objection, subject to a condition on planning consent requiring a programme of archaeological work to identify and excavate any remains so they can be preserved by record.

Coal Authority

No objection - The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. No conditions required

Community safety

No objection – suggest barrier to the main access and motorcycle restrictors on footpath access to avoid out of hours access and potential anti-social behaviour

Conservation Officer

Objection – development would be detrimental to the character and setting of the conservation area, objection to the loss of former public house.

Ecology Officer

No objection. Support the approach taken by the preliminary ecological appraisal and conditions to secure this including Construction Environmental Management Plan, Tree protection, Landscape management scheme, biodiversity enhancement measures, sensitive lighting, strategy for dealing with invasive species, and protection of nesting birds, reptiles, amphibians, badger and hedgehog.

Highways England

No Objection

Historic England

No objection

Lead Local Flood Authority

No objection subject to imposition of a condition that the development be implemented in line with the submitted drainage strategy.

Local Access Forum

Raised concerns regarding the Transport Assessment having been undertaken during Covid Conditions.

Officer Note – additional information was provided in this regard as a result of these comments and initial comments from the Local Highway Authority. Later consultation was made but no further response was received from the Access Forum in this regard.

Local Highways Authority

No Objection subject to conditions regarding highway works, construction management plan, travel plan, cycle shelter, surfacing of access ways and a transport Delivery Routing Statement

Pollution Control

No objection – subject to compliance with the Air Quality SPD, Construction environmental management plan, and noise mitigation measures.

Public Health

Public Health as no objections to this development. It recognises the productive use of the space after years of it being derelict. The development will support the local economy, particularly in terms of creation employment opportunities for the local workforce. Public Health welcomes the inclusion of sustainable transport options within the application.

Public Rights of Way

No Objection - There are no definitive public rights of way across or adjacent to the red and blue planning boundary site outline for the proposed shop and associated car parking. The proposed development will not impact upon any public rights of way and there are no public rights of way objections or requirements.

The public rights of way officer received a request from the land owners for the creation of a link path to connect the McClean Way across the development site to Bush Grove to promote sustainable travel. Consideration was given to this during pre-application discussions. It was considered that on balance a link path would not be suitable due to the likely impact this could have on the safety and security of the proposed development, including the potential for anti-social behaviour, motorcycle misuse and the high impact this could have on proposed

residents.

Severn Trent Water

No objection subject to the imposition of a drainage condition

Sport England

No Objection subject to S106 to secure funding for football facilities in lieu of lost playing field.

Strategic Planning Policy

Objection - Failure to adequately consider possible alternative locations for the retail use in existing centres within an appropriate drive time.

Structures

No objection - The site lies outside the consideration zone for the Limestone Mine workings and therefore planning restrictions imposed by virtue of the limestone workings do not apply.

Sustrans

No objection – request possibility to link development to McLean Way are investigated

West Midlands Fire Service

No objection – note to applicant regarding compliance with building regulations.

West Midlands Police

No Objection – recommendations for CCTV external cameras, external LED lights with sensors, and Secured by Design principles

Representations

The application has been through three rounds of public participation. A total of 77 responses from different occupiers were received, 2 neutral, 31 in support and 44 objections. The issues raised by the public participation can be summarised as follows:

Support:

- Much needed local resource.
- Hoping they support the maintenance and improvements to the McClean Way which could provide easy access to the site for cyclists and walkers.
- It will complement the local shops.
- Development will reduce road traffic to supermarkets in Brownhills and Aldridge.
- Believe ALDI are making every effort to accommodate the Local needs. -I think the addition of plaque to remember the "Old Bush" is a nice touch.
- I think the loss of the Football pitch is a shame, but it wasn't the greatest pitch and again wasn't overly used. Suggest a 3G pitch could be sited on the spare land at the Education Development Centre off Pelsall Lane.
- Simple choice do something with the site or leave a building in the disgusting state - approve the Application NOW !!!!!.
- Would be a good idea to demolish the old bush inn it a complete eyesore and the use of the land for a retail store would be a good idea.
- Would create many jobs.
- I think the extra traffic would be nominal.
- A greater choice and improved competition for shoppers.
- Pelsall need this store to challenge the overpriced and extortionate companies
- improve the appearance of the local area by getting rid of the dangerous eye sore we

currently have.

- This road attracts high speed vehicles and anti-social behaviour with vehicles. I believe if there is an increase in traffic I support it because it will slow them down!
- I shop at Aldi and can see the benefit to our community. I won't have to travel as far to shop there.
- We don't have a supermarket or anything like that meaning that for the elderly or those who can't drive or dislike online shopping are limited.
- There is no similar sized supermarket within 2 miles of the site, the stores in Pelsall village centre are of a convenience nature and I do not believe would be greatly affected their options.
- This location will prevent shoppers travelling to either Brownhills or Walsall town centre thereby reducing vehicle emissions.
- Request link to the adjacent cycle way.
- At last some investment in Pelsall.
- Needed in Pelsall to bring more people to the high street.
- Pelsall has seen significant growth in housing developments in the last 30 or so years and this store would be a much needed facility to serve the local population.
- I hope as many of the mature trees as possible that are on the site are kept.
- If I had any concerns it would be to ensure safety of the volume of traffic and place zebra crossings with traffic lights.

Objection

- The lack of necessary town centre health checks.
- Lack of robust evidence to support findings on town centre trading impacts which are likely to be significant / this will be a large impact on the village shops, making them go out of business.
- It would detract from the village atmosphere and would destroy the facilities already existing.
- Lack of assessment of impact on town centre planned investment.
- Inadequate sequential testing,
- Additional trips contribute to an unsustainable business model.
- An incomplete Viability Assessment in terms of impact on heritage assets.
- A design that fails to address impact on the conservation area.
- The loss of a community use and lack of consideration of other beneficial uses / Object to the loss of the Pub as a community facility.
- The loss of a sports pitch.
- The volume of traffic will increase / No matter what improvements are made to the shopping area, it will still bring lots of traffic to the village, near to the point where numerous road traffic accidents have already occurred. / the proposed site is not a safe area for us to encourage the huge volume of traffic that it will bring.
- The local roads are of insufficient dimension to accommodate the large LGV's Aldi would use.
- There is much talk of shoppers walking to the store but I doubt that many would or could.
- There is insufficient on-site car parking and/or off street car parking / Public are likely to use common for overflow parking.
- Noise, pollution to the local environment.
- The plaque that is being offered is really an insult to the locals. It would be far better to have this restored to a hotel which is lacking in Pelsall.
- The pub has been here since the early 1800's. It is also classed as a historical building, which is protected.
- This building is not fitting for the area, will spoil the common and the village feel to Pelsall / Not sympathetic in its design for the area / far too large a building to be sited in a Conservation Area / The development of this site to a superstore will fundamentally

- alter the landscape, the character of the area and have a significant visual impact.
- Impact on biodiversity of the area and its character and appearance with effects on the nearby heritage a concern.
- It would have less visual impact to the common and the residents of Bush Grove if it was located along the rear boundary of the plot with the car park to the front.
- Aldi can build their supermarkets anywhere and do not need this as there is already one in Brownhills.
- Aldi building will be extremely close the bush grove walkway, despite the shrubbery we will still be subject to reduced light and having to look directly at a brick wall.
- There needs to be adequate security during closed times to prevent Travellers or trespassers – such security is likely to be offensive or awkward
- Congregation of youths is likely to increase the immediate crime rate / there is no provision in the village for them through social clubs etc.
- Would only support if the development where to incorporate speed cameras on the above mentioned roads this would eliminate the speeding issues and help the local community.
- No reference to consultation exercise and no statement of community involvement submitted.
- Documents not available to view on the Council's website.
- Assessment has not been made of community facilities within the wider area.

Determining Issues

- Principle of Development
- Heritage Assessment
- Design, Layout and Character
- Amenity of surrounding occupiers
- Trees and Landscaping
- Highways
- Noise
- Ground Conditions and Environment
- Air Quality
- Ecology
- Planning obligations

Assessment of the Proposal

Principle of the Development

Local and national policies are clear that a sequential approach ('town centre first') should be applied. The applicants have provided a planning and retail statement that assesses 9 sites within 10 existing centres that lie within a 5 minute off-peak drive time. They conclude that none of these sites are suitable for this particular proposal.

Paragraph 2 of this statement refers to future plans for expansion by the applicant, however this is not relevant for planning policy purposes, rather the interest is in the sequential test reflecting the impact on district centres in which it is considered the proposal likely to draw trade and catchment from, thereby justifying the need to include those centres in a sequential test for preferable sites within the defined boundaries as opposed to an out-of-centre site such as the proposed site in Pelsall.

Pelsall is largely surrounded by Green Belt which separates it from surrounding centres. In this respect, Pelsall does not represent a 'densely populated built area such as a city or large town', it should be viewed more as a semi-rural area with a village character where journey

times to shops might be expected to be longer than the 5 minute catchment that Aldi are seeking to achieve.

A number of issues came out of the initial consultation with planning policy and have since been resolved, these included the identification of a suitable extent of catchment, the subsequent widening of the sequential test and the sufficient interrogation of the identified Jewson's site in Bloxwich. At the Jewson's site (Land at Elmore Road), there was concerns over applying flexibility in realising the site (on behalf of the applicant). It was asked of the applicant to provide evidence as to having fully interrogated the options therein. This has been provided in the email string of communication provided alongside the applicant's September response showing that the owners do not intend to sell at this stage and is therefore sufficient evidence to this line of enquiry.

In September 2021 the applicant submitted a sequential test which took into account the District Centre of Aldridge which Strategic Planning Policy state is likely to be impacted by the proposal in which the applicant does not already operate an existing store. The exercise undertaken in the latest test for Aldridge, to ascertain site availability and suitability sites appears sufficient for the purposes of justifying compliance against BCCS Policy CEN7 and UDP Policy S7, at least for six of the seven sites assessed. This mirrors the applicant's original submission of a sequential test for Bloxwich, the unavailability of sites within which formed part of the justification for the Pelsall site.

In regard to the most recent assessment of Aldridge, it is considered that Site 5 Office Block and Rookery Lane Car Parks has the potential for developability by the applicant where flexibility as to shared parking arrangements are considered. It is accepted that whilst the remainder of the site is not large enough by itself, the site would require flexibility on car parking arrangements to realise development on behalf of the applicant, to the similar constraints associated with the Jewson's site in Bloxwich. Adjacent to the site is a multi-storey car park and in-line with existing centres policy, any in-centre car parking provision must be available for non-exclusive use by the wider centre.

It is not accepted that viability is an acceptable reason to mark the site as unavailable/unsuitable as viability primarily concerns land value and the cost of development. An in centre site adjacent to the main town centre car park and within walking distance of the precinct and fronting Aldridge croft would not represent a secondary commercial location should permission be granted on such a site.

It is therefore considered that the Rookery Lane, Aldridge site to be suitable as a sequentially preferable site subject to flexibility on behalf of the applicant not in reworking the proposed store layout and format but the associated parking arrangements. An assessment of this site that explores such parking arrangements should be submitted. Further, if Rookery Lane cannot be found to be available and suitable, then an expanded sequential test should be undertaken to take-in the District Centre of Brownhills to assess any potentially available sites, or otherwise a clearer justification for why Brownhills should not be considered. Due to the above not being undertaken, the development is not supported as it would be contrary to both local and national policy.

The proposal includes the demolition of a former Public House, which is recognised as a community use in terms of UDP Policy LC8, however since the use has not been in operation for at least seven years and the building is in a poor state of repair, it is considered that it is not necessary to satisfy the requirements of the policy in this instance.

Heritage and Archaeology

The application site is within the Pelsall Common Conservation Area and the Old Bush Inn is itself a Locally Listed building. The proposal includes the demolition of the former Public House.

While no archaeological desk-based assessment has been submitted with the application there is a low potential for archaeological remains of the Roman or medieval periods to be present, according to the consulted Archaeologist. However, there may be structures, features and deposits relating to the early phases of the public house, and due to the proximity of the Ford Brook to the east, there is a potential for unknown archaeology dating to the prehistoric period to be present within the site boundaries. Should archaeology be present it would not form a constraint on development, a condition on planning consent requiring a programme of archaeological work to identify and excavate any remains so they can be preserved by record is recommended.

The heritage statement refers to the Old Bush PH as having 'a material impact on the former Old Bush PH by virtue of its demolition. Harm to significance will be substantial but given the fact that the restoration and retention of the building would not be feasible or viable, on balance, it is considered that the benefits of its replacement outweigh the dis-benefits. What little remains of the pub's standing heritage value post-fire and vandalism would be best retained in the public record'. Paragraph 2.6.3 of the Heritage Statement states 'we would concede that it is a 'local landmark' as a community facility, the pub only features in one or two minor views from the Common and tangentially in series of views when travelling along the Walsall Road'.

The Old Bush Inn is in a state of disrepair having been the focus of several arson attacks. The proposal includes a financial viability statement for the retention of the Old Bush Inn. The assessment was undertaken using a residual valuation model with cash flow, in line with RICS (Royal Institute of Chartered Surveyors) Professional Guidance. The Assessed Development Options include the refurbishment of the building for use as a Public House with the minimum level of intervention in the current layout and format of the building, as well as the conversion to a day/nursery or crèche within the existing built envelope. The appraisal finds that the refurbishment of the PH would create a negative residual land value of -£541,627, while the conversion to a Day Nursery would create a negative residual land value of -£174,706. These negative values mean that the landowner could not expect to be able to sell the property for these uses, moreover, they would have to dispose of the site for nothing or less than nothing in order for any subsequent business to be viable. The statement concludes that the existing locally listed former public house cannot be viably re-used as a public house, or for any other community use via repair or conversion.

While the loss of the locally listed building would in general create a negative impact on the character of the conservation area, in this case, given the state of repair of the building and the negative impact in terms of visual amenity and anti-social behaviour on the site as a consequence, the loss of the locally listed building is considered on balance to be acceptable subject to a satisfactory replacement development being put forward.

There is no current conservation area appraisal for Pelsall Common Conservation Area, however the Pelsall Common Conservation Area is generally domestic in scale, enhancing the sense of wide expanses of open space. Traditional building materials are red brick, handmade plain clay roof tiles and stone detailing to windows and door openings with pitched and gable roofs.

The retail store proposal would replace the public house which is a building of significant scale, built up to the highway at Walsall Road. The current building runs along Walsall Road for a distance of 24.5m while the proposed retail store would follow the site boundary at an offset

angle for a distance of 29m. While there would be an increase of 4.5m the built form along this road boundary and facing onto Pelsall Common would not be significantly different from the existing situation.

While the heritage statement indicates that “The external design has evolved over time and now the design for each store is consistent across Aldi’s portfolio, promoting modern, smart buildings with clean lines and glazed frontages which meet customer expectations”, alterations have been secured through the application process including additional glazed areas to reduce the perceived bulk of the proposed building. The proposal also differs from the proposal submitted at pre-application stage in that the materials have been altered from grey cladding to brick which is considered more consistent with the character of the surrounding area. The materials used would primarily be brick with some glazing at a high level on the frontage and from the ground to 3.5m on the side facing Walsall Road. Red brick is in line with the character of the conservation area and the glazed area would soften the massing of the building and decreased the visual impact of the structure. The building would also be set at an angle to the boundary, with some opportunity for landscaping to further mitigate for the visual impact of the building on this frontage.

While the Conservation Officer has raised concerns about the impact on the character and setting of the conservation area it is considered that on balance the building would not be significantly detrimental to the appearance of the site, particularly when the removal of the former public house is taken into account which currently detracts from the current setting. While the site plan shows planting along the frontage there is no detailed landscape plan submitted, therefore it is recommended that a condition be attached to any planning permission securing a comprehensive hard and soft landscaping plan to ensure that there would be adequate screening of the development.

Design Layout and Character

Within the Black Country Historic Landscape Characterisation Study, the Site is located within Black Country Character Area WL13: Pelsall. The study describes the modern character of the area as being defined by field systems, open land and dispersed settlements. Pelsall Common is identified as an Area of High Historic Landscape Value within the study recognising that the surviving expanse of common land which has not been farmed or developed is rare within the Black Country. The surrounding townscape, including the Site is not included within this Area. There is no current conservation area appraisal for Pelsall Common Conservation Area.

The Site is open to view from the west from the adjacent stretch of Walsall Road and Pelsall Common. There are intermittent trees and shrubs along the northern and southern boundaries which provide partial containment to the Site from Bush Grove to the south and Pelsall Cricket and Sports club to the north. A denser band of trees encloses the eastern boundary alongside the McClean Way which is part of the National Cycle Network and defines the eastern edge of the settlement.

The Proposed Development would introduce new land uses to the Site which are considered appropriate for the residential context of the area and existing pattern of development that surrounds the common. The new built form would be of a different in appearance to the Old Bush PH but it is considered that the food store development wouldn’t impede on settlement pattern, and would sit within the existing townscape structure. The low profile of the food store would prevent it from becoming prominent in views across Pelsall Common. Views of the Old Bush PH from Walsall Road and the common would be replaced with the proposed car park, food store seen to the background of views. The new building would be most prominent on approach to the village from the south, with the corner of the building at the junction with Bush Grove 6.9m above ground level in this area, the building would be screened by retained vegetation in this area however including TPO trees.

The proposed food store would be of different character to the locally listed Old Bush PH with a more functional, commercial appearance. The scale would be of larger footprint but lower in height such that it would not appear inappropriate in comparison to other buildings surrounding the common. There would be significant improvement in the condition of built form and boundary features within the Site. The new and retained planting along the Site frontage would soften the views and would reflect the character of the area.

The proposed retail building would be located in the south of the site, with parking to the northern end of the property. According to the application documentation, this is an important element of the building as orientation is critical to guide the movement of customers through the site. The West elevation has a large glazed shopfront presenting an active frontage to Walsall Road on approach from the north.

The layout proposes landscaping around the boundaries of the site in the north, south, east and south west. Deliveries would access through the same route as customers and staff, off Walsall Road in a similar location to the existing access for the Old Bush PH. The layout is considered practical and efficient to cater for the proposal.

Amenity of Surrounding Occupiers

The site is bounded by non-residential uses in the north, east and west, but there are residential properties directly to the south along Bush Grove. The rear elevation of the proposed retail building would be located 3.5m from the boundary along the southern side of the development. This means the building would be between 4.7m and 12.1m and from the back of the footway on Bush Grove. The building would therefore be approximately 19m and 26.5m from the dwellings on Bush Grove at No 14 Bush Grove and No 2 Bush Grove respectively. According to the Designing Walsall SPD there should be at least a 13m separation between habitable windows and blank walls exceeding 3m in height, the proposed building is well in excess of this guideline distance. While the proposed building is more bulky than would be expected from a residential development that is intended to be informed by these guidelines, the separation is significantly further away than would be expected in this case.

The proposed building would be between 6.8m to 9.6m from the ground to the top of the roof viewed externally. The building would be positioned to the north of the houses on Bush Grove meaning that the impact on daylight and sunlight entering the front gardens and front windows of these houses would be less significant than had they been in the south. Existing trees between the building and the highway at Bush Grove would be retained as part of the development that would provide screening to the dwellings on this side. Many of these trees are protected by TPOs and therefore could not be altered or removed without the consideration of an application. It is recommended that conditions are put in place to ensure that this vegetation is robustly protected through the construction of the development.

The design of the building has been amended along the side elevation facing Bush Grove in order to satisfy concerns that the building appeared overly stark and monolithic when viewed from this angle. Three columns of opaque glass spandrel panels have been added to the taller side of the elevation in the east at 5.7m intervals in addition to the horizontal brick banding in a soldier course in dark brick as a contrast to the red brick of the rest of the building.

While the addition of the building would have an impact in terms of the outlook of the houses on Bush Grove, it is considered that it would not be significant enough to warrant the refusal of the application. Furthermore the impact in terms of access to light and feeling of enclosure or overbearing quality would be significantly mitigated by the separation

distance, vegetation screening and relative orientation of the buildings.

There are a number of mature trees and potential habitats on the site that are protected under Policies EN1 of the SAD of ENV15 of the UDP. No comments have been received from the tree officer in regard to the proposal.

A preliminary Arboricultural assessment was submitted in support of the application. Tree cover across the site was generally found to be of fair quality and located predominantly at the site boundaries with limited tree cover towards the centre of the site.

The AIA has put forward standard recommendations which if meet the 6 tests will be included as a condition of any approval.

Highways

Transport Assessment asserts that the site is highly accessible and within a sustainable location. The site is on Walsall Road, which is a District Distributor Road and has a bus stop at the entrance which makes it accessible from a range of transport options.

Access to proposed store will be provided via a new priority access junction from the B4154 Walsall Road, c30m south of the Pelsall Cricket and Sports Club access junction (c15m south of the existing site access junction). The proposed access arrangements are considered acceptable, and a condition is proposed to ensure that the works are completed.

The proposal includes a provision of 126 car parking spaces. This accords with the parking standards set out by Saved Policy T13 of the UDP which would require a maximum of 129 spaces to be provided. Of these, 8 are proposed to be disabled spaces, located close to the access to the store. This volume and configuration are considered appropriate. A cycle shelter which could accommodate 16 cycles is proposed, which exceeds policy requirements of 6 spaces. In order to ensure that the parking and manoeuvring areas and cycle shelter is adequately provided, conditions are recommended to secure their delivery.

Deliveries are accommodated within the layout to the rear of the proposed store, making use of the same access point. According to the Transport Assessment an Aldi store typically receives an average of four HGV deliveries per day. Three articulated HGV deliveries per day come from the Regional Distribution Centre (RDC) and there is one delivery per day of milk by a local supplier, usually using a medium sized goods vehicle. Daily deliveries of milk, bread and morning fresh produce are received prior to, or as early as possible after, the store opening in the morning, and are delivered by one Aldi HGV and one milk delivery vehicle. In addition to goods deliveries, each store has 1-2 collections of General Waste and Animal By-products per week.

The Aldi articulated service vehicle is able to carry frozen, chilled and mixed goods assembled at Aldi's Regional Distribution Centre, enabling the potential to reduce journeys and vehicle kilometres compared to separate deliveries, thus providing an efficient servicing regime. Aldi operates its own fleet of dedicated vehicles and drivers. Aldi HGVs are driven and operated by the dedicated Aldi driver, meaning that Aldi have full control overscheduling and logistics around deliveries. In order to control the routing of deliveries, a Transport delivery Routing Statement is required prior to the commencement of the development, this can be secured by condition.

The proposal includes a delivery ramp, sheltered canopy and dock leveller system which means products can be unloaded without any external activity, (such as forklift trucks, scissor

lifts or cages). The usual time for unloading an Aldi HGV is 30 - 60 minutes. These provisions are considered to ensure that there would not be any undue conflict between deliveries and customers within the car park either on foot or within vehicles. The proposed access from Walsall Road has been demonstrated to be adequate to accommodate HGV deliveries.

The traffic assessment demonstrates the development traffic effects at the majority of study area junctions is negligible. The potential impact on the B4154 Walsall Road/Norton Road/Hall Lane/Vicarage Road signalised junction, being the junction the development is most likely to have the greatest impact. Junction modelling shows that this junction is already reaching full capacity particularly during the AM peak period and will get progressively worse during other periods as time progresses, regardless of the proposed development. The addition of the development traffic will only add to the present congestion.

In such cases, the Highway Authority would usually expect some form of mitigation works to be undertaken by the developer to address any potential impacts. However, unusually, this junction is tightly constrained as it is surrounded by Common Land therefore making any widening or other geometric changes extremely difficult to achieve as a result of the difficult process of acquiring Common Land. According to the Local Highway Authority, The Road Safety Team have, in the last 12 months or so, experimented with splitting the side roads, Hall Lane and Vicarage Road off peak, to try and improve capacity and safety. It is too soon to see if this has been successful.

Based on the above, the junction is predicted to operate over theoretical capacity in 2025 with the proposed development in place, however the potential development impact is relatively modest. In the AM peak the maximum degree of saturation (DoS) is set to increase by 1.4%, and in the PM peak by 4.1%.

As far as the Highway Authority is concerned, a recommendation as to whether to support or object to the proposed development requires delicate judgement. There is no doubt that the development will increase traffic on the local network and increase queuing at the B4154 Walsall Road/Norton Road/Hall Lane/Vicarage Road signalised junction, which is already approaching or is already at capacity on some arms. However the data shows the development traffic will be relatively modest overall, with little scope to improve the geometry and capacity of the junction in mitigation.

The proposal includes a framework travel plan, this should be developed into a full travel plan with monitoring and assessment controlled through the S106 legal agreement.

When taking all the above factors into account, the Highway Authority has confirmed that an objection on traffic grounds would be unwarranted, and on this basis the Highway Authority is minded to support the application, subject to Conditions.

Noise

There is potential for noise impacts from the proposed development in terms of increased traffic, impacts from deliveries and staff and customers using the site, and from plant and machinery used within the building.

During our initial consultation, we raised our concerns about noise from the fixed Plant/Machinery and the fencing around the external refrigeration plant.

The Applicant was advised that for external machinery/equipment, Walsall Council prefer to recommend a noise limit based on noise frequency (Noise Rating Curves, this requires for the consideration of sound levels at all frequencies) and the impact 1 metre from the façade of a sensitive receptor. Based on the low existing background noise levels, a criteria for

external equipment was given to the acoustic consultants that noise levels need to be less than NR35.

The Consultants have obtained noise data from the machinery/equipment manufacturers and then calculated that noise levels will be lower than NR35 curve, 1 metre from residential façade. This is based on the current proposed equipment. To ensure the installed equipment will be lower than NR35 an acoustic condition is required within any permission, with the Applicant needing to confirm that the condition will be achieved prior to the store becoming operational.

The calculation for noise impact from the refrigeration plant assumed that there would be no screening and determined that even with no screening, the noise levels, at nearby residential premises, will not be excessive. However, following the initial consultation and our concerns, the Site Plan (June 2020) is indicating that they are to install a 2.4-metre close-boarded fence towards the residential premises; this should further reduce any noise impacts from the refrigeration plant.

Pollution Control concurs with the Applicant's Acoustic Consultant that the noise from deliveries and customer access/egress should not be significant for nearby residential dwellings.

Given the proximity of residential dwellings and the road infrastructure, there is the potential for local environmental impacts from demolition, engineering and construction activities. Furthermore, the Geo-Environmental Appraisal has identified that Piling (Ground Stabilisation) Works will be required for the store. Such works have a tendency to result in significant ground vibration, therefore a condition is required to control vibration impacting upon nearby residential dwellings.

All of these issues need to be addressed via a Construction Management Plan.

Currently Aldi stores operate 0800 to 2200 Monday to Saturday and for six hours between 1000 to 1800 on Sundays, to comply with Sunday Trading Laws.

Ground Conditions and Environment

The Phase 1 and Phase 2 investigations have identified that the land is not significantly contaminated under current regulations and guidance. Based on the reports Pollution Control have no concerns about these and have no significant comments to make on this issue.

Air Quality

As stated in the Technical Note, the Pollution Control Section have undertaken detailed air quality modelling and there are currently no air quality issues in the area and based on the predicted traffic movements, it is unlikely that there will be any air quality issues once the store is operational.

The Technical Note advises that the Applicant will need to comply with the Air Quality Supplementary Planning Document. The Consultant has advised of the need for 6 electric vehicle (EV) charging points, with capacity to increase to 12 if demand increases and for a Travel Plan, which has been undertaken by Connect Consultants.

Section 5.6 of the Air Quality SPD states the following about car parking and charging points:

5% of parking provision will be sought with charging points to comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw. Appropriate cable provision shall be in place for a further 5% to meet any future increase in demand.

The June 2020 proposed site plan is indicating 123 parking spaces. Therefore the Applicant will need to install 6 charging points and lay cabling for a further 6 vehicles.

Planning Officers need to note that presently the Site Plan only shows **4 EV charging points and not the 6 or 12** required by the SPD, therefore a planning condition is required to ensure that the Applicant installs them in accordance with the SPD.

Ecology

A Preliminary Ecological Appraisal including Badger Survey and Preliminary Bat Roost Assessment have been submitted as part of the application, the former outlines recommendations that should be followed to ensure general protection of on-site ecology, while the latter indicating no presence of roosting bats but giving recommendations as to appropriate lighting and habitat enhancement should be followed. This would be implemented under any any subsequent development conditions in order to ensure minimal disruption to the surrounding ecology of the site, or nearby Open Space and Environmental Networks in accordance with Policy EN1 of the SAD, along with recommendations from the Ecology Consultant.

Planning Obligations

Loss of Sports Facility

A portion of the eastern area of the Site is occupied by a disused football pitch, which previously accommodated Pelsall Villa FC. The proposed development seeks to redevelop part of the football pitch for the purpose of delivering an Aldi food store. A separate planning application which seeks to deliver a residential care home on land directly to the east, has also been submitted. Together with the Aldi food store, the proposed residential care home would result in the complete loss of the former football pitch of Pelsall Villa FC.

The Sports Facilities Supporting Statement confirms that the applicant accepts the principle of providing mitigation for the loss of the disused football pitch. The provision of a proportionate financial contribution of £996k is therefore proposed. Significant negotiations have been undertaken in order to agree an appropriate contribution, taking advice from Sport England and the relevant recipient department. It was decided that:

- Payment of the sum in full (to be index linked) on the serving of the implementation notice/commencement of development
- Sum to be spent on football priority investment projects which could be a combination of : 3G Artificial Grass Pitch, Grass pitch improvements, changing room provision/improvements, associated car parking (with the discretion for the Council to secure match funding from other funding sources if they see fit)
- In the event that the forthcoming Playing Pitch Strategy identifies the need for new grass pitches, to include an obligation to use part of the sum towards providing a replacement grass pitch, with the residual being used as per the above
- The location of spend to be agreed – either to name a shortlist of sites (likely to include those named previously including Bloxwich Leisure Centre, Aldridge Airport etc), or alternatively a defined radius from the site, which could be defined to ensure that the priority sites are all within the radius. **Payment should have to expressly name them.**

- To ensure that the payment of the sum is triggered in full by the implementation of either the food store or the extra care development, since the facility would be lost regardless of which is implemented first, or where only one of these developments is implemented. An agreed spend period with sufficient contingency time for the Council to procure the facility, obtain planning permission (where required) etc.

Travel Plan

The travel plan will be secured by s106 in order to monitor and assess it. The aims of the travel plan are to increase awareness and encourage use of environmentally friendly modes of transport amongst staff and customers. It introduces a package of management measures that will help to facilitate staff travel by sustainable modes of transport. Reduce single occupancy, single purpose vehicle use by staff. The plan sets SMART targets. The initial target of the Travel Plan (i.e. the results of the first travel survey) will be to achieve a modal split in line with the average figures at, and to then reduce the proportion of staff driving single occupancy single purpose private car journeys to work by 5%, absolute, within five years of the Travel Plan being adopted

Conclusions and Reasons for Decision

The proposal is not supported in principle and therefore is recommended for refusal. It is noted that because the application is being refused and should the applicant appeal, the S106 cannot be signed up to. Consequently, the lack of the S106 will form the second reason for refusal.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal in principle due to it being contrary to local and national policy.

Recommendation

Refuse Permission

Reasons

1. The application fails to demonstrate that the sequentially preferable site at Rookery Lane, Aldridge has been fully considered and that flexibility on behalf of the applicant in terms of the parking arrangement at this site has been fully considered in the form of an assessment. No further information has been provided to demonstrate the site at Rookery Lane is unavailable and further the applicant has failed to undertake an expanded sequential test to take in account the District Centre of Brownhills to assess and potentially available sites, or otherwise evidence why Brownhills should not be considered in this application. The application is therefore contrary to paragraphs 86, 89 and 90 of the National Planning Policy Framework, policies SLC1 and SLC2 of the SAD, Policy S2 (The Hierarchy of Centre), Policy S6 (Meeting Local Needs), Policy S7 (Out of Centre and Edge of Centre developments) of the Saved Unitary Development Plan and Policy CEN7 (Controlling out-of centre development) of the Black Country Core Strategy.
2. As the application is being refused the s106 cannot be entered into at this stage in order to make the development acceptable in planning terms. Consequently the lack of the S106 for a travel plan and replacement sports pitch would be unacceptable due to the impact on the amenity of the local community, whilst reducing the facilities for outdoor sport and recreation through the loss of the disused football pitch and lack of football priority investment projects, contrary to policy CS1 (open space, sport and recreation) of

the Site Allocation Document, GP3 (Planning obligations), Policy LC6 (Sports Pitches) of the Unitary Development Plan, Exception E4 of Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF (2021). In addition, the aims of the travel plan which are to increase awareness and encourage use of environmentally friendly modes of transport, facilitate sustainable travel, reduce single occupancy and single proposed vehicle use by staff will not be adhered to and therefore the application would be contrary to policy T4 (The highway Network) of the SAD, GP3 (Planning obligations), Policy T8 (Walking) and T9 (Cycling) of the Unitary Development Plan, TRAN2 (Managing Transport Impacts of New Development), TRAN5 (Influencing the Demand for Travel and Travel Choices) of the Black Country Core Strategy.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 20 June 2022

Plans List Item Number: 2

Reason for bringing to committee

Major Application and Significant Community Interest

Application Details

Location: PELSALL VILLA FOOTBALL CLUB, WALSALL ROAD, PELSALL, WALSALL, WS3 4BP

Proposal: OUTLINE PLANNING PERMISSION FOR A CARE HOME DEVELOPMENT WITH ACCESS ONLY TO BE CONSIDERED (ALL OTHER MATTERS RESERVED).

Application Number: 20/0830

Case Officer: Leah Wright

Applicant: Aldi Stores Limited and John Roberts

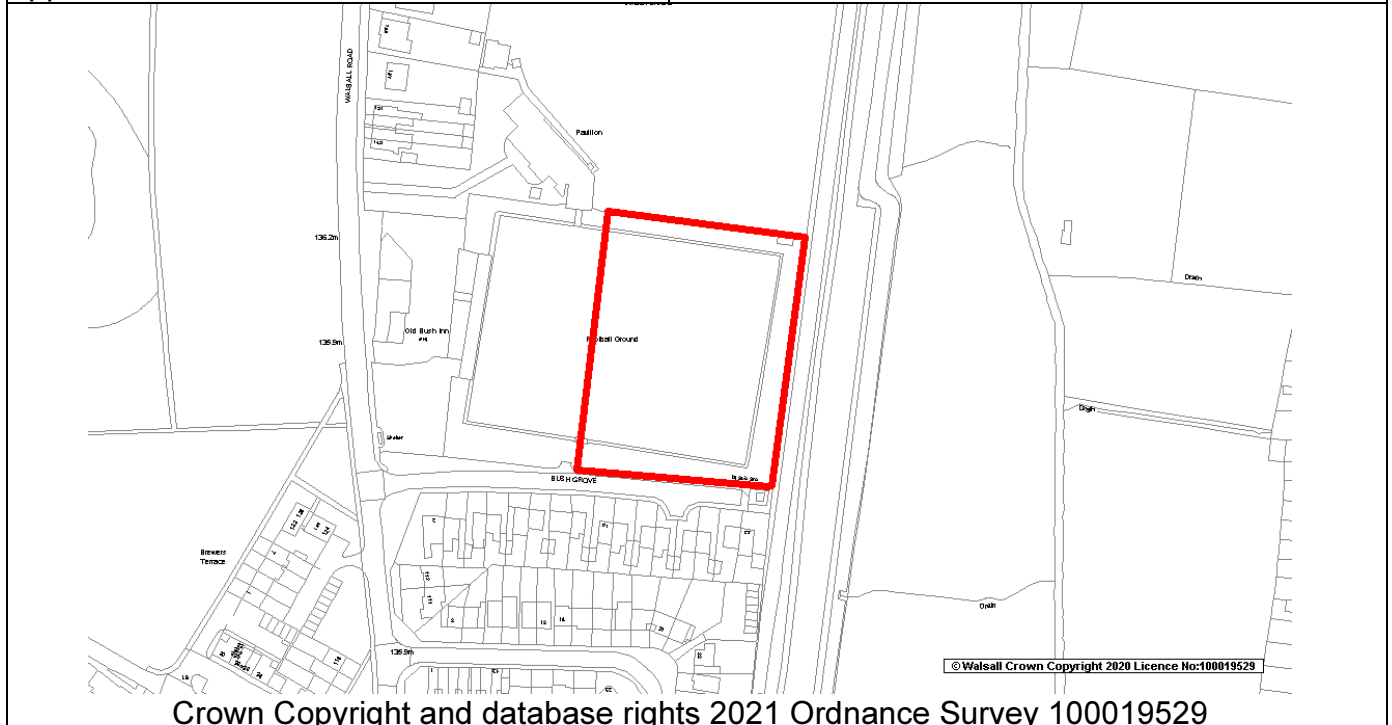
Ward: Pelsall

Agent: STOAS Architects Limited

Expired Date: 01-Nov-2020

Application Type: Outline Permission: Major Application

Time Extension Expiry: 15-Sep-2021



Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to:
 - The successful completion of the S106 agreement in regard to an off-site financial contribution for the loss of the football pitch and the monitoring and assessment of the travel plan.
 - The amendment and finalising of conditions;
 - Submission of additional information required by the Local Highway Authority to overcome outstanding concerns.

Proposal

This planning application seeks outline planning permission for a care home development with access only to be considered (all other matters reserved).

The applicant has provided indicative drawings and a design and access statement for the proposal which shows that the care home would comprise a two-storey facility with onsite parking and landscaped areas and boundaries. The existing tree and vegetation along Bush Grove would be retained for the new development proposal. A new access for the site would be created from Bush Grove, which is the subject of this application.

The proposal is supported by the following documents:

Design and Access Statement – Prepared to support an outline planning application for a new extra care facility. The document provides information around the site and context of the proposal, appearance and development proposals, ecology and a summary.

Planning and Retail Statement – outlines the site, context and proposed operator, and details of the proposed development. Sets out the planning policy context and summarises planning considerations including retail and non-retail considerations, with a sequential test and retail impact.

Transport Assessment with updating Technical Note – which asserts that, the site is highly accessible and well-conceived in terms of its access arrangements, composition and layout with car and cycle parking provision conforming to parking standards. The report asserts that service arrangements will be able to accommodate delivery traffic. The traffic assessment demonstrates the development traffic effects at the majority of study area junctions is negligible. The negligible traffic effect of the development is not likely to materially worsen any potential occurrence or pattern of collisions on the local highway network. The report concludes that the proposed development is acceptable from a transport perspective.

Travel Plan – which aims to increase awareness and encourage use of environmentally friendly modes of transport amongst staff and customers. Introduce a package of management measures that will help to facilitate staff travel by sustainable modes of transport. Reduce single occupancy, single purpose vehicle use by staff. The plan sets SMART targets. The initial target of the Travel Plan (i.e. the results of the first travel survey) will be to achieve a modal split in line with the average figures at, and to then reduce the proportion of staff driving single occupancy single purpose private car journeys to work by 5%, absolute, within five years of the Travel Plan being adopted.

Townscape and Visual Impact Appraisal – which highlights that while the site is within a conservation Area there is no character appraisal. The assessment concludes that the poor condition of the Site currently has a detrimental influence on the character of the area and the quality of close distance views. The Proposed Development would increase the vitality of the area and would not detract from the key characteristics of the conservation or quality of views which are characterised by the open undeveloped common land and its mature trees.

Heritage Statement – Indicates that the proposal will have an impact on the character and appearance of Pelsall Common Conservation Area but, taking the opportunity for redevelopment as a positive, a well-designed building will represent a minor enhancement. The proposal will have no material or physical impact on other nearby designated heritage assets and therefore will cause no harm to significance elsewhere. Harm to significance of the former Old Bush PH will be substantial but given the fact that the restoration and retention of the building would not be feasible or viable the benefits of its replacement outweigh the dis-benefits. The impact of the care home would be neutral.

Preliminary Ecological Appraisal with Dawn and Dusk Re-entry Survey - identified one European statutory site within 5 km of the survey area, five UK statutory sites within 2 km and 14 non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The desk study also provided records of protected/ notable species within a 1 km radius of the survey, including: bats, badger, hedgehog, amphibians, birds, invertebrates, aquatic mammals and plants. Remaining habitats include dense scrub, ephemeral/short perennial, fencing, scattered trees, tall ruderal vegetation and short sections of wall. Recommendations are provided for mitigation and enhancement including requirement for a Construction Ecological Management Plan including avoidance strategies, retention of existing notable habitats including mature trees, sensitive lighting design, vegetation clearance to avoid bird nesting, badger walkover prior to construction, mammal ramps during construction and vigilance for invasive plant species.

The Dawn and dusk Re-entry survey found that trees on site possessed potential roosting features. One bat species was recorded during the dusk and dawn surveys; common pipistrelle. No bats emerged from or re-entered any features associated with the site. Commuting and foraging activity was recorded during the survey period. Mitigation and enhancement measures recommended include, provision of Bat Boxes, sensitive lighting design, cessation of works should bat roosts be discovered.

Land Contamination Assessment and Geo-environmental appraisal Historical land uses of the site and adjacent areas have the potential to provide ground contamination. Coal Mining Authority identifies that the property is in the likely zone of coal mining within the site area. Possible pollution linkages to groundwater are possible from localised chemical and oil sources on the site via infiltration and leaching through the Made Ground, or to construction ground-workers from direct contact with contamination in the Ground or from ground gasses, although Ground gas monitoring too date indicates that the site is in CS1 and gas protection measures are not required. In addition, the site is in an area not requiring radon precautions. The Report recommends that intrusive site investigations be undertaken and detailed foundation design is undertaken.

Arboricultural Assessment – covers the application site including the adjacent land to the rear at the former Pelsall Villa Football Club. The Assessment identifies a total of 16 individual trees, 10 groups of trees and 1 hedgerow were surveyed, all were categorised A and B aside from 2 category U trees. The 11 of the trees were typically in fair condition and were of moderate prominence within the site. As such, they were assessed as being of moderate retention value. A further 6 were typically in fair condition with many of them exhibiting defects which limited their likely future potential. Consequently, they were assessed as being of low retention value. The assessment presents a standard list of recommendations including the retention of Category a

and b trees, avoidance of Root protection areas, the need for an Arboricultural Method Statement, and a recommendation that Any proposed new planting should consist of a mix of ornamental, native and wildlife attracting species with a robust management plan to assist with the development proposal and to offer mitigation for any tree loss.

Air Quality Technical Note – Details baseline air quality conditions at the site, consultation undertaken with the Pollution Control department at Walsall Council and consideration of relevant guidance. It indicates that Background concentrations taken from Defra background concentration maps of NO₂, PM₁₀ and PM_{2.5} were well below the air quality objectives in 2020. Defra Climate Pollution Mapping modelling also show modelled roads in the vicinity of the Site - the A4124 Wolverhampton Road, 1.2km north west of the Site, and the A461 Lichfield Road, 1km south east of the Site. These roads close to the Site do not show exceedances of the NO₂ air quality objective in 2018. In line with the Black Country Air Quality SPD, EV charging points and a travel plan are recommended.

Sports Facilities Supporting Statement - that considers the implications of the proposed redevelopment of the former Pelsall Villa FC sports ground. The report concludes that the redevelopment will result in the loss of an area of playing field land which is identified in the Walsall Playing Pitch Strategy. The facilities are disused and despite their being identified as of low quality without adequate mitigation the proposal would be contrary to Policy LC6, the NPPF and Sport England policy as well as the site specific provisions of the Playing Pitch Strategy. A financial contribution of £475,178 was calculated based on the replacement cost of a Category G football ground, which could be used to meet the locally identified need for a 3G artificial grass pitch.

Site and Surroundings

The Site is located on the B4154 (Walsall Road), directly to the south of central Pelsall. The site comprises a disused football pitch (which previously accommodated Pelsall Villa). Adjacent to the site is a former public house (The Old Bush).

The site is approximately 750m away from Pelsall Local Centre. The Site measures approximately 7395sqm and is a rectangular shape. There is one TPO on the site (AB 3/1964). The application site is located within Pelsall Common Conservation Area.

The football ground was rendered incapable of use following vandalism and a serious fire in 2017. Pelsall Villa subsequently left the ground in July 2017. The football pitch has remained disused since this date.

The surrounding area is characterised by a range of uses, including public open space/sports facilities and existing residential properties. The open space provision includes the extensive Pelsall Common and Pelsall Cricket and Sports Club to the north of the site. The Site is also in close proximity to a small parade of shops on Allens Lane (c.100m to the south west), together with a wider range of facilities and services forming part of the Pelsall Local Centre.

Relevant Planning History

PELSALL VILLA F.C.,WALSALL ROAD,WALSALL,WS3 4BP

BC63059P/C- 15m telecommunications lattice tower, equipment cabin and ancillary development- Withdrawn

BC63281P/C- 15m high telecommunications mast and ancillary equipment- Refused 31-May-2001.

02/0114/FL/E7- Telecommunications mast designed as an existing floodlight- Refused on 15-Mar-2002. Appeal allowed on 24-Sep-2002 on the basis that the development would not harm the character or appearance of the Pelsall Common Conservation Area, which would thereby be preserved.

13/0682/PT- Replacement of existing 16mt. monopole with new 16 metre dual user monopole, reinstatement of floodlights and one no. cabinet to replace two existing ones- GSC- 08-Jul-2013

16/1763- Creation of a vehicular access off Bush Grove- Refused permission 19-May-2022 for the following reasons:

1.The proposed development would introduce an increase in traffic movements along Bush Grove which is a quiet residential cul de sac, which would be detrimental to the free flow of traffic along the highway and to highway safety and insufficient information has been put forward to demonstrate the vehicle access routes, parking and turning areas and segregated pedestrian routes and No tracking diagrams have been submitted to demonstrate that the largest vehicles expected to visit the site can safely and satisfactorily make turning manoeuvres within the site and leave in a forward gear, contrary to the Saved Unitary Development Plan Policy GP2 Environmental Protection, T7 Car Parking, T13 Parking provision for cars, cycles and taxis and the Black Country Core Strategy TRAN2 Managing transport impacts of new development and the NPPF 2021 para 111 and 112.

2.The application fails to demonstrate that the football club has sufficient on-site parking to meet its operational needs, which would be detrimental to the free flow of traffic along the highway and to highway safety. No information has been put forward to demonstrate that the development would be of public benefit that would overcome the policy concerns. The application is therefore contrary to the Saved Unitary Development Plan Policies GP2 Environmental Protection, T7 Car Parking and T13 Parking Provision for Cars, cycles and taxis and The Black Country Core Strategy TRAN2 and the National Planning Policy Framework 2021 Paragraph 111 and 112.

3.The proposed development would be situated in close proximity to two Silver Birch Trees protected by a Tree Preservation Order No 17/1976. Insufficient information has been put forward in the submission to demonstrate that the development would not be harmful to the protected trees or result in their loss. The application is considered Contrary to the Saved Policies GP2 Environmental Protection, ENV18 Existing woodlands, trees and hedgerows of the Walsall Unitary Development Plan and the Walsall SPD (Conserving Walsall's Natural Environment 2013) Policies NE7 and NE8.

4.The application site is near to existing residential properties situated on the opposite side of Bush Grove a narrow residential road. There is on street parking but the main access to the football ground is via Walsall Road. The increase in vehicular movements from the resulting access would have the potential to impact on the existing amenities of nearby occupiers from additional noise and disturbance. There is limited information in the submission to justify the need for the additional vehicular access and there are no grounds put forward to demonstrate the public benefit of the application that would overcome the policy concerns. The proposal is considered contrary to the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW3 (Character). Of the Designing Walsall SPD.

5.The proposed development would open up a gap in an existing hedgerow and belt of trees along the grounds to the Pelsall Villa Football Club. The existing vegetation assists to screen and soften the boundary with the nearby sports ground providing some visual relief and screening from the site. The character of the area is transitional from residential to recreation and the belt of landscaping would be interrupted with a gap to form the proposed new access. As already highlighted it is adjacent to protected Silver Birch Trees and there is insufficient

justification provided to demonstrate that the development would not be harmful to those protected trees. The trees are an integral part of the existing landscaping belt and in the absence of sufficient justification for the need for the additional vehicular access the proposal does not demonstrate a public benefit that would overcome the policy concerns. The proposal is considered contrary to the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW3 (Character). Of the Designing Walsall SPD.

FORMER OLD BUSH INN, WALSALL ROAD, PELSALL, WALSALL, WS3 4BP

20/0832- Demolition of existing buildings, the erection of a retail food store (class A1), with associated car parking and landscaping- Undetermined.

Pelsall Cricket and Sports Club, The Pavillion, Walsall Road, Pelsall, WS3 4BP

08/1921/FL- Demolition of existing wooden store and erection of replacement store- GSC- 23-Feb-2009.

08/1927/CC- Conservation Area Consent: Demolition of existing wooden store and erection of replacement store- Grant Cons Area Cons- 23-Feb-2009.

13/1603/TR- Fell 9 Sycamore Trees adjoining boundary fence between club and houses- Permission granted- 30-12-2013.

16/1644- Fell multi-stemmed Sycamore trees rear of 179/181 Walsall Road and Fell Sycamore tree rear of 183 Walsall Road- Permission granted 01-Dec-2016.

Disused Rail Line, Between Goscote, Station Road, and Brownhills

05/2413/FL/E3- Change Of Use to shared use walking and cycling path, Incorporating existing path in goscote area and associated links and substituting the path to the r/o Excelsoir Grove and Fairburn Crescent with a path across the former Ryder Hayes Quarry, including the removal of the link into Fairburn Crescent and revised route to High Heath- Withdrawn.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**

- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 56) says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- 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
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H6: Nursing Homes and Rest Homes for the Elderly
- ENV40: Conservation, Protection and use of Water Resources
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- LC1: Urban Open Spaces
- LC6: Sports Pitches
- T4 - The Highway Network
- T5 - Highway Improvements
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- CEN5: District and Local Centres
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- 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

- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- HC3: Affordable Housing and Housing for People with Special Needs
- EN1: Natural Environment Protection, Management and Enhancement
- T4: The Highway Network
- EN3: Flood Risk
- SLC1: Local Centres
- SLC2: Local Centres Development Opportunities
- OS1: Open Space, Sport and Recreation
- EN5: Development in Conservation Areas

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

Area Partnership (Brownhills/Pelsall/Rush)

- No response

Building Control

- No response

Campaign to Protect Rural England

- No response

Care Homes (Procurement)

- No response

Cadent Gas Limited

- No response

Centro

- No response

Coal Authority

- Site is within the defined Development Low Risk Area. No requirement for a Coal Mining Risk Assessment. Standing advice to be included on any decision notice in interests of public health and safety.

Community Safety Team

- Advise that Secured by Design advice be sought for the build. Site is isolated with only one side being overlooked and trees to the frontage, sightline is limited. Advised the main access be closed by fob operated vehicle gates to the road and a pedestrian gate to the path. Alternative security measures suggested.

Conservation Officer (Jacobs)

- Proposals are wholly unacceptable within the Conservation Area. The proposed development would not preserve or enhance the character of the Conservation Area and would detract from its character and appearance. It would result in substantial harm to the significance of the Old Bush Inn as a heritage asset.

Cycling and Pedestrian Officer

- No response

Design Council

- No response

Drainage

- No response

Ecology

No objection. Support the approach taken by the preliminary ecological appraisal and conditions to secure this including Construction Environmental Management Plan, Tree protection, Landscape management scheme, biodiversity enhancement measures, sensitive lighting,

strategy for dealing with invasive species, and protection of nesting birds, reptiles, amphibians, badger and hedgehog.

Ecology BBCWildlife

- No response

Environment Agency

- No response

Environmental Health

No objection- Environmental Health have no further comments and concur with previous advice given Annex 1 of the Planning statement attached to the application in respect of noise assessment and compliance with guidance in respect of ventilation

Environmental Protection

-No significant concerns about the proposal. Environmental Protection requires that the Applicant agree measures to be implemented to comply with the Black Country Air Quality SPD and a implement a Construction Management Plan.

Friends of Pelsall Common

- No response

Health and Safety Executive

- No response

Learning Disabilities, Disability Service

- No response

-

Local Highways Authority

- Highway authority is satisfied that the trip generation of the care home will not have a significant detrimental impact on the operation of Bush Grove and the local highway network. The proposed car park has sufficient capacity to accommodate the predicted parking demand of the development and is unlikely to result in over-spill onto Bus Grove.

Local Lead Flood Authority

-Satisfied with the submitted proposal- no objection.

Natural England

- Amendments to original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Public Health

- No objection. Recognised the creation of good quality housing, particularly to additional support that will be provided for residents thereby maintaining their independence. Application enables sustainable transport and supports the development of the local area.

Public Lighting

- Unlikely to be any street lighting implications as existing lighting columns on Bush Grove are on the opposite side from the proposed access. Any lighting to the care home car park should confine its impact to the site only and should not encroach outside the site boundaries.

Public Rights of Way

- No definitive public rights of way. Proposed development will not impact upon any public rights of way and there are no public rights of way objections or requirements.
- McClean Way greenway runs alongside eastern boundary- link path between this and the development was put forth but not considered to be suitable. If a proposal is put forward for this the link path should be constructed to an adoptable standard and enter into a s38 agreement.

Road Works Management

- No response

Severn Trent Water

- No objections to the proposal subject to condition regarding the disposal of foul and surface water flows.

Sport England

- No objection providing the agreed off-site contribution of £996k is secured in a suitably worded s106 agreement for investment in football priority projects in the Borough.

Social Services (Elderly)

- No response

South Staffs Water

- No response

Strategic Planning Policy

- Amended plans comprise a slightly revised layout plan, elevations and design and access statement. The documents do not appear to make any contribution to the application or address previous concerns.

Sustrans

- No response

Rambles Association

- Concern regarding traffic flow in and out of Bush Grove and possible impact on Walsall Road.

Regeneration and Development

- No response

RSPB

- No response

Tree Preservation Officer

- No response

Waste Management (Clean and Green)

- No response

West Midlands Fire Service

- No objection – note to applicant regarding compliance with building regulations.

West Midlands Police

No Objection – recommendations for CCTV external cameras, external LED lights with sensors, and Secured by Design principles

Walsall Council Social Services-

Any new provider of residential and nursing homes needs to consider the impact of the pandemic and how attractive their offer is in terms of location, quality and cost. Note Councils weekly rates for residential placements.

Western Power

- No response.

Representations

The application has been through three rounds of public participation. The issues raised by the public participation can be summarised as follows:

Objection:

- Increase traffic volume in Bush Grove
- Leave football pitch for kids and families and Pelsall
- No view of common from care home- do you want to consign older residents to the rear of the site- deny aspect from their windows?
- Oppose the opening of bush grove to provide an entrance to a car egome facility
- Opening road will increase noise pollution air pollution and congestion.
- Want to discuss application in person
- Lack of parking
- Inadequate access
- Detrimental to character of the area
- Impact on amenity of neighbours
- Detrimental to the viability and vitality of the village centre.
- Care home to be built on Pelsall Villa football ground- detrimental to the community if green space was lost.
- If site is no longer used for football would be better for allotments for physical and mental health.
- Care home better placed on site where Aldi plan to built.
- Planner officers assured the Bush field was designated as POS for recreational use. Does the Black Country Core Strategy include this designation for a ten year period?
- Bush grove is narrow- not be easily negotiated by ambulances and vehicles visting the care home.
- Increased pollution will have an impact on wildlife.
- Three storey building will be imposing on outlook.
- Privacy will disappear
- Don't wish to see private ambulances passing homes often
- Vehicles will make access dangerous

- Bush grove is extremely quiet- don't want care home.
- Causing stress for elderly neighbours.
- Impact on house prices.
- Proposal will have a knock on affect on local shop and local community spirit.

Support:

- Great addition.
- Creation of new jobs.
- Has a decision been made yet.
- Suggest the developers might like to include access from the rack to their residential home.
- New housing for Pelsall is welcomed.
- Apartments will move old people out of homes and free them up for families, reinvigorating the community.
- Please ensure the buildings are sympathetic to the common area.
- If plan was redesigned so care home was on Walsall road with a conservatory looking over common it would be a great asset to the village. If stuck behind a supermarket with no nice views it would be unacceptable.
- Will be in keeping with the quiet, friendly area.
- Support the care home but not the aldi next to it.
- Families wouldn't be happy to pay a large amount of money to have a view of delivery lorries, shopping trollies over car park.
- Support care home as it is a vital service for the elderly and vulnerable.

Determining Issues

- Principle of Development
- Loss of football ground
- Heritage Assessment
- Scale of Development
- Design, Layout and Security
- Impact upon neighbouring and proposed occupiers
- Vehicle Access, Highways and Public Rights of Way (ProW)
- Environmental Protection
- Flood Risk and Drainage
- Trees/Landscaping
- Planning Obligations

Assessment of the Proposal

Principle of Development

The site has no site-specific allocation in the development plan and is not safeguarded for any uses in the site allocation document. The surrounding area is characterised by a range of uses, including public open space/sports facilities and existing residential properties. The open space provision includes the extensive Pelsall Common and Pelsall Cricket and Sports Club to the north of the site. The Site is also in close proximity to a small parade of shops on Allens Lane (c.100m to the south west), together with a wider range of facilities and services forming part of the Pelsall Local Centre. It is considered that the location of the site is sustainable and as such the location of the site means that the proposed use can be supported by SAD policy HC3 b) and c) however this is subject to other material considerations as set out below.

Loss of football ground

The football pitch is identified on the Policies Map Paragraph 97 of the NPPF outlines how sports fields and open spaces should not be built on with given exceptions. This is also supported by local policy LC6 in the UDP, which mirrors much of the NPPF requirements. It was considered that while the applicants case as to equivalent provision in paragraphs 5.8-5.16 of the *Planning and Retail Statement* is noted, it should be taken in conjunction with the advice from Sports England with regards to two particular points, namely that:

- a) The financial contribution of £475,178 proposed to be allocated toward replacement provision would not be sufficient, and
- b) No alternative site has been identified in which to invest in or offer replacement provision.

Sports England originally objected to the application because the proposed section 106 sum was not considered equitable to the cost of replacing the stadia football pitch and associated facilities that would be lost. Therefore, the proposals put forward are not considered to meet Exception E4 of Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.

Since the original submission of the application, the financial contribution has been revised to an adequate figure of £996k which has been supported by Sports England and will need to be secured through the use of a Section 106 agreement prior to the granting of planning permission and delivered prior to the commencement of development on the site to ensure the on-going provision of recreation facilities within the locality. As such, the loss of the football pitch is considered to be acceptable given the above.

Heritage Assessment

The application site is within the Pelsall Common Conservation Area and the site adjacent, subject of application 20/0832 includes the Old Bush Inn, a Locally Listed building. Application 20/0832 also includes the demolition of this former Public House.

The adjacent site comprises the Old Bush PH which is to be demolished. The heritage statement refers to the Old Bush PH as having 'a material impact on the former Old Bush PH by virtue of its demolition. Harm to significance will be substantial but given the fact that the restoration and retention of the building would not be feasible or viable, on balance, it is considered that the benefits of its replacement outweigh the dis-benefits. What little remains of the pub's standing heritage value post-fire and vandalism would be best retained in the public record'. Paragraph 2.6.3 of the Heritage Statement states 'we would concede that it is a 'local landmark' as a community facility, the pub only features in one or two minor views from the Common and tangentially in series of views when travelling along the Walsall Road'.

The Old Bush Inn is in a state of disrepair having been the focus of several arson attacks. The proposal includes a financial viability statement for the retention of the Old Bush Inn. . The assessment was undertaken using a residual valuation model with cash flow, in line with RICS (Royal Institute of Chartered Surveyors) Professional Guidance. The Assessed Development Options include the refurbishment of the building for use as a Public House with the minimum level of intervention in the current layout and format of the building, as well as the conversion to a day/nursery or crèche within the existing built envelope. The appraisal finds that the refurbishment of the PH would create a negative residual land value of -£541, 627, while the conversion to a Day Nursery would create a negative residual land value of -£174,706. These negative values mean that the landowner could not expect to be able to sell the property for these uses, moreover, they would have to dispose of the site for nothing or less than nothing in order for any subsequent business to be viable. The statement concludes that the existing locally listed former public house cannot be viably re-used as a public house, or for any other community use via repair or conversion. [Page 53 of 180](#)

While the loss of the locally listed building would in general create a negative impact on the character of the conservation area, in this case, given the state of repair of the building and the negative impact in terms of visual amenity and anti-social behaviour on the site as a consequence, the loss of the locally listed building is considered on balance to be acceptable.

There is no current conservation area appraisal for Pelsall Common Conservation Area, however the Pelsall Common Conservation Area is generally domestic in scale, enhancing the sense of wide expanses of open space. Traditional building materials are red brick, handmade plain clay roof tiles and stone detailing to windows and door openings with pitched and gable roofs.

The application is at outline stage and as such the design, scale, layout and appearance of the development is to be determined at reserved matters stage. It is therefore considered that while the Conservation Officer has raised concerns about the impact on the character and setting of the conservation area it is considered that if the details of the building and its design, character and materials are carefully considered than the building would not be significantly detrimental to the appearance of the site. Further it is recommended that a condition be attached to the planning decision securing a comprehensive hard and soft landscaping plan to ensure that there would be adequate screening of the development.

Scale of Development

The original application applied for outline consent for access, layout and scale to be determined, however the application has been amended since the original submission and now is only seeking access for determination.

There was concern that the scale of the proposed development at present is considered to be unacceptable and would not reflect the character of the surrounding area, thus not being supported, however as scale remains to be a reserved matter this concern could be addressed with a reduced scale of development and secured at reserved matters stage and reserved by condition.

Design, Layout and Security

The submitted indicative layout plan shows an L shaped building with carparking to the front of the building with access off Bush Grove. There are areas of landscaping within the site which would be considered to enhance the appearance of the care home.

It should be noted that layout and appearance are reserved matters and therefore the final design of the scheme will be determined at reserved matters stage and secured by condition. A condition would also be included to require submission and approval of facing materials to ensure satisfactory appearance of the development.

Further conditions would be included to seek details of an external lighting scheme in the interest of safeguarding neighbours' amenity and site security and of energy consumption reduction measures, such as renewable energy, to meet the requirements of BCCS Policy ENV7.

The Police confirm the site is in an area suffering from a high proportion of anti-social behaviour and violent crimes. A condition would be included to ensure the development includes appropriate security measures in line with the recommendations of the Police and the Council's Community Safety Team.

Impact upon neighbouring and proposed residential occupiers

The site is bounded by non-residential uses in the north, east and west, but there are residential properties directly to the south along Bush Grove. The indicative site layout plan

shows that the north elevation of the building is set back from Bush Grove by approximately 26m. The building would therefore be approximately 36m to the nearest residential property on Bush Grove. According to the Designing Walsall SPD there should be at least a 13m separation between habitable windows and blank walls exceeding 3m in height or 24m separation distance between habitable windows in residential properties facing one another. The application is at outline stage, however notwithstanding this the proposed building would be well in excess of the above guideline distances.

Whilst the addition of the building would have an impact in terms of the outlook of the houses on Bush Grove, the building is adequately set back from these dwellings and it is considered that the impact would not be significant enough to warrant a refusal.

It should again be noted that the application is at outline stage and as such the scale, layout, design and appearance of the development are for determination at reserved matters stage, however it is considered that due to the separation distance, appropriate vegetation screening and orientation of the building the impact upon nearby occupiers would not be detrimental.

Noise from early morning construction workers and the dust and dirt from the construction work can be mitigated through the requirement of a construction management plan and any issues regarding light pollution would be addressed through a lighting condition, to protect the amenities of existing residential occupiers surrounding the site.

The size of the bedrooms and facilities within the building cannot be ascertained at outline stage however this will be submitted for approval at reserved matters stage to ensure a good standard of amenity for future occupiers.

Vehicle Access, Highways and Public Rights of Way (ProW)

This outline application seeks the approval of access, with all other matters reserved for future consideration. The main site access is proposed off Bush Grove.

The applicant transport consultants, Connect Consulting, have now submitted further information and clarifications to address the Highway Authority's previous concerns (17th February).

On the basis that the applicant has now confirmed that the development is an 80 bed Care Home in the traditional sense of the word and not a Retirement Village or a Retirement Home with a care element, the Highway Authority is satisfied that the trip generation will not have a significant detrimental impact on the operation of Bush Grove and the local highway network.

The Predicted Trip Generation (based upon TRICS) is as follows:

AM Peak Hour (08:00 to 09:00) = 16 trips

PM Peak Hour (17:00 to 18:00) = 14 trips

Additionally, the proposed 43 space car park has been demonstrated to have sufficient capacity to accommodate the predicted parking demand of the development and is unlikely to result in over-spill onto Bush Grove. The peak parking demand of the development is predicted to be around 23 spaces.

The Highway Authority supports the development in principle but will require further additional information in regard to a revised site layout plan showing the required 2.4 x 4.3m visibility splay at the access point on Bush Grove and details on new footways/ how the development will connect to the existing footway network. It is requested that members of this planning committee delegate back to the head of planning and building control to allow for the additional information

to be submitted to satisfy the concerns of the Local Highways Authority. In terms of ProW, there are no definitive public rights of way and it is considered the proposed development will not impact upon any public rights of way and there are no objections or requirements.

Environmental Protection

Environmental Protection have no significant concerns about the proposal. Given the proximity of residential dwellings and the road infrastructure, there is potential for local environmental impacts from demolition, engineering and construction activities. Furthermore, the Geo-Environmental Appraisal has identified that Piling (Ground Stabilisation) Works will be required for the store. These works can result in significant ground vibration and therefore a condition is required to control vibration impacting upon nearby residential dwellings. These issues will be addressed via a Construction Management Plan. The applicant will also need to agree measures to be implemented to comply with the Black Country Air Quality SPD.

Flood Risk/Drainage

As shown on the Environment Agency's published flood risk map, the application site is located within Flood Zone 1, the lowest area of potential flooding from sea and rivers. The Local Lead Flood Authority are satisfied with the submitted proposals and have no objection to the granting of outline planning permission. Further, Severn Trent have been consulted and recommend a condition regarding a drainage scheme for the disposal of foul and surface water flows; this will be a condition of any approval.

Trees/Landscaping

There are a number of mature trees and potential habitats on the site that are protected under Policies EN1 of the SAD of ENV15 of the UDP. No comments have been received from the tree officer in regard to the proposal.

A preliminary Arboricultural assessment was submitted in support of the application. Tree cover across the site was generally found to be of fair quality and located predominantly at the site boundaries with limited tree cover towards the centre of the site.

The AIA has put forward standard recommendations which if meet the 6 tests will be included as a condition of any approval.

Ecology

A Preliminary Ecological Appraisal including Badger Survey and Preliminary Bat Roost Assessment have been submitted as part of the application, the former outlines recommendations that should be followed to ensure general protection of on-site ecology, while the latter indicating no presence of roosting bats but giving recommendations as to appropriate lighting and habitat enhancement should be followed. This would be implemented under any subsequent development conditions in order to ensure minimal disruption to the surrounding ecology of the site, or nearby Open Space and Environmental Networks in accordance with Policy EN1 of the SAD, along with recommendations from the Ecology Consultant.

Planning Obligations

Loss of Sports Facility

A portion of the eastern area of the Site is occupied by a disused football pitch, which previously accommodated Pelsall Villa FC. The proposed development seeks to redevelop part of the

football pitch for the purpose of delivering an Aldi food store. A separate planning application which seeks to deliver a residential care home on land directly to the east, has also been submitted. Together with the Aldi food store, the proposed residential care home would result in the complete loss of the former football pitch of Pelsall Villa FC.

The Sports Facilities Supporting Statement confirms that the applicant accepts the principle of providing mitigation for the loss of the disused football pitch. The provision of a proportionate financial contribution is therefore proposed. Significant negotiations have been undertaken in order to agree an appropriate contribution, taking advice from Sport England and the relevant recipient department. It was decided that:

- Payment of the sum in full (to be index linked) on the serving of the implementation notice/commencement of development.
- Sum to be spent on football priority investment projects which could be a combination of : 3G Artificial Grass Pitch, Grass pitch improvements, changing room provision/improvements, associated car parking (with the discretion for the Council to secure match funding from other funding sources if they see fit)
- In the event that the forthcoming Playing Pitch Strategy identifies the need for new grass pitches, to include an obligation to use part of the sum towards providing a replacement grass pitch, with the residual being used as per the above.
- The location of spend to be agreed – either to name a shortlist of sites (likely to include those named previously including Bloxwich Leisure Centre, Aldridge Airport etc), or alternatively a defined radius from the site, which could be defined to ensure that the priority sites are all within the radius without having to expressly name them.
- To ensure that the payment of the sum is triggered in full by the implementation of either the food store or the extra care development, since the facility would be lost regardless of which is implemented first, or where only one of these developments is implemented.
- An agreed spend period with sufficient contingency time for the Council to procure the facility, obtain planning permission (where required) etc.

Travel Plan

The travel plan will be secured by s106 in order to monitor and assess it. The aims of the travel plan are to increase awareness and encourage use of environmentally friendly modes of transport amongst staff and customers. It introduces a package of management measures that will help to facilitate staff travel by sustainable modes of transport. Reduce single occupancy, single purpose vehicle use by staff. The plan sets SMART targets. The initial target of the Travel Plan (i.e. the results of the first travel survey) will be to achieve a modal split in line with the average figures at, and to then reduce the proportion of staff driving single occupancy single purpose private car journeys to work by 5%, absolute, within five years of the Travel Plan being adopted.

Affordable Housing and Open Space

It was previously stated that recent case law has confirmed that a C2 use (where care is provided to residents) is liable to make a contribution to the affordable homes requirement in the development plan where the accommodation has an element of self-containment, though residents having individual cooking facilities. A contribution to open space improvements would also be required, especially given the site's proximity to Pelsall Common. Since these initial comments it has been clarified that the proposal is for a traditional care home facility and therefore no contribution to affordable housing or open space is sought.

Conclusions and Reasons for Decision

FOR Grant

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

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised in regard to scale, design and impact on the Conservation Area an amended scheme for outline seeking consent for access only has been submitted which enables full support to be given to the scheme.

Recommendation

Conditions and Reasons

1. Application(s) for approval of any Reserved Matter shall be made within 3 years of the date of this decision.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. No development shall take place until approval of the Reserved Matters has been obtained from the Local Planning Authority. The Reserved Matters are:

- i. Scale
- ii. Appearance
- iii. Landscaping
- iv. Layout

Reason: Pursuant to article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The development must be begun not later than 2 years from the final approval of the Reserved Matters, or in the case of approval on different dates, the final approval of the last Reserved Matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. This development shall not be carried out other than in conformity with the following plans and documents, unless otherwise stated in other conditions or approved as part of a Reserved Matters application:

- D16A56 - P601 SITE LOCATION PLAN rec 11-03-2022
- D16A56 - P602 Rev A PROPOSED SITE PLAN (indicative) rec 11-03-2022
- D16A56 - P606 – Rev A CARE HOME ELEVATIONS (indicative) rec 11-03-2022
- D16A56 - P609 EXISTING SITE PLAN rec 11-03-2022
- D16A56_CH_DAS_501_DA Statement V4 - Bush Grove Walsall rec 11-03-2022
- Design and Access statement rec 11-03-2022
- Air quality technical note
- Bat survey
- Covering Letter

- Ecological Walkover Survey
- Flood Risk Assessment and drainage strategy
- Geo-environmental appraisal
- Heritage statement with supplementary commentary
- Land contamination Phase 1 Environmental Site Assessment
- Planning Statement
- Preliminary Arboricultural Assessment
- Preliminary Ecological Appraisal
- Retail Health Check
- Supporting statement
- Townscape and Visual Impact Appraisal
- Transport Assessment
- Transport Plan

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

5a. No development shall exceed damp proof course level until a schedule of facing materials to be used in external walls and roofs has been approved in writing by the Local Planning Authority.

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

Reason: To ensure the satisfactory appearance of the development and to accord with UDP Policy ENV32.

6a. As part of the Reserved Matters submission a plan shall be submitted to show the location of full infrastructure for electric vehicle charging facilities for each of the proposed dwellings.

6b. The agreed scheme shall be fully implemented in accordance with the approved details prior to first occupation of development and retained for the life of development.

Reason: In the interest of Air Quality and in accordance with UDP Policy ENV10 and Air Quality SPD.

7a. As part of the Reserved Matters submission a plan shall be submitted to demonstrate that the development provides sufficient parking spaces per dwelling to meet the criteria set out in UDP Policy T13 along with adequate motor, refuse and emergency vehicle movement within the site.

7b. Prior to first occupation all access ways, vehicle parking spaces and manoeuvring areas shall be fully consolidated, demarcated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain and thereafter 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. As part of the Reserved Matters submission, full details of a cycle shelter for the use of staff and visitors and which shall be covered and illuminated shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

8b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

9. Upon the development first coming into use, the measures and incentives to promote the development's sustainability credentials and encourage non car borne travel modes shall be implemented in accordance with the submitted Connect Consultants Staff Travel Plan Statement dated July 2020 for the lifetime of the development.

Reason: To encourage sustainable travel modes, in accordance with BCCS policy TRAN2 and UDP Policy T10.

10a. As part of the Reserved Matters submission details shall be submitted illustrating any external lighting, including its location, angle and positioning of the lighting heads plus the levels of illumination.

10b. The agreed details shall be fully implemented prior to the first occupation of the development and retained in working order thereafter.

Reason: In the interests of residential amenity and community safety and to accord with UDP Policy GP2.

11a. As part of the Reserved Matters submission details shall be submitted to demonstrate energy consumption savings of 10% of the overall on-site energy demand for the development.

11b. The development shall be constructed in accordance with the approved details and retained as such for the life of the development.

Reason: To encourage sustainable development and reduce impacts on the environment and to accord with NPPF 10 and BCCS Policy ENV7.

12a. As part of the Reserved Matters submission, details of compensatory planting, shall be submitted to and approved in writing by the Local Planning Authority.

12b. The tree protection measures as recommended in the AIA shall be implemented prior to construction and maintained during construction and any replacement planting to be carried out in accordance with the agreed details prior to the first occupation of the development.

12c. 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: To safeguard trees with high visual amenity value and to ensure a satisfactory level of visual amenity is retained and to accord with UDP Policy ENV18 and NE8 and NE9 of the Natural Environment SPD.

13a. Prior to the commencement of any works on site including engineering and site clearance/preparation works a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority setting out:

- i. how the works will be undertaken;
- ii. detailing where the parking and turning facilities for site operatives and construction deliveries will be located;
- iii. giving details of arrangements for the control of noise, vibration, dust and debris (including

- site drag-out);
 - iv. wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction; and
 - v. the management of any materials arising from the works.
- 13b. The Construction Management Plan shall be fully implemented upon commencement of any works and shall be maintained until the site construction works are completed.

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, to protect local amenity and to accord with UDP Policy GP2.

14a. Prior to commencement of development plans shall be submitted to and approved in writing by the Local Planning Authority to show the disposal of foul and surface water flows.

14b. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

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

15. Demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall not take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall not take place outside the hours of 08.00 to 18.00; and 08.00 to 14.00 on Saturdays. Plant, machinery or equipment associated with such works shall not be started up or operational on the development site outside of the hours above.

(* 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.

16. The development shall be constructed to meet the following minimum security measures and retained as such:

- i. Vehicle access and pedestrian access gates to flats at 2.1m high, to be self-closing and self-locking and designed to prevent climbing.
- ii. All ground floor windows and any accessible windows should have at least one pane of 6.8mm laminated glass. This includes French doors and patio doors.
- iii. Use of PAS 24:2012 doors.
- iv. Use of a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification and ASB Thumb turn 3 star cylinders, Ultion Locks (or similar).
- v. No Lead or metal should be used on the ground floor, this includes outside taps to the front of properties. Where possible lead substitute products should be used.
- vi. Any communal entry to the building shall be fitted with an access control system. This may be a proximity access control system, a door entry phone system and electronic lock release or a combination of these and shall include CCTV coverage of the flats.

- vii. Entrance and exit doors and frames to the flats shall be of a robust vandal resistant material, with vandal resistant viewing panels.
- viii. Entrances shall be well lit both internally and externally.
- ix. Where communal areas are to be used for letterboxes DAD UK Ltd DAD009 1.5mm steel letterboxes shall be used.
- x. A Secured by Design cycle stand should be installed to serve any flats. The security anchor for the bike shall 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.

Reason: To ensure the safety and security of the development and its occupiers, in the interests of visual and residential amenity and to accord with UDP Policy GP2.

17. The development hereby permitted shall not be carried out otherwise than in accordance with the approved ecological protection and mitigation measures as set out in the Preliminary Ecological Appraisal (PEA) dated 21-07-2020 and the ecological mitigation measures shall thereafter be retained for the lifetime of the development.

Reason: To mitigate harm to the natural environment in accordance with saved UDP policies GP2 and ENV23.

18a. The development hereby permitted shall not be carried out otherwise than in accordance to avoid the risk to nesting birds, no trees/hedgerows/scrub/vegetation shall be disturbed or removed until an inspection has been carried out by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy confirming that there are no nesting birds.

18b. If nesting birds are discovered at any point during the construction period then works shall cease until a report prepared by the supervising ecologist has been submitted in writing to and approved in writing by the Local Planning Authority.

18c. Works shall not continue otherwise than in accordance with the measures in the approved ecologist report.

Reason: To protect local bird populations and to comply with NPPF 15, policy ENV1 of the Black Country Core Strategy, policy EN1 of the Walsall Site Allocation Document and saved policies ENV18 and ENV23 of the Walsall Unitary Development Plan and Conserving Walsall's Natural Environment SPD

19. Notwithstanding the provisions of condition 4, this permission only relates to access and does not give consent for the scale, layout, appearance or landscaping which are reserved matters.

Reason: To define the outline permission with all other matters reserved.

Notes for the Applicant:

Highway Authority

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 either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact

Highway Development Control Team on 01922 655927.

3. All works within the public highway shall be in accordance with all statutory requirements.

4. Any alterations to street furniture required to accommodate the footpaths, such as modifications to trip rails, the bus stop pole, traffic signage, street lighting etc. or root protection works around the street trees, shall be at the applicant's expense.

Fire Authority

Suitable water supplies for firefighting should be provided. This shall be subject to consultation with West Midlands Fire Service once a Water Scheme plan has been produced and approved by the relevant Water Company.

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

Any dead end greater than 20 m in length should have an appropriate turning facility for a pump appliance.

Dead end/cul de sac roadways should be a minimum of 5.5 metres in width and a minimum carrying capacity of 15 tonnes.

Pollution Control

Air Quality

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

An external weatherproof and lockable covered 32 Amp external 7 pin charging socket to comply with EN 62196-2 and be compatible with a J1772 Type 2 connector. The charging unit should feature a Mode 3 (IEC 61851) communication module.

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

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

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

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

Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake

such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. The Coal Authority would take this opportunity to make the applicant aware of our adopted policy:

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

Severn Trent Water

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

END OF OFFICERS REPORT

Plans List Item 3 – 21/1727 – Land between Canal side Close and Canal – will be sent to follow

Planning Committee

Report of Head of Planning and Building Control on 20 June 2022

Plans List Item Number: 4

Reason for bringing to committee

Major Application

Application Details

Location: 132-132A, LICHFIELD STREET, WALSALL, WS1 1SL

Proposal: DETAILED APPLICATION FOR CONVERSION OF 132 LICHFIELD STREET (GRADE II LISTED) AND ERECTION OF APARTMENT BLOCK TO REAR OF LISTED BUILDING TO CREATE NO. 28 APARTMENTS AND AMENITY SPACE. DEMOLITION OF FORMER NIGHT CLUB, FOYER AREA AND CANOPIED OUTDOOR AREA AND PORTAL FRAME WAREHOUSE BUILDING TO THE REAR OF THE LISTED BUILDING.

Application Number: 21/1670 & 21-1671

Case Officer: Sally Wagstaff

Applicant: 5unner Properties Limited

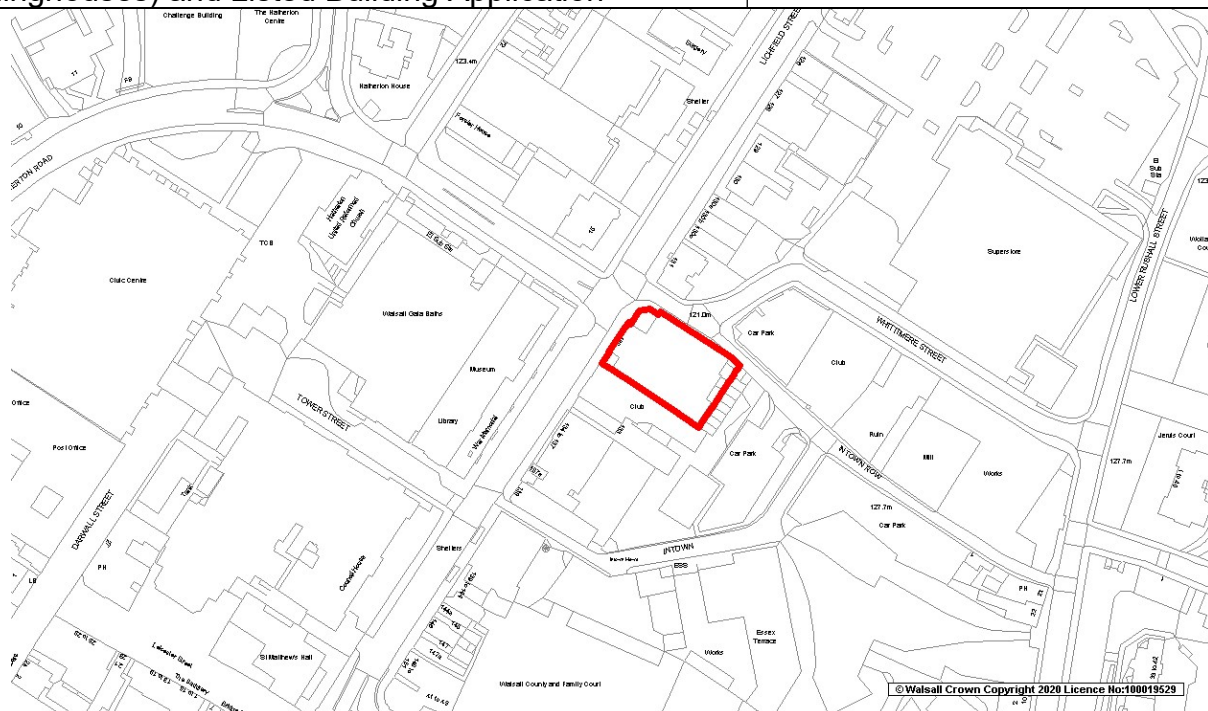
Ward: St Matthews

Agent: JBVJ Architects

Expired Date: 18-Feb-2022

Application Type: Full Application: Major Use Class C3 (Dwellinghouses) and Listed Building Application

Time Extension Expiry:



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Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and s106 to secure Urban Open Space contribution of £21,731.00 and subject to ...
 - The amendment and finalising of conditions;
2. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Listed Building Consent and subject to ...
 - The amendment and finalising of conditions;

Proposal

The proposal relates to a full application for conversion of 132 Lichfield Street (Grade II listed) and erection of apartment block to rear of listed building to create no. 28 apartments and amenity space. Demolition of former nightclub foyer area and canopied outdoor area and portal frame warehouse building to the rear of the listed building.

The proposal also includes the application for Listed Building Consent for conversion of 132 Lichfield Street (Grade II listed) and erection of apartment block to rear of listed building to create no. 28 apartments and amenity space. Demolition of former nightclub foyer area and canopied outdoor area and portal frame warehouse building to the rear of the listed building.

This report incorporates the assessment for both the Planning Application and Listed Building Consent application.

There are 4 key elements to the proposal which include:

- Retention and refurbishment of the Grade II Listed Building fronting Lichfield Street. The building will be utilised for no. 4 apartments with access from the original opening on Lichfield Street
- Two storey extension to the Listed Building replacing the existing Equator nightclub terrace on the corner of Lichfield Street and Intown Row which will incorporate living accommodation as part of the apartments in the Listed Building
- Retention of the part two/ part three storey historic warehouse fronting Intown Row including an extension to add an additional storey to the two storey part of the warehouse including a new roof to facilitate no. 12 apartments.
- Demolition of unsympathetic extension to rear of the warehouse and a three storey extension attached to the warehouse to facilitate no. 12 apartments
- The proposals include a shared residential courtyard. Apartments to the ground floor facing the amenity space will have their own terraces divided by defensible space.

Listed Building Conversion:

- 1no. 1 bed apartment - 45sqm
- 3no. 2 bed apartment - 59-72sqm

Warehouse Conversion:

- 20no. 1 bed apartment - 44-53sqm
- 4no. 1 bed studio - 35sqm

Total = 28 units

There are four residential accesses in total. Two for the Listed Building, one on Lichfield Street and one at the rear of the Listed Building, Page 67 of 100
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area, one on Intown Row incorporating the existing door opening and another secondary access for residents living within the warehouse conversion and extension to the rear of the warehouse. All accesses will be controlled for resident security.

The design of the extensions take on board the architectural merits of the existing heritage assets incorporating modern features within the extensions. The palette of materials will reflect those of the existing buildings as well as modern glazing and roofing materials.

Extensive discussions have taken place between officers and the applicant which has resulted in an amended scheme taking on board Conservation officer concerns regarding the scale, mass and design of the extensions. Improvements have also been sought to the Listed Building.

The amendments are summarised below:

- Reduced the overall mass of the scheme and removed the 4th storey of accommodation above the warehouse extension.
- Reduction in proportion and size of infill corner extension
- Further reduction on the pitched roof element of the cladding extension to the warehouse
- Ensuring the Listed Building height remains the highest roofline of the scheme.
- Traditional material palette driven and directed by the existing architectural style of the Listed Building and Warehouse.
- Slot glass infill between direct abutment of corner infill extension and the Listed Building return facade.

The application is supported by the following documents:

Design and Access Statement -Sets out the evolution of the proposal from pre application advice to the current scheme including a detailed history of the site and the heritage features found internally and externally.

Heritage Statement - References the Lichfield Street Conservation Area, the HER and the application site and listed building. It considers that the proposal would have direct benefits on the application building and the Conservation Area.

Heritage Condition Report – Summarises that the condition of the building is deteriorating and that without significant investment the building is at further risk of substantial loss of fabric which in turn will have an impact upon the Conservation Area. The report references changes already made to the Listed Building and the important features of heritage interest.

Transport Statement – Concludes no intensification of vehicular trips due to no parking available on site. Site is within a sustainable location with good transport links, cycling and walking to nearby facilities. It is considered proposed pedestrian access points are well located especially combined with the traffic calming measures proposed on Intown Row.

Noise Assessment – Summaries mitigation can be provided in the form of very heavy glazing and mechanical ventilation.

Flood Risk Assessment – Concludes the site is located within Flood Zone 2. There is high risk of surface water flooding in the roadway adjacent to the site and medium risk of groundwater flooding.

Site and Surroundings

Number 132 and 132a Lichfield Street are designated heritage assets, as defined in the NPPF. The site is within Lichfield Street Conservation Area, a designated heritage asset as defined in the NPPF.

The site is in-centre of Walsall Strategic Centre but out of the Primary Shopping Area.

The site is located on the corner of Lichfield Street and Intown Road. The site currently comprises

of Equater Night Club which is currently vacant. The night club includes the historic warehouse on Intown Row, the terraced area extension on the junction of Intown Row and Lichfield Street. To the rear of the site is a flat rood infill structure.

Lichfield Street Conservation Area has considerable historic and architectural interest. There are a number of 'landmark' Grade II listed buildings within the immediate locality, the most prominent of which are the Council House fronting Lichfield Street, the Town Hall Leicester Street, the Library Lichfield Street, Old Court House Lichfield Street, St Pauls Church Darwall Street, 144A to 147A and 138 Lichfield Street.

The historic character of Lichfield Street is one of offices and there is a hierarchy of architecture with industrial architecture to the rear of the buildings fronting Lichfield Street and civic polite architecture fronting Lichfield Street with some buildings finished in stucco.

The adjacent building No. 133 Lichfield Street has also has modern addition which do not contribute to the Conservation Area.

Relevant Planning History

BC51552P/C - Change of Use to create two A3 Units including Refurbishment, Alterations, Extension and Redevelopment – Grant Permission Subject to Conditions 11/09/1998

BC5155AP/C LISTED BUILDING CONSENT: Demolition of part of building, Change of Use to create 2no. food & drink (A3) Units including Refurbishment Alterations and Redevelopment. Grant Listed Building Consent 11/09/1998

BC54164P/C Conversion creating single A3 unit including refurbishment, alterations, extensions and redevelopment (amendment to BC51552P/C) Grant Subject to Conditions 11/06/1999

BC54162P/C LISTED BUILDING CONSENT: conversion creating single A3 unit including refurbishment, alterations, extensions and redevelopment (amendment to BC51554P/C) Grant Listed Building Consent 11/06/1999

16/1943 Change of use to Drinking Establishment (A4) and Restaurant (A3) with external shisha lounge. Withdrawn- invalid application 20/02/2017

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 56) says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- S4: The Town and District Centres: General Principles
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S8: Housing in Town Centres
- 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
- 8.3 Urban Open Space
- LC1: Urban Open Spaces
- LC8: Local Community Facilities

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing
OS1: Open Space, Sport and Recreation
EN3: Flood Risk
EN5: Development in Conservation Areas

Walsall Town Centre Area Action Plan 2019

AAPLV1: Residential Developments
AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness
AAPLV6: Securing Good Design
AAPLV7: Enhancing the Public Realm
AAPT2: Cycling

Supplementary Planning Document

Designing Walsall

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

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

Open space, sport and recreation

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

Affordable Housing

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

Air Quality SPD

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

Consultation Replies

Archaeological Officer

No Archaeological Implications

Conservation Officer

No objection to the proposal subject to conditions to ensure any works do not result in harm to the historic fabric of the Grade II listed building.

Environment Agency

No objection. Development proposal in FZ2, Flood Risk Standing Advice recommended.

Fire Officer

No objection subject to implementation in accordance with Approved Document B, Volume 1, Dwelling-houses, 2019 Requirement B5: Access and facilities for the fire service

Georgian Group

No objection in principle to the conversion of the buildings on the site to apartments

Historic Buildings and Places (Former Ancient Monument Society)

No objection in principle to the conversion of the grade II listed former night club and warehouse building into residential apartments

Historic England

No objections

Housing Standards

No objections. Observations in relation to internal layout and potential fire risk

Local Highways Authority

No objection subject to conditions in relation to a Construction Environmental Management Plan, traffic calming measures and waste management

National Highways

No objection

Natural England

No comments to make

Network Rail

No comments to make

Police Architectural Liaison Officer

No objections. Secured by Design Principles recommended

Pollution Control

No objection subject to written confirmation proposed glazing can be installed in the building or a condition recommended for an agreed glazing and mechanical ventilation system to be installed.

Severn Trent Water

No objection subject to a condition recommending a foul and surface water drainage Strategy

Strategic Planning Policy

No objection on planning policy grounds

Representations

None

Determining Issues

- Heritage Assessment
- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Flood Risk / Drainage
- Ground Conditions and Environment
- Planning Obligations
- Local Finance Considerations

Heritage Assessment

In determining any planning application, special attention shall be paid to the desirability of preserving listed buildings as set out in sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As a listed building is defined as a 'heritage asset' it is necessary to determine if the harm is 'substantial harm' (paragraph 200) or 'less than substantial harm' (paragraph 196). The assessment must balance the scale of the harm against the significance of the heritage assets.

Amended plans have been received after discussions with the Conservation Officer and comments received from other bodies including Historic England, Georgian Group and Historic Buildings and Places. The principle of the development has not been objected to rather concerns were raised regarding the scale and design of the additions and the need for further detail to support the application.

A condition survey of the interior has subsequently been submitted, which outlines very little original historic fabric remains internally, the staircase, timber panelled door and fanlight, timber sash windows and chimneybreasts remain and externally the decoration including the Giant pilasters remain.

The amended scheme seeks to bring a vacant listed building back into use by minimising the amount of internal alterations to retain the original layout and form of the building. The bathrooms and kitchens are stacked to minimise the amount of pipework around the building. The proposal seeks to retain existing staircase, windows, chimneybreasts, timber panelled door and external decoration and seeks to reinstate existing openings to enhance the significance of the listed building. The submission outlines original features will be retained and made good and the conditions report states in some areas of the building the original fabric could not be assessed due to panelling in of features. There are no specific details with regards to the works, however these can be secured by conditions.

The proposal as a whole retains the historic nature of the listed building with a subservient glass framed extension linking the subservient side extension that comfortably fronts both Lichfield Street and Intown Row. The proposed roof extension to the Intown Row elevation illustrates the changing character of the site, whilst retaining the original brickwork and crittal style windows. The roof extension is modest and the extension towards the rear is considered acceptable. The rear of the site is the least sensitive, as such; a modern extension here could be supported which reflects the modern element of the rear of the buildings fronting Lichfield Street. Overall, the proposal would have less than substantial harm to the significance of the Listed Building, the harm should be weighed against public benefits of the proposals, including, securing optimum viable use. The proposal would enhance the character and appearance of the Lichfield Street Conservation area by seeking to remove an unsightly extension and replacing it with a more sympathetic extension that better reflects and enhances the conservation area.

Planning conditions are recommended to ensure any works do not result in harm to the historic fabric of the Grade II listed building.

Principle of Development

The site was previously used as a nightclub which is now vacant. As the site lies in the town centre, priority should be given to town centre uses. However, there are numerous other drinking and nightclub facilities in the centre. The loss of the drinking and nightclub establishment is offset by the availability of alternative venues in the town centre and does not represent the loss of a

unit in active use, with sufficient information provided to allay such concerns. It is considered the loss of the former use is considered acceptable.

The proposal provides a significant number of dwelling units contributory to the housing shortfall in Walsall and in the strategic centre, where housing is supported near to existing public transport links and services where centre vitality is not threatened. It is considered that type of accommodation is suited to the locality due to the proximity to the town centre.

The site adjoins another evening entertainment venue which could give rise to disturbance to future residents. Paragraph 187 of the NPPF the 'agent of change' principle states, "Planning policies and decisions should ensure that new development *can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs)*. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed".

The 'agent of change' principle in NPPF paragraph 187 will therefore apply to this proposal. To ensure that the new development would not have a detrimental impact upon the adjoining business the developer has agreed to provide acoustic glazing mechanic ventilation.

On balance it is considered that the principle of residential development within this location is acceptable.

Design, Layout and Character

The principle of the design is to utilise the existing Listed Building and historic warehouse on site. The Listed Building fronting Lichfield Street will have minimal design changes with entrances retained and utilised with improvements to the internal and external fabric. Existing window openings on the Intown Row will be retained to preserve the historic character of the building.

The Design and Access Statement advises any new materials proposed will match the existing. The windows to the extension will be warehouse/critical style to be in keeping with the character of the building. In order to ensure that the materials proposed will provide a satisfactory appearance of development a condition is recommended for full details of materials to be approved.

The scheme has been amended to reduce the scale and massing of the proposal. It is considered the amended design which includes a reduced extension to the Intown Row elevation would not be unduly dominant or be overbearing and out of character within the streetscene. On balance it is considered that the proposal is in keeping with the historical character of the building and would not have a detrimental impact upon the character of the area.

There is approximately 123 sqm of green amenity space provided within the site in the form of a communal courtyard. This would be private and secure for the use of the apartments residents however it below the 20 sqm per unit as set out in the amenity space guidelines within Appendix of Designing Walsall SPD. It is considered that whilst the development would fall short of useable private amenity space for the occupiers the proposal is within a sustainable location in proximity to the Arboretum which is approximately a 10 minute walk from the site. Due to the apartments being majority no. 1 bedroom it is very unlikely that the development would attract those with families who are more likely to want larger outdoor space. On balance, in this instance it is considered the proposed shortfall is acceptable and would not have a detrimental impact upon the amenity of future occupiers of the site.

A sheltered cycle stand will be provided next to the residential courtyard for 15 bicycles. The location is considered appropriate within the site.

The bin store is located to the rear of the site. Waste management have not commented on the proposal however it is considered to ensure that waste management are able to collect and return the bins in an appropriate manner a condition is necessary for a waste management plan to be submitted and approved.

On balance it is considered the layout would result in a proposal that is safe, secure and functional for the occupiers

Amenity of Neighbours and Amenity of Future Occupiers

The flat sizes within the development vary between 35.0 sqm for a no. 1 bedroom apartment and upto 72.0 sqm for a no. 2 bedroom apartment. Walsall Council do not have adopted space standards in which to assess the appropriateness of flat sizes, nevertheless, National Minimum Space Standards are used as a guide for residential development. It is acknowledged that one of the no. 1 bedroom units is under the prescribed 37.0 sqm for a one bed, one person flat as it is 35.0 sqm and one the flats within the Listed building is 59.0 sqm is under the prescribed 61.0 sqm for a two bed, three person flat however it is considered that overall the proposal would result in adequate room sizes for the occupiers. It is considered all flats would have and acceptable level of natural light into the dwellings.

The proposed layout would not lead to any habitable room window conflict. It is considered that the proposed internal layout would not result in a loss of privacy to the occupants.

There are two entertainment venues in the vicinity, Manhattans discotheque occupies the building next door - No. 133 Lichfield Street, and MPV, a live music and creative arts venue 20m from the rear facade. Manhattans is open every Friday and Saturday night until 04:00 and it is understood that the MPV building is currently un-used. A Noise Assessment has been submitted which considers that the proposal would result in a significant adverse noise impact in relation to music and patron noise. It is considered that in context this impact is limited to the 2nd floor (south west facing) rooms only, as they have direct line of sight to the club.

ProPg noise risk levels are considered to be medium at Lichfield Street Day and night due to traffic and buses. It is also considered there would be a noise impact source from traffic and Morrison's deliveries on Intown Row elevation.

The Acoustic Consultant is of the opinion that mitigation can be provided in the form of acoustic glazing and mechanical ventilation, such that future occupants will need to ensure that their windows are kept closed to ensure than an adequate internal acoustic environment is achieved. The glazing being recommended should achieve up to 56 dB sound reduction and includes Pilkington Optiphon 9.1mm/20mmArgon/13.1mm outer, 300mm cavity, 6mm Optiphon secondary glazing. The applicant has confirmed that such glazing can be installed and achieved within the Listed Building due to the heaviness of the glazing as recommended within 'Blue Acoustics BS3722 Report'.

It is acknowledged that if that to ensure satisfactory amenity for the occupiers of the flats in relation to noise that the mitigation measures are necessary. It is considered that on balance the proposal would not result in an undue detrimental impact upon the quality of life for its occupants.

Highways

The proposal looks to modify and convert the existing commercial buildings into 25 apartments. No on-site parking is currently available or proposed.

The site is located within the town centre and hence is highly sustainable with close access to public transport hubs and commercial and public facilities.

The site does not presently have any vehicle access onto the site. Pedestrian accesses are proposed off Lichfield Street and Intown Row.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2021 paragraph 111.

A traffic calming feature is required on the public highway outside the secondary pedestrian entrance on Intown Row due to its poor pedestrian/vehicle inter-visibility. This will slow traffic on the approach to the entrance coming down.

Conditions are recommended in relation to traffic calming measures, waste management proposals and cycle storage.

Flood Risk / Drainage

The development is situated within Environment Agency Flood Zone 2 and immediately borders Flood Zone 2. The proposed development may present risks of flooding on-site and/or off-site if surface water runoff is not effectively managed. The applicant has submitted a Drainage Strategy for surface water and further to this engaged with the Local Lead Flood Authority. The Local Lead Flood Authority do not object to the proposed development subject to securing conditions in relation to ensuring that a full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure no increase in flood risk during the construction phase.

Ground Conditions and Environment

Due to the nature and age of the buildings, a pre demolition site survey should be carried out to identify any potentially hazardous material (e.g. asbestos) and the production of a method statement detailing actions and time scale to be taken to prevent localised contamination. A condition is recommended to this effect.

With regard to the above application and air quality, no concerns have been raised regarding relevant pollutant levels at the proposed site but, with reference to the adopted Black Country Air Quality Supplementary Planning Document (SPD), that this is a type 1 application. The applicant therefore needs to install low NOx boilers in the development. A condition is recommended to this effect.

Planning Obligations

An Urban Open Space contribution of £21,731.00 is required to comply with the Urban Open Space SPD policy and Policy LC1(d) of the UDP. The applicant has agreed this figure and are actively engaged in the process for the completion of a S106 Agreement.

The proposal would also be expected to provide for affordable housing in accordance with BCCS policy HOU3, however vacant building credit will apply. As the proposal involves a net reduction in the building floorspace, this means that no affordable housing can be required.

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 28 new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling.

In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

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

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance, it is considered that the proposal would have less than substantial harm to the significance of the designated heritage assets and on balance the proposed residential development is acceptable.

The use of safeguarding conditions can be included if approved to meet the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

As such the development is considered to meet the aims and objectives of the National Planning Policy Framework (para 196), policies, ENV2 and ENV3 of the Black Country Core Strategy, policy AAPLV5 AND AAPLV6 of Walsall Town Centre Area Action Plan and saved policies GP2, ENV27 and ENV32 of Walsall Unitary Development Plan and Supplementary Planning Document Policy DW3 of Designing Walsall.

Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding the design of the proposal and impact upon designated Heritage Assets, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions [and [s106 to secure Urban Open Space contribution of £21,731.00 and subject to ...
 - The amendment and finalising of conditions;
2. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Listed Building Consent and subject to ...
 - The amendment and finalising of conditions;

Conditions and Reasons

21/1670 Full Application Conditions:

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

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

51 of the Planning and Compulsory Purchase Act 2004

2. Plans list and documents

3a. Prior to the commencement of development hereby permitted, a full suite of materials for the exterior including details of colour finishes and manufacturers details, as listed below shall be submitted to and approved in writing by the local planning authority.

- i. Masonry: including facing brickwork and projecting brickwork, stone details, stone coping and dentils, stucco and external colour finish of the stucco
- ii. Windows; Including details of aluminium windows
- iii. Joinery (soffits, eaves, bargeboards, canopies);
- iv. Rainwater goods;
- v. Roofing; Including details of standing seam metal roof
- vi. Flashing;
- vii. Aluminium Frame and Curtain Wall
- viii. Hard surface areas: Including materials
- ix. Paintwork to windows and doors, including finish and manufacturers details and type of paint.

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved materials.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

4a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water to include the name and contact details of the body(-ies) responsible, and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

4c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

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

5a. Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. Site security arrangements including hoardings.

6. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
7. Measures to prevent flying debris
8. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
9. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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

6a. Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

6b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

6c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

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

7a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

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

7c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

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

8a. Prior to the development hereby permitted first coming into use, full details of the proposed cycle shelter, which shall be covered and illuminated shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

8b. The cycle shelter facility shall thereafter be retained and used for no other purpose.
Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Bl: Country Core Strategy TRAN4.

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

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

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

10. Notwithstanding the submitted information of the development hereby permitted, written confirmation from the applicant that the proposed Raised Table outside the secondary entrance in Intown Row (below) can actually be achieved in engineering terms due to the level differences between the site and adjacent public highway. In particular how surface water will be prevented from discharging onto the site from the public highway due to the gradient and lack of existing highway drainage.

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

11a. Prior to the first occupation of the development the following works within the public highway shall be fully implemented to the satisfaction of the Highway Authority;

i) The installation of the Raised Table or other appropriate traffic calming feature in Intown Row outside the pedestrian entrance to the building,

ii) The removal and reinstatement back to full kerb height of the existing dropped kerb in Intown Row made redundant as a result of the development, back to full kerb height.

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

21/1671 Listed Building Consent Conditions:

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

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

2. Plans list and documents

3a. Prior to the commencement of development hereby permitted, a 'building recording survey' in accordance with Historic England's Understanding Historic Buildings: A guide to good recording practice (2006) to Level 3 shall be commissioned by an accredited archaeologist and shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

4a. Prior to the commencement of development hereby permitted, a full phasing plan for the proposed works shall be submitted to and approved in writing by the local planning authority.

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved phasing plan.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

5a. Prior to the commencement of development hereby permitted, a method statement outlining:

- i. Investigative works required, including the opening of the brick and block aperture in Room F3
- ii. Protective measures to be put in place to preserve features to be retained;
- iii. Tools and equipment to be used and how they will be used;
- iv. Method of demolition and dismantling to be undertaken;
- v. Strategy, extent, form and fixing of scaffolding;
- vi. All temporary works;
- vii. Location and form of temporary storage of historic materials removed and to be reinstated;
- viii. Type and fixing of safeguarding measures to historic fabric during implementation of works including shoring, protective packing and screening; and
- ix. Measures for repair and remediation of original historic fabric, including decorative mouldings, architraves, ceiling cornices
- x. The method to remove cement based mortar by hand.

shall be submitted to and approved in writing by the local planning authority. The method statement shall be structured to reflect the works of the various trades that will be instructed during the implementation of the scheme.

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved method statement.

5c. The method statement approved shall be shared with and made available to all contractors instructed during implementation of works and its agreed strategies adhered to throughout the implementation.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

6a. Prior to the commencement of development hereby permitted, a full strategy for repair of the historic fabric of the listed building shall be submitted to and approved in writing by the local planning authority. This strategy shall include the following:

- i. Repairs to Chimney stacks and parapets, including the method of repair and the type and density, bonding and fixing, stitching together and or surface finishing;
- ii. Repair to brickwork: Including the type and density, bonding and fixing, stitching together and or surface finishing, facing materials;
- iii. Repair to existing rear wall of listed building as specified on drawing number 20-108-007/C: Including the type and density, bonding and fixing, stitching together and or surface finishing, facing materials;
- iv. Reinstatement of gable wall to listed building as specified on drawing number 20-108-007/C: Including the type and density, bonding and fixing, stitching together and or surface finishing, facing materials;
- v. Repair of stucco: Including areas where stucco repair to be undertaken, the method of repair, the lime stucco mix, the method of applying the lime stucco;
- vi. Repair to timber: Including the type and density joints of joinery/carpentry, fixing (nails, pegs and/or adhesives) and finish;

- vii. Repair to timber door: including the method of repair, replacement timber, method of paint removal, details of any new paintwork including type of paint and manufactures details;
- viii. Repairs to fan light: Including details of replacement glazing, details of paint removal, details of any new paintwork including type of paint and manufactures details;
- ix. Repair to Bow Window: Including method of removal of paint from stonework, opening up panelling to establish if historic features remain and how they will be retained.
- x. Repair to glass: Including the type, fixture and finish;
- xi. Repair to plasterwork: Including the plaster mix, application (coats), substructure, decoration and finish;
- xii. Repair to stone: Including the type and density, bedding, fixing, surface finishing and arrangement;
- xiii. Repair to the roof: Including slates details, fixing, bedding;
- xiv. Staircase: The method to remove paint from the staircase, details of the repair works, details of any new paintwork including type of paint and manufactures details;
- xv. Existing Timber Sash Windows: Including: method of repair, repairs to the glazing bar/, pulleys, repair or replacement nylon sash cord encased in waxed cotton, details of how the sash cord will be fixed within the sash window, painting of rebates, weights, opening mechanism, handles, latches, locks and frame dimensions and arrangement and the insertion of any new timber materials, details of the type of timber to be used for any repair works and the grain of the timber to be used for repair works.

6b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved strategy for repair.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

7a. Prior to the commencement of development hereby permitted, full architectural and specification details (at a scale of 1:10) shall be submitted to and approved in writing by the local planning authority. The details shall be referenced in accordance with the phasing plan and the architectural and specification details shall include the following:

- i. New Timber Sash Windows: Including Overall design, glazing bar and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches and locks, type of wood the windows are to be constructed from;
- ii. New window on rear elevation annotated 10 on drawing number 20/108/012/B to be full size Georgian timber sash windows details of overall design, glazing bar and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches and locks, type of wood the windows are to be constructed from;
- iii. New Timber Sash Gable Window annotated on drawing 20-108-006-C: Including Overall design, glazing bar and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches and locks, type of wood the windows are to be constructed from;
- iv. Crittal Windows: Including jamb details, glazing bars, coupling details, finish, top, bottom or side hung details;
- v. Rebuilding of curved ground floor wall as specified on drawing 20-108-014/A;
- vi. Stone Cills: Including type and density, bedding, fixing, surface finishing and arrangement;
- vii. Secondary glazing: Overall design and how it relates to the principal window, glazing bar and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches and locks;
- viii. Doors (new and altered, internal and external): Overall design, dimension of frames/architraves, arrangement of materials and individual components and members, materials, reveal, opening mechanism, handles, latches and locks;
- ix. Rainwater goods: Design, location, materials, finish and fixing;
- x. New masonry: The position, form and bonding;
- xi. New stud walling: Exact position and relationship to adjacent and affected historic fabric, scribing round historic joinery and plasterwork and architectural features.

- xii. New internal joiners (skirting, ducting, and architraves): Design, materials, position, fixing and colour finish;
- xiii. New plasterwork (ceilings, walling and decoration): Form, composition and application, plaster mix, location of application, number and type of coats and decorative use;
- xiv. Aluminium Frame Extension: Including type of glazing, details of aluminium frame, colour finish;
- xv. Uncovering existing openings: including methodology to reopen infilled openings.

7b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved strategy for repair.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

8a. Prior to the commencement of development hereby permitted, a full strategy for internal and external works to the historic fabric of the listed building shall be submitted to and approved in writing by the local planning authority. This strategy shall include the following:

- i. Partitions: Including 1:20 plan showing how partitions will be fixed around architectural details, fixing and attaching, type, material, installation method, type of tools;
- ii. Internal openings to be infilled with blockwork: Including type of facing materials to be used to infill the opening and the type of lime plaster to be used, including the plaster mix details to finish the wall to a smooth level finish;
- iii. Internal openings to provide access to rooms and the corridor: Including method;
- iv. Internal openings: including whether they are floor to ceiling or half openings;
- v. Restoration works to the exterior of the listed building: Including exact details of the level of restoration, the method of restoration, the materials and tools to be used to restore the exterior;
- vi. External works to the exterior of the listed building: Including specification of the external works, the method;
- vii. Stucco where replaced following the removal of the Equator Club and Canopy: Including the type of stucco, the mix of the stucco, the method of applying the stucco;

shall be submitted to and approved in writing by the local planning authority.

8b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved works.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

9a. Prior to the commencement of development hereby permitted, a full mechanical and electrical systems strategy, water utilities strategy and heating strategy shall be submitted to and approved in writing by the local planning authority.

9b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved mechanical and electrical systems, heating and water utilities strategies and implemented in accordance with the phasing plan.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

10a. Prior to the commencement of development hereby permitted, notification shall be given in writing to the Local Planning Authority twenty one days prior to removal of the internal suspended ceilings and internal wall coverings (where necessary) in order to allow a visual inspection by the local planning authority to be undertaken.

10b. Should the visual inspection by the local planning authority discover original historic architectural detailing, details of the method to safeguard these features together with details of the method to install fire/noise and sound insulation to retain these features shall be submitted in writing to and approved in writing by the local planning authority.

10c. The development hereby permitted shall not be carried out otherwise than in accordance with the approved fire/noise and sound insulation measures to retain historic architectural detailing.

Reason: To safeguard the significance of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

11a. Prior to the commencement of development hereby permitted, details of the exact location of kitchen and bathroom extraction vents and heating flues shall be submitted to and approved in writing by the local planning authority. The details shall include:

- i. The internal location of the kitchen and bathroom vents, the type of vents to be installed, the method of fixing the vents to the internal historic fabric and the type of tools to be used to fix the vents onto the internal historic fabric.
- ii. The external location of the kitchen and bathroom vents, the type of vents to be installed, the method of fixing to the external historic fabric and the type of tools to be used to fix the vents onto the external historic fabric.
- iii. The location of the heating flues, the material of the proposed heating flues, the method of fixing the heating flues to the historic fabric and the type of tools to be used to fix the heating flues to the historic fabric.

11b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved kitchen and bathroom vents.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

12a. Prior to the commencement of development hereby permitted, details of the new soil and ventilation pipes shall be submitted to and approved in writing by the local planning authority.

The details shall include:

- i. The type of foul water pipes to be installed on the external fabric of the building, the proposed material of the foul water pipes, the method of fixing the foul pipes to the external fabric of the listed building and the type of tools to be used to fix the foul water pipes to the external historic fabric.
- ii. A plan showing the proposed route of the proposed foul water pipes within the building.

12b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved foul water pipes.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

13a. Prior to the commencement of development hereby permitted, details of how fire, sound and noise insulation will be installed within the listed building shall be submitted to and approved in writing by the local planning authority. The details shall include:

- i. The type of breathable insulation to be installed, where the insulation will be installed and the method of insulation.
- ii. Where noise, fire and sound insulation will be installed between flats and the implications this would have on the existing door levels, decorative features, existing flooring. How original features will be retained and restored once the insulation has been fitted.
- iii. How fire insulation will be fitted whilst retaining historic ceiling plasterwork, including the method of insulation, what original features will need to be removed, where these will be installed whilst fire insulation is fitted, how the original materials will be attached back to the listed building.

13b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved noise, fire and sound insulation measures.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building

and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

14a. Prior to the commencement of development hereby permitted, a full suite of materials for the exterior including details of colour finishes and manufacturers details, as listed below shall be submitted to and approved in writing by the local planning authority.

- i. Masonry: including facing brickwork and projecting brickwork, stone details, stone coping and dentils, stucco and external colour finish of the stucco
- ii. Windows; Including details of aluminium windows
- iii. Joinery (soffits, eaves, bargeboards, canopies);
- iv. Rainwater goods;
- v. Roofing; Including details of standing seam metal roof
- vi. Flashing;
- vii. Aluminium Frame and Curtain Wall
- viii. Hard surface areas: Including materials
- ix. Paintwork to windows and doors, including finish and manufacturers details and type of paint.

14b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved materials.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

15a. Prior to the commencement of development hereby permitted, details of all boundary treatments including low walls, railing, pedestrian gates and details of the facing materials and external finishes of all boundary treatments shall be submitted to and approved in writing by the local planning authority.

15b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved boundary treatments.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

16a. Prior to the commencement of development hereby permitted, an exterior survey of the condition of the stonework and brickwork shall be undertaken by a qualified cleaning specialist and shall be submitted to and approved in writing by the local planning authority. The survey shall establish whether the exterior of the listed building requires cleaning. The survey shall include:

- i. The current exterior condition of the stonework and brickwork
- ii. Justification as to whether the exterior stone and brick work require cleaning
- iii. What elements of the stonework and brickwork will require cleaning
- iv. The method of cleaning
- v. The machine to be used to clean the exterior stone and brick work.
- vi. The time framework for the cleaning of the stonework to be undertaken.

16b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved works.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

17a. Prior to the commencement of development hereby permitted, details of the exact position and location of television aerials and satellite equipment shall be submitted to and approved in writing by the local planning authority. The details shall include:

- I. The type of television aerial/s and satellite equipment to be fitted, how the television aerial/s and satellite equipment will be fitted to the external historic fabric, the method of fixing, the type of tools to be used to fix the television aerials and satellite dishes.

17b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved aerial and satellite equipment details.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

18a. Prior to the commencement of development hereby permitted, a mortar mix for external masonry work and repointing work shall be submitted to and approved in writing by the local planning authority. All works affecting historic fabric shall use Naturally Hydraulic Lime (NHL) to a specified ratio with sand in accordance with its use and location.

18b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved mortar mix.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

19a. Prior to the commencement of development hereby permitted, details of the bin and cycle store shall be submitted to and approved in writing by the local planning authority.

19b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved bin store location.

Reason: To safeguard the significance, setting and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

20a. Prior to the commencement of development hereby permitted, details of all external lighting shall be submitted to and approved in writing by the local planning authority. The details shall include the type of lighting to be installed, the exact position where the lighting will be erected / fixed / attached, the type of lamp, type of column, type of fixture, the method of installation and the level of illumination.

20b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting scheme.

Reason: To safeguard the significance, setting and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

21a. Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

21b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

21c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

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

22. The proposed finish of the proposed extension hereby approved shall match the stucco and Ashlar mock jointing finish as 132 Lichfield Street, Walsall.

Reason: In the visual amenities of the Lichfield Street Conservation Area in accordance with Policy EN5 of the UDP.

23. No soil and ventilation pipes, external kitchen and bathroom vents, heating flues, television aerials, satellite equipment or CCTV cameras shall be fixed to the elevations fronting Lichfield Street and the side elevation fronting Intown Row of this Grade II listed building.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

Notes for Applicant

Severn Trent Water

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

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

Highways

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

For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority under S38/278 of the Highways Act 1980. For further advice please contact Highway Development Control Team at Stephen.Pittaway@walsall.gov.uk

The Highway Authority's permission is required under the Highways Act 1980 and the New Roads : Street Works Act 1991 for all works on or in the highway.

As the existing building to be demolished abuts the highway boundary, any barriers, scaffolding, hoarding, footway closure etc. required for the demolition works to be undertaken will require a licence. This should be applied for by emailing Trafficmanagement@walsall.gov.uk

Fire Officer

Approved Document B, Volume 1, Dwelling-houses, 2019 Requirement B5: Access and facilities for the fire service

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

13.2 For flats, either of the following provisions should be made.

a. Provide access for a pumping appliance to within 45m of all points inside each flat of a block, measured along the route of the hose.

b. Provide fire mains in accordance with paragraphs 13.5 and 13.6.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

Blocks of flats fitted with fire mains

13.5 For buildings fitted with **dry fire mains**, both of the following apply.

a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.

b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 14.10.

13.6 For buildings fitted with **wet fire mains**, access for a pumping appliance should comply with both of the following.

a. Within 18m, and within sight, of an entrance giving access to the fire main.

b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

Section 14: Fire mains and hydrants – flats

Provision of private hydrants

14.8 A building requires additional fire hydrants if both of the following apply.

a. It has a compartment with an area of more than 280m².

b. It is being erected more than 100m from an existing fire hydrant. OFFICIAL
OFFICIAL

14.9 If additional hydrants are required, these should be provided in accordance with the following.

a. For buildings provided with fire mains – within 90m of dry fire main inlets.

b. For buildings not provided with fire mains – hydrants should be both of the following.

i. Within 90m of an entrance to the building.

ii. A maximum of 90m apart.

14.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

14.11 Guidance on aspects of the provision and siting of private fire hydrants is given in BS 9990. Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

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

Section 15: Access to buildings for firefighting personnel – flats

Provision of firefighting shafts

15.1 In low rise buildings without deep basements, access for firefighting personnel is typically achieved by providing measures for fire service vehicle access in Section 13 and means of escape.

15.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts, each containing a firefighting lift (Diagram 15.1). The number and location of firefighting shafts should comply with paragraphs 15.4 to 15.7.

Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 15.3 and Diagram 15.2).

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:

the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

The approval of Building Control will be required to Part B of the Building Regulations 2010 Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 7)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

Secured by Design

I would recommend security using the principles of Secured By Design.

Below is a link to secured by design guides, including Housing, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

The applicant to refer to crime prevention and home security advice contained within SBD New Homes.

Please see :

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 20 June 2022

Plans List Item Number: 5

Reason for bringing to committee

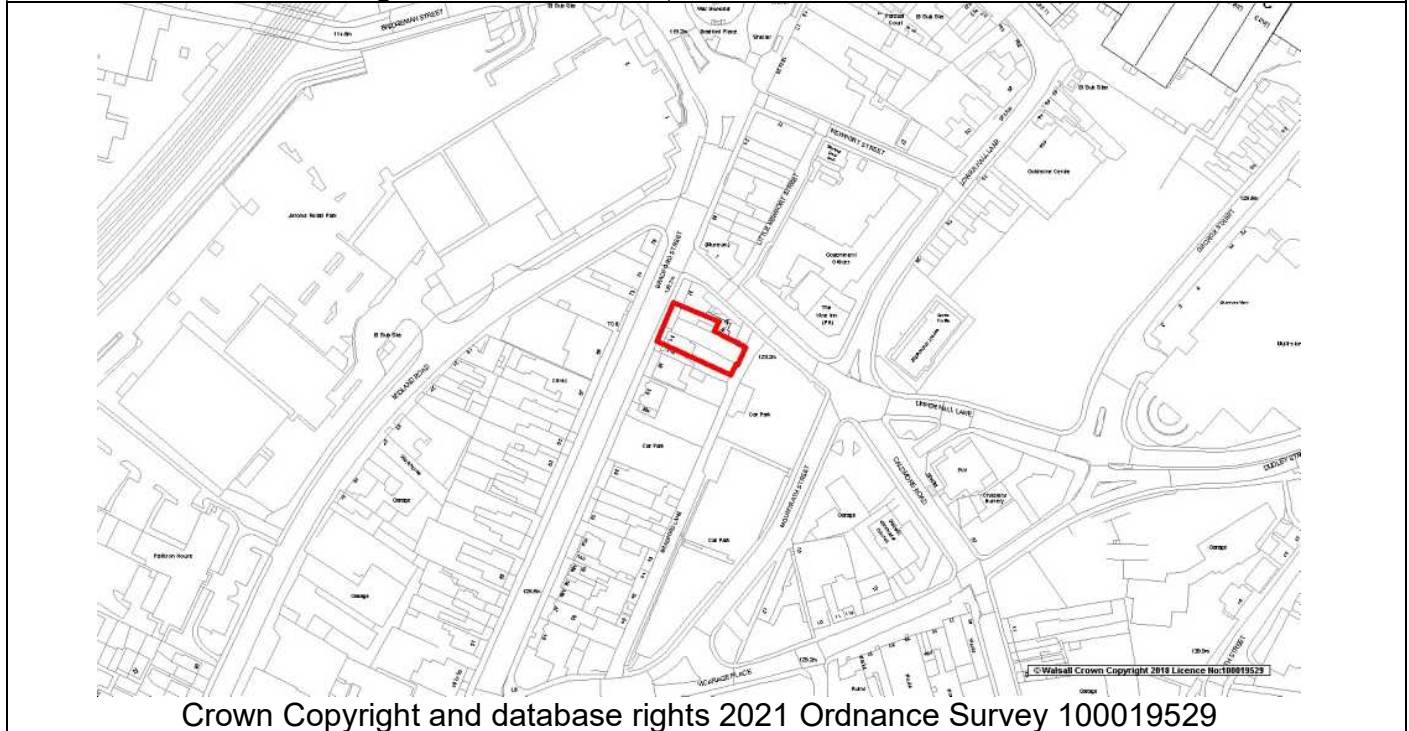
Significant Community Interest

Application Details

Location: 32-34, BRADFORD STREET, WALSALL, WS1 3QA

Proposal: PROPOSED CHANGE OF USE AND CONVERSION OF EXISTING OFFICES TO 5 APARTMENTS COMPRISING 2 NO. 2 BEDROOM AND 1 NO. 3 BEDROOM SELF-CONTAINED APARTMENTS IN 32 & 33 BRADFORD STREET AND 1 NO. 1 BEDROOM AND 1 NO. 2 BEDROOM SELF-CONTAINED APARTMENTS IN 34 BRADFORD STREET (PLANNING USE CLASS C3). REMOVAL OF REAR GARAGE AND ACCESS AND PARKING VIA BRADFORD LANE.

Application Number: 18/1431 & 19/0122	Case Officer: Helen Smith
Applicant: JAMES WADSWORTH	Ward: St Matthews
Agent: Lapworth Architects	Expired Date: 13-Mar-2019
Application Type: Full Application: Change of Use AND Listed Building Consent	Time Extension Expiry: 12-Feb-2020



Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and subject to
 - No new material considerations being received within the consultation period;
 - The amendment and finalising of conditions;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed;
2. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Listed Building Consent subject to conditions and subject to;
 - The amendment and finalising of conditions;

Proposal

These two applications seek planning permission (18/1431) and Listed Building Consent (19/0122) for the proposed change of use and conversion of existing mostly vacant offices into 5 apartments comprising 2 no. 2 bedroom and 1 no. 3 bedroom self-contained apartments in 32 & 33 Bradford Street and 1 no. 1 bedroom and 1 no. 2 bedroom self-contained apartments in 34 Bradford Street (Planning Use Class C3). Removal of rear garage and access and parking via Bradford Lane.

The planning application has been revised from the originally proposed 16 bedroom house of multiple occupation (HMO) with shared facilities, to the current proposal as set out above, and re-consultations have taken place along with the display of a new site notice and press release.

This proposal will include the conversion of all floors of the building. Bedroom sizes would range from 10.4m² to 16m². Internal alterations to partitioning are proposed.

There have been delays in the processing of this application as requested information required for the determination of the application had not been provided. The current planning agent has now provided the additional information.

The proposal includes the following changes;

32 – 33 Bradford Street

- Apartment 1 (ground floor – colour purple) – 2 bedroom, 4 person apartment – 75m² floor area
- Apartment 2 (first and second floor – colour green) – 3 bedroom, 4 person – 88m² floor area
- Apartment 3 (first and 2nd floor – colour pink) – 2 bedroom, 3 person – 70m² floor area

34 Bradford Street

- Apartment 4 (ground floor – colour blue) – 1 bedroom, 2 person – 54m² floor area
- Apartment 5 (first and second floor – colour orange) – 2 bedroom, 3 person – 70m² floor area

The existing entrances to the premises would be utilised to serve the development. Access to apartment no's 1 and 3 would be via a shared lobby area next to 31 Bradford Street. Access to apartment no. 2 would be via an internal staircase leading off an enclosed lobby area and hallway from Bradford Street.

Adjacent to the access to apartment no. 2 is an existing access which would be shared by the future occupiers of the proposal giving access to the private communal amenity space to the rear.

Apartment no's 4 and 5 would have a shared access using the existing access and staircase that serves 34 Bradford Street. No. 4 would have a separate access into the rear amenity space area.

The proposal states that secured gated entrances would be provided with key access for the occupants only. Shared accesses would have a door control system with an entry phone and electronic lock release. PIR sensor lighting is proposed for entrances and within hallways and lobby areas.

The proposed modern shop floor frontage to 34 Bradford Street would be removed and the original building line reinstated.

The existing more recently built large garage and sheds to the rear of this property would be removed to provide rear communal private amenity space and associated vehicle parking.

An existing first floor rear window in no. 34 would be removed and two new windows would be installed. The existing kitchen extension would now be retained.

The original staircases to no's 32 and 33 Bradford Street would be retained whilst the rearwards existing staircase in no. 34 would be removed. This updated proposal retains the original remaining chimney breasts and chimney stacks. Bathrooms and kitchens have been located to the rear of the property with the exception of apartment no's 2 and 5 which have a bathroom and a kitchen area to the front (respectively).

The Heritage Statement has been updated for the amended proposal being considered. This states that the structural changes required for the revised proposal would be minor.

The statement says that apartment no. 1, an opening would be made between the front and rear rooms. The opening from the front room of no. 32 Bradford Street to the entrance hall would be re-filled. A new doorway would be made between no's. 32 and 33 in addition to another connecting door that already exists. The existing openings off the hall in no. 33 into the ground floor rooms would be sealed.

The Heritage Statement also states that as apartment no's 2 and 3 are on the upper storeys, the existing entrance halls of nos. 33 and 32 Bradford Street would be used respectively for access. Minimal alteration is proposed and the report advises that the existing interiors on the upper floors are plain and of minimal intrinsic value.

The modern opening between the first floor front rooms of no. 33 Bradford Street would be filled in again, and the modern W.C. enclosure at the rear first floor of no. 33 would be removed. Other interventions are considered by the report to be gentle, including a widened opening between the kitchen and dining rooms of apartment no. 2, formation of a lobby to the bathroom and bedroom 2 of apartment no. 2, and the formation of an entrance lobby to apartment no. 3 on the first floor landing of no. 3

The report states that there is scope for enhancement of the street elevation by reinstating the timber sash windows and the moulded cornice, and by repairing the render which appears patched. The best-preserved interiors are considered by the report to be on the ground floor and aside from the repositioning of doorways, these would all be preserved. Furthermore the existing cellars would remain open and not be filled in.

Furthermore the statement comments that issues of fire and noise separation between apartments would need to be sensitively addressed and comments that from a heritage point of

view, they consider that it makes little difference whether no. 34 is used as a single house or two flats. The alterations required are not extensive in either case, and the interior is not protected because this building is not formally listed. Externally, the elevations of no. 34 would remain the same with either option, and the removal of the modern shopfront for a reinstated domestic frontage is considered by the report to be an improvement in this instance.

To the rear the existing garage/workshop structure would be mostly demolished to create parking for 5 vehicles with access from Bradford Lane along with secure bin storage adjacent to Bradford Lane.

The proposed combined open courtyard, patio and lawn private amenity space would measure 172m². The plans indicate that 2 metres high close boarded fencing would be installed along the rear boundary. Internal walling would remain within the private amenity areas along with a bin store and separate bin area for no. 34 Bradford Street.

Parking for vehicles would be located on the Bradford Lane side of the proposed fenced area opposite an existing public car park to the south east of the application site. Bike shelter details have been provided however the amended plans for apartments do not include a bike shelter.

The applicant has advised that the application property has been empty since the end of 2008 following the economic impact of the credit crunch in 2007 when office tenants submitted notices to vacate. Lower rents with rent free period were offered but the applicants' state that they have been unable to re-let these offices.

In 2016 the applicant advised that the premises was put up for sale by auction on two separate occasions and no bids were made on either date. The situation has not improved following the pandemic.

The following documents have been provided in support of the applications;

- Heritage Statement prepared by Philip E Heath, deposited 30/05/22
- Design and Access Statement, Job no. 2514 May 2022, deposited 30/05/22
- Local Amenities Plan, Job no. 2514 drawing no. 08, deposited 27/7/20
- Supporting Statement, deposited 19/3/19
- Bike Shelter Details, deposited 15/3/19

Site and Surroundings

The application site is located within Walsall Town Centre and Bradford Street descends in a northerly direction into the Town Centre.

No's 31, 32 and 33 are all three storey Grade II Listed Buildings (32 and 33 listed separately).

Historic England Official List Entry for 32 and 33 Bradford Street refers to the frontage of the premises only as follows;

“WALSALL MB BRADFORD STREET (east-side) SP 0198 SW 15/14 Nos 32 & 33

GV II Pair of houses, now offices. Early to mid-C19. Stuccoed brick. Three storeys, three bays. Bays 1 and 2 project slightly. Windows have architraves. Those on the ground floor have floating cornices, those on the first floor a sill band. They are sashed with glazing bars except for the ground floor and second floor ones to the first and second bays, which are sashed with no glazing bars. Doors, to left of first bay and in third bay, are flanked by pilasters and have round heads with fanlights. Roof behind parapet, which has no cornice. Forms part of a formal

composition with No 31 Bradford Street (qv). Listing NGR: SP0118698241”

This planning application relates to no's 32, 33 and 34 Bradford Street. These premises are currently mostly empty office space. No. 34 Bradford Street has a modern shopfront to the ground floor and modern uPVC windows and is not a Listed Building but is attached to no. 33 which is listed and is a non-designated heritage asset. Details of what is happening with the existing tenants Law Tec Solicitors at no. 34 Bradford Lane have been requested and will be updated at planning committee.

The original timber sash windows were regrettably mostly lost in 2003 and replaced with uPVC frames and modern glazing to the first floor of 32 & 33 Bradford Street. There is an area of raised outside space to the front of 32 and 33 Bradford Street with access steps from defined by a low brick wall topped with railings.

No's 24-30 Bradford Street (consecutive) are Grade II Listed.

The building is within Bradford Street Conservation Area which is designated 'at risk' with a condition of 'very bad' and a trend of 'no significant change' according to the Heritage at Risk Register.

To the rear of 32 and 33 Bradford Street is a large, more recently built, garage area facing onto Bradford Lane at the rear and a public car park beyond this.

31 Bradford Street has front and rear facing habitable room windows and a rear garage fronting Bradford Lane. 34a Bradford Street has a rear entrance at first floor and a non-habitable room window.

Surrounding uses include computer and phone shop, restaurants, supermarket, solicitors and takeaway amongst other town centre uses.

This site is within a Coal Development Low Risk Area and Bradford Street is a designated District Distributor (Highway).

Bus, rail services and car parking facilities are within walking distance of the application site as demonstrated on the submitted Amenities Plan, drawing 08, provided by the Planning Agent.

Relevant Planning History

31 Bradford Street

18/1084 -Change of use of ground floor from commercial A2 into a residential 2 bed self-contained apartment – GSC 9/10/18

18/1083 - Change of use of ground floor from commercial A2 into a residential 2 bed self-contained apartment – GSC 10/10/18

18/0181 - Change of use from A3 (restaurant) to A2 (offices) with ground floor one bed flat to rear – GSC 10/5/18

17/1494 - Listed Building Consent: Conversion of first floor to 2 no. self-contained flats and conversion of second floor to 2 bedroom flat – Granted 11/1/18

17/1493 - Conversion of first floor to 2 no. self-contained flats and conversion of second floor to 2 bedroom flat – GSC 11/1/18

16/0111 – Listed Building Consent: Retention of existing fascia sign and existing side elevation to be applied with lime render – Not determined

32 & 33 Bradford Street

08/1378/LB - The installation of Georgian railings to the front elevation of 32-33 Bradford Street – Granted Listed Building Consent 16/10/08

04/0565/FL/W4 - After Representations Hearing - Retrospective: Installation of white PVC Georgian style windows – Granted Listed Building Consent

03/2056/LB/W4 - Retrospective: Installation of white PVC Georgian style windows to replace existing – refused LBC 15/12/03 (*Appeal - see 04/0565/FL/W4*)

34A Bradford Street

18/1204 - Conversion of first and second floor to one bedroom flat. Metal external staircase and landing to rear elevation. New shopfront and removal of rear chimney – GSC 15/11/18

Relevant Legislation and Policies

Legislative Context

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

16(2) In considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

66 (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

72 (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Heritage List for England for 32 & 33 Bradford Street states;

“WALSALL MB BRADFORD STREET (east-side) SP 0198 SW 15/14 Nos 32 & 33

GV II Pair of houses, now offices. Early to mid-C19. Stuccoed brick. Three storeys, three bays. Bays 1 and 2 project slightly. Windows have architraves. Those on the ground floor have floating cornices, those on the first floor a sill band. They are sashed with glazing bars except for the ground floor and second floor ones to the first and second bays, which are sashed with no glazing bars. Doors, to left of first bay and in third bay, are flanked by pilasters and have round heads with fanlights. Roof behind parapet, which now has no cornice. Forms part of a formal composition with No 31 Bradford Street (qv).

Listing NGR: SP0118698241”

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- S1: Definition of Town Centre Use

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- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S8: Housing in Town Centres
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN8: Car Parking in Centres
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- EN5: Development in Conservation Areas
- T4: The Highway Network

Walsall Town Centre Area Action Plan 2019

- AAP1: Walsall Town Centre Boundary
- AAPS1: Primary Shopping Area
- AAPLV1: Residential Developments
- AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness
- AAPLV6: Securing Good Design
- AAPT1: Pedestrian Movement, Access and Linkages
- AAPT2: Cycling
- AAPT3: Public Transport
- AAPT5: Car parking
- AAPINV1: Regeneration Strategy

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability

- DW10 Well Designed Sustainable Buildings
- Appendix D

Consultation Replies

Archaeology – To be updated at Planning Committee

Conservation Officer – No objections subject to the inclusion of planning conditions and details to be updated at planning committee

Clean and Green – No objections subject to bins being presented on Bradford Road rather than Bradford Lane on collection day

Environmental Protection – No objections subject to the installation of acoustic mitigation measures from road traffic noise impacts and sound reducing to party walls with adjoining premises

Fire Officer – No objections subject to compliance with part B of the Building Regulations 2010. An informative note can be included for the applicant with the requirements.

Historic England – No comments and they advise that the views of specialist conservation and archaeological advisers are sought.

Local Highway Authority – No objections subject to the inclusion of a planning conditions in respect of the provision of a cycle shelter and an informative note to keep the highway free from any mud.

Police Architectural Liaison Officer – To be updated at planning committee

Severn Trent Water - To be updated at planning committee

Strategic Planning Policy – No objections

Representations

(Local Planning Authority comments in italics and brackets)

A public petition was submitted with 12 signatories in respect of the initial proposal for a 23 bedroom HMO on the following grounds;

“A 23 bed house in a conservation area is unsuitable. There is already alcohol, drug and begging issues on Bradford Street. There are used needles, anti-social behaviour and prostitution on the street. We are constantly being asked for money, cigarettes. We the residents/tenants/business owners of Bradford Street take the view that our businesses will be adversely affected if this goes ahead. Our staff and clients will be affected and will mean a loss of trade. We request that the planning application be rejected.”

(Regarding the comments above, no evidence has been provided that clearly demonstrates any future occupiers of the current proposal will bring these concerns to the locality. Consequently, limited weight in the planning balance must be attributed to these concerns based on appeal decisions for similar proposals)

Additional individual objections were received from 20 neighbours and residents on the amended

proposal reducing the proposed HMO to 16 bedrooms following grounds;

- Changes the street scene from predominantly offices and businesses
- Anti-social behaviour and impacts of this on businesses and customers (*No evidence has been provided that clearly demonstrates any future occupiers of the current proposal will bring these concerns to the locality. Consequently, limited weight in the planning balance must be attributed to these concerns based on appeal decisions for similar proposals*)
- Potential for redundancies if customers choose not to visit existing businesses (*This is not a material planning consideration*)
- Personal safety concerns of lone females walking in the area (*Regarding the comments above, no evidence has been provided that clearly demonstrates any future occupiers of the current proposal will bring these concerns to the locality. Consequently, limited weight in the planning balance must be attributed to these concerns based on appeal decisions for similar proposals*)
- Existing businesses may need to relocate (*This is a choice of the local businesses and not a material planning consideration*)
- Increased waste seen along Bradford Street from existing residential conversions
- Deteriorating condition of Bradford Street will worsen
- No enforcement of a Public Spaces Protection Order of 2017 (*This is not a material planning consideration*)
- Unsuitable environment for vulnerable adults (*There is no evidence to suggest the application property will be for vulnerable adults or that future occupiers will cause an impact for any vulnerable adults in the locality*)

The proposal has been amended to 5 self-contained apartments and 6 objections have been received on the following grounds (19/0122);

- Crime, anti-social behaviour and drug problems on Bradford Street (*No evidence has been provided that clearly demonstrates any future occupiers of the current proposal for flats will bring these concerns to the locality. Consequently, limited weight in the planning balance must be attributed to these concerns based on appeal decisions for similar proposals*)
- Should remain a commercial business rather than flats
- Poor quality tenants (*there is no evidence to suggest there would be anti-social behaviour by any future occupiers of the proposed 5 apartments*)
- Noise

Any further comments or objections received will be updated at planning committee.

Determining Issues

- Heritage Assets
- Principle of Development
- Design, Character and Appearance of the Area
- Residential Amenity
- Noise
- Safety and Security
- Parking and Access

Assessment of the Proposal

Heritage Assets

The Walsall Town Centre Characterisation Study (2015) which forms part of the AAP identifies Bradford Street sub-area as comprising of “...a handsome parade of Regency architecture within Bradford Street Conservation Area” and refers to the Listed Buildings identified in this report as “The northern section of the street is all Grade II Listed and of great significance to the early 19th century route into the town and the prospect over the former racecourse.” The study identifies the historic environment in this area as “highly sensitive” and any proposal should preserve and enhance these important heritage assets.

The original proposal consisted of 23 units included the conversion of the garage into residential use. Concerns were raised by the Council’s Conservation Consultant at that time who advised that with considered design this proposal could be accepted as a HMO but with fewer units and with no. 34 becoming a single dwelling house. This was then reduced to 17 units and then 16 units. It was considered at this stage that there was insufficient acceptable detail to make an informed assessment on the heritage impact of the proposals. Since this date, amended plans have been received which have revised the proposal to 5 self-contained apartments.

There are considered to be limited architectural details within the listed building; however, there are original fireplaces, original stairs, stained glass windows on the ground floor on the front elevation, fanlights above the front entrance doors etc.

Following the Conservation Officers site visit to the premises they are satisfied that the amended proposal is considered to be acceptable in heritage terms subject to the inclusion of safeguarding planning conditions that meet the 6 tests.

Whilst the National Heritage List for England entry refers only to the exterior of 32 & 33 Bradford Street however the Council’s Conservation Officer has made a site visit and viewed the interior.

Paragraph 190 of the NPPF 2021 states ‘local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness’.

The proposal would put the heritage asset into a viable use consistent with its conservation through repurposing it for a use that will allow the full re-use of this heritage asset. The proposal would contribute to the regeneration of the area and enhance the vitality and viability of this part of the town centre and the conservation area, Bridge Street, which is currently listed on the Heritage at Risk Register. The proposal is considered as a whole would have a positive contribution to the local character and distinction.

Paragraph 199 of the NPPF 2021 state ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.

Great weight is given to the asset’s conservation through securing additional information through planning conditions to safeguard the significance of this listed building. To secure the retention of existing features, ensuring works are reversible and the new works have minimal harm to the significance of the listed building.

On weighing the planning balance it is considered that the aim of this application is to provide a future sustainable use for these buildings that is at present struggling to maintain itself as a commercial property through under use and low occupation levels. The principle of this

application is considered to be positive, as subdividing the building into residential units would appear to be not just a sustainable use given the building's central location close to the town's amenities, but also the best alternative use of ensuring that this important historic building remains to be utilised and maintained.

Principle of Development

The application site is located within Walsall Town Centre and the property is Grade II Listed and located within the Bradford Street Conservation Area.

As far as the planning merits of the proposal are concerned, the property was originally built as part of a terrace of grand town houses. Residential use is essentially reverting to the original intended purpose of the building and is considered acceptable in principle on planning policy grounds, providing the applicant could demonstrate that they have been unable to find interest in the building being used as offices, and to the proposal safeguarding the listed building, and preserving or enhancing the character of the conservation area.

Walsall Town Centre Area Action Plan policy AAPLV1 states, new homes in the town centre will be supported by encouraging the conversion of existing buildings, especially upper floors throughout the centre where it does not jeopardise the commercial function of the centre and where proposals accord with Policy AAPB1 which looks to protect office uses in the centre. The applicant has provided a statement to demonstrate the difficulty they have had re-letting this premises and also two failed sale by auction attempts. This was prior to the pandemic which has worsened the situation.

The current offices are small and have been vacant for some time. Due to the absence of use the Listed Building has begun to deteriorate with evidence of water ingress and damp. Due to the limited floor space and steep staircases, the building is considered unlikely to meet the needs of modern office requirements which is demonstrated by the lack of occupiers for the last 14 years.

If this use were not supported the buildings would continue as offices, and as demonstrated over the previous 14 years, there is little to no interest in such occupation and further vacancy is likely to continue if the single remaining occupier of 34 Bradford Street leaves. There appears no other active option to bring this premises back into beneficial use.

There are a number of residential properties in the immediate area and it is considered that this change of use would not have a significant impact on neighbouring commercial and residential amenity over and above that resulting from those existing uses in the area.

On balance, the proposed residential use at a reduced scale than initially proposed is considered to be in accordance with the development plan and emerging policies thereby contributing to the vitality, vibrancy and diversity of Walsall town centre and accord with the NPPF, saved UDP Policies H3, S8 and WA3.

Design, Character and Appearance of the Area

The proposals based on the planning submission are considered would have minimal impact on the exterior of the frontage of the listed buildings 32 and 33 Bradford Street and 34 Bradford Street. The proposals state that some restoration/making good works to the property would be required although full details of this have not been provided to date.

These exterior works are considered likely to have a minimal impact on the external appearance of the building however safeguarding conditions would be required for the provision of a method statement and materials information.

The visual impact of this proposal on the character of the Bradford Street Conservation Area is considered would be limited.

Bringing these buildings back into full use as 5 self-contained apartments when combined with sympathetic and pre-approved and appropriate restoration works are considered would have a positive impact on the Bradford Street Conservation Area and listed building, which can offer a wider benefit to the town.

The removal of the rear garage along with the removal of the rear existing roller shutter door are considered would be positive changes to the appearance of the existing listed building and area.

Subject to the provision of further detail in respect of internal and minor external works for the revised proposal, it is considered this proposal would serve to enhance and preserve the character of the Bradford Street Conservation Area. In addition, safeguarding conditions could be imposed to ensure that the listed buildings appearance and fabric are protected and retained.

Residential Amenity

The location of the application site is in an urban, busy town centre location, where there are bars and entertainment venues nearby on Bradford Place. There are residential properties above a number of units along Bradford Street and residential occupiers who seek to live in town centre areas will be aware that this environment is usually with a higher level of background noise and which is not the same as suburban locations. Nevertheless acoustic mitigation measures are required by Environmental Protection Officers to address road traffic noise to protect future occupiers' amenity.

The proposed combined open courtyard, patio and lawn private amenity space would measure 172m². Appendix D of Designing Walsall SPD recommends the provision of 20m² of useable space per dwelling where communal provision is provided. This proposal would exceed the 100m² required by Appendix D for 5 apartments and in addition to this facility Walsall Arboretum and Church Hill are within walking distance of the site and would provide additional valuable amenity space for residents.

The relationship between existing windows in the proposed development are considered would not harm future residents' privacy and amenity.

The Council's Clean and Green Team/Waste Management have advised that each of the 5 apartments would need to have a 140ltr bin for general waste and a 240ltr bin for recycling. The plans shows bins being accessible from Bradford Lane however this is considered to be unacceptable as the refuse collection vehicles cannot regularly gain access to Bradford Lane. Clean and Green state that bins would need to be presented by residents on the applicable collection day at the front of the property on Bradford Street.

This is not considered to be an acceptable solution as the bins would need to be dragged by residents though the listed building hallway on a regular basis, risking damage to the fabric of the building, and down a flight of steps from the raised frontage onto Bradford Road.

Clean and Green have advised that they currently make one collection in Bradford Lane using a transit van and with the required number of additional bins required to serve this proposed development additional bin collection for 32 to 34 Bradford Street from Bradford Lane would not be possible and is not something that can be negotiated.

Consequently, the applicants would need to arrange collection of refuse using a private contractor from Bradford Lane to serve this development and this would form part of a safeguarding condition.

On balance it is considered that the proposed conversion of this premises will provide a satisfactory level of amenity for future occupiers without being detrimental to existing

neighbouring users and occupiers.

Noise

Environmental Protection are of the opinion that road traffic noise impacts to the main buildings can be mitigated with acoustic glazing and acoustic ventilation.

The Applicant will need to ensure that sound from road traffic does not significantly enter the residential premises. In the absence of a noise survey, it is recommended that glazing achieve a sound reduction, R_w, of 38dB and either a Mechanical Ventilation system be installed or Passive Ventilation that achieves a sound reduction, R_w, of 38dB in the open position be installed.

The intention of the Applicant to install sound reducing to party walls with adjoining premises is noted.

Planning Conditions requiring the Applicant to agree acoustic mitigation measures and implement them before apartments are occupied are recommended. The applicant will need to be mindful of the potential impacts that these works could have on the historic fabric of the Listed Buildings and a method statement would be required to demonstrate how these works would be undertaken as part of the Listed Building Consent application.

Safety and Security

Whilst the fear of crime is a material consideration in planning decisions, the weight that can be given, is often limited unless there is significant evidence to show that the increased fear of crime would actually occur in relation to this specific proposal. This is reflected in recent appeal decisions, where Planning Inspectors have concluded there is no firm evidence that this form of development, with tenants living together as more than one household would result in crime and anti-social behaviour and that crime prevention measures could be imposed through a planning condition.

The Police objected to the initial HMO proposal however their comments on the current proposal for 5 flats will be updated at planning committee. Crime Statistics have been provided by the police however they do not relate to this particular address and are a geographic crime overview for the ward area. On this basis it is considered that the Local Planning Authority would be unable to maintain a refusal reason on a fear of crime or anti-social behaviour basis.

The amended proposal includes details of the use of access control measures, PIR sensor lights, access control systems, door entry phone system and electronic lock releases, and proposed wall mounted security lighting for the entrances and rear courtyard, cycle store and parking area. As this is a Grade II Listed Building there is a limit to the type of external measures that can be used before they erode the heritage value and all proposed methods would need to be agreed with the Council's Conservation Officer if the application is approved. The recommended security standards can be secured by condition subject to the Conservation Officer approval.

Parking and Access

The Local Highways Authority has advised that taking into account the extant office use has no parking, the site is considered to be in a highly sustainable location being in the town centre. A planning condition requiring the provision of a cycle shelter would be included if approved.

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

Conclusions and Reasons for Decision

future sustainable use for these buildings that is at present struggling to maintain itself as a commercial property through under use and low occupation levels. The principle of this application is considered to be positive, as subdividing the building into residential units would appear to be not just a sustainable use given the building's central location close to the town's amenities, but also is considered to be the best alternative use of ensuring that this important historic building remains to be utilised and maintained subject to safeguarding conditions that meet the 6 tests.

The revisions to this proposal from a house of multiple occupancy with 23 bedrooms originally to 5 self-contained apartments is considered would limit the physical impacts on this listed building as fewer changes would be required. The re-use of this former office building as residential apartments is considered to be an appropriate change of use outside the primary shopping area and is considered would preserve and enhance Bradford Street Conservation Area, subject to safeguarding conditions, adding to the evening economy and provide vitality and vibrancy to the Town Centre.

Subject to mitigation measures in regard to noise it is considered that the proposal would provide sufficient residential amenity for future occupiers. This is a sustainable site, with access to alternative means of travel to ensure it would not give rise to conditions prejudicial to highway safety.

Safeguarding conditions in regard to acoustic mitigation, schedule of works, method statement and details of the works proposed, security measures, cycle and bin stores and enclosing the rear yard are necessary and meet the six tests. Taking into account the above factors it is considered that the application should be recommended for approval. The development is considered to meet the aims and objectives of the National Planning Policy Framework, policies CSP4, HOU2, HOU3, CEN1, CEN2, CEN3, CEN4, CEN8, TRAN2, ENV2, and ENV3 of the Black Country Core Strategy and saved policies GP2, ENV10, ENV27, ENV28, ENV32, ENV33, S1, S3, S4, S8, T7, T8, T9 and T13 of Walsall Unitary Development Plan, policies HC2, EN5 and T4 of Walsall's Site Allocation Document and policies AAP1, AAPS1, AAPLV1, AAPLV5 and AAPLV6 of the Walsall Town Centre Area Action Plan 2019 and Appendix D of Supplementary Planning Document Designing Walsall.

Positive and Proactive Working with the Applicant

Officers have worked with the applicant's current agent securing clarification over the details of the proposal.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and subject to;
 - No new material considerations being received within the consultation period;
 - The amendment and finalising of conditions;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed;
2. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Listed Building Consent subject to conditions and subject to;
 - The amendment and finalising of conditions;

Conditions and Reasons

Planning Conditions and notes for the Applicant have been separated below for the

Planning and Listed Building Consent applications respectively below;

Planning Application Conditions – Reference no. 18/1431

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

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

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

- Heritage Statement 2514, deposited 30/05/22
- Location and Block Plan – drawing 2514-01, deposited 27/07/20
- Existing Ground and First Floor Plans – drawing 2514-02 Rev B, deposited 27/7/20
- Existing Second Floor and Roof Plan – drawing 2514-03 Rev B, deposited 27/7/20
- Existing Elevations – drawing 2514-04 Rev B, deposited 27/7/20
- Proposed ground and first floor plans drawing no. 2514-05 Rev G, deposited 30/05/22
- Proposed Second Floor and Roof Plans – drawing no. 2514 – 06 Rev E, deposited 13/05/22
- Proposed Elevations – drawing 2514-07 Rev E, deposited 13/05/22
- Bike Shelter Details – dated 15/3/19
- Design and Access Statement May 2022, deposited 30/05/22.
- Supporting Statement deposited 19/03/19
- Local Amenities Plan, drawing no. 2514 08, deposited 27/07/20

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

3: a) Prior to the commencement of development hereby permitted the Applicant shall agree an Acoustic Mitigation scheme in writing with the Local Planning Authority.

3: b) The Applicant shall implement the agreed acoustic mitigation measures.

3: c) Prior to occupancy the Applicant shall provide written validation to the Local Planning Authority that confirms implementation of the agreed mitigation measures.

Reason: In order to protect the amenities of the future occupiers of the premises and in compliance with Policies GP2 and ENV32 of the UDP.

4: a) Prior to the commencement of development hereby permitted the Applicant a method statement detailing all physical alterations to the building and a schedule of materials to be used in the construction of this development shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

Reason: To preserve the historic character of the buildings and to ensure the satisfactory appearance of the development and to comply with saved policies GP2, ENV27 and ENV32 Walsall's Unitary Development Plan.

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

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

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

Reason: To ensure the development is provided with a satisfactory means of drainage in accordance with BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

6: Prior to the occupation of the development hereby permitted, shall not be carried out otherwise than in accordance with the approved cycle shelter for residents submitted on the 15 March 2019 and the approved details shall thereafter be retained for the lifetime of the development and used for no other purpose.

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

7. The development hereby permitted shall not be carried out otherwise than to meet the following minimum security measures and thereafter the security measures shall be retained;

- All shared external doors shall have a door entry phone system and electronic lock release linked to each bedroom
- External doors to individual bedrooms shall meet PAS24:2016.
- -Mail boxes shall be constructed of a minimum 1.5 metre steel construction, being lockable individual letter boxes, secure anti-theft proof and wall mounted located at the primary entrance/exit lobby point of the building, covered by CCTV
- -lighting within internal communal areas shall be PIR activated

Reason: To ensure the safety and security of the development and its occupiers

8: Should the demolition of the walls result in the discovery of a 'historic find' (an item of historic significance is discovered which was unknown), the find shall be placed securely aside and protected, and the Local Planning Authority contacted to discuss how best to record/preserve the find.

Reason: To ensure the special character of the listed building is preserved and enhanced in compliance with Policies GP2 and ENV32 of the UDP.

9: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house;

-Class H (microwave antenna)

Shall be installed in any part of this development

Reason: To safeguard the significance of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

10: Refuse bins shall be presented at the edge of the application property on the designated day of collection and then returned to the bin storage area shown on the Proposed Ground and First Floor Plans job no. 2514 drawing no. 05 Rev D and deposited on 18/03/22. –

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

Listed Building Application Conditions – Reference No. 19/0122

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

Reason: Pursuant to the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Heritage Statement 2514, deposited 30/05/22
- Location and Block Plan – drawing 2514-01, deposited 27/07/20
- Existing Ground and First Floor Plans – drawing 2514-02 Rev B, deposited 27/7/20
- Existing Second Floor and Roof Plan – drawing 2514-03 Rev B, deposited 27/7/20
- Existing Elevations – drawing 2514-04 Rev B, deposited 27/7/20
- Proposed ground and first floor plans drawing no. 2514-05 Rev G, deposited 30/05/22
- Proposed Second Floor and Roof Plans – drawing no. 2514 – 06 Rev E, deposited 13/05/22
- Proposed Elevations – drawing 2514-07 Rev E, deposited 13/05/22
- Bike Shelter Details – dated 15/3/19
- Design and Access Statement May 2022, deposited 30/05/22.
- Supporting Statement deposited 19/03/19
- Local Amenities Plan, drawing no. 2514 08, deposited 27/07/20

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).

Additional heritage planning conditions for the Listed Building Consent application, if approved, would be finalised with the Council's Conservation Officer.

Notes for Applicant

Fire Officer

West Midlands Fire service have no objections to this application, however the approval of Building Control will be required with regard to Part B of the Building Regulations 2010.

Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application

Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

a. External access enabling fire appliances to be used near the building.

b. Access into and within the building for firefighting personnel to both:

i. search for and rescue people

ii. fight fire

c. Provision for internal fire facilities for firefighters to complete their tasks.

d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult).

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

13.2 For flats, either of the following provisions should be made.

a. Provide access for a pumping appliance to within 45m of all points inside each flat of a block, measured along the route of the hose.

b. Provide fire mains in accordance with paragraphs 13.5 and 13.6.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1.

Turning facilities should comply with the guidance in Table 13.1.

Blocks of flats fitted with fire mains

13.5 For buildings fitted with **dry fire mains**, both of the following apply.

a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.

b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 14.10.

13.6 For buildings fitted with **wet fire mains**, access for a pumping appliance should comply with both of the following.

a. Within 18m, and within sight, of an entrance giving access to the fire main.

b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

Section 14: Fire mains and hydrants – flats

Provision of fire mains

14.2 Buildings with firefighting shafts should have fire mains provided in both of the following.

- a. The firefighting stairs.
- b. Where necessary, in protected stairways.

The criteria for providing firefighting shafts and fire mains are given in Section 15.

14.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with paragraph 13.2(a). In these cases, the fire mains should be located within the protected stairway enclosure, with a maximum hose distance of 45m from the fire main outlet to the furthest point inside each flat, measured on a route suitable for laying a hose.

Design and construction of fire mains

14.4 The outlets from fire mains should be located within the protected stairway enclosure (see Diagram 15.1).

14.5 Guidance on the design and construction of fire mains is given in BS 9990.

14.6 Buildings with a storey more than 50m above fire service vehicle access level should be provided with wet fire mains. In all other buildings where fire mains are provided, either wet or dry fire mains are suitable.

14.7 Fire service vehicle access to fire mains should be provided as described in paragraphs 13.5 and 13.6.

Provision of private hydrants

14.8 A building requires additional fire hydrants if both of the following apply.

- a. It has a compartment with an area of more than 280m².
- b. It is being erected more than 100m from an existing fire hydrant.

14.9 If additional hydrants are required, these should be provided in accordance with the following.

- a. For buildings provided with fire mains – within 90m of dry fire main inlets.
- b. For buildings not provided with fire mains – hydrants should be both of the following.
 - i. Within 90m of an entrance to the building.
 - ii. A maximum of 90m apart.

14.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

14.11 Guidance on aspects of the provision and siting of private fire hydrants is given in BS 9990. Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

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

Section 15: Access to buildings for firefighting personnel – flats

Provision of firefighting shafts

15.1 In low rise buildings without deep basements, access for firefighting personnel is typically achieved by providing measures for fire service vehicle access in Section 13 and means of escape.

15.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts each containing a firefighting lift (Diagram 15.1). The number and location of firefighting shafts should comply with paragraphs 15.4 to 15.7.

Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 15.3 and Diagram 15.2).

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats;

- a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:
- b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

Section 7: Compartmentation/sprinklers – flats Page 59

7.4 Blocks of flats with a top storey **more than 11m** above ground level (see Diagram D6) should be fitted with a sprinkler system throughout the building in accordance with Appendix E. NOTE: Sprinklers should be provided within the individual flats, they do not need to be provided in the common areas such as stairs, corridors or landings when these areas are fire sterile.

The approval of Building Control will be required to Part B of the Building Regulations 2010 Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 7)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

Local Highways Authority

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.

Environmental Protection

Glazing serving habitable rooms with an aspect onto the road network shall achieve a minimum sound reduction of R'w of 38 dB. Habitable rooms shall be served by a mechanical ventilation system, or passive ventilation that achieves a sound reduction, R'w, of 38 dB in the open position.

Public Petition received earlier in the application process when proposal was for a House of Multiple Occupancy

Petition to Walsall Council
Petition against Application Number 18/1431
32-34 Bradford Street, Walsall, WS1 3QA
Proposed change of use and conversion of existing offices into a 23 bed house of multiple occupation.

We the undersigned below oppose this application. A 23 bed house in a conservation area is unsuitable. There is already alcohol, drug and begging issues on Bradford Street. There are used needles, anti-social behaviour and prostitution on the street. We are constantly being asked for money, cigarettes.

We the residents/tenants/business owners of Bradford Street take the view that our businesses will be adversely affected if this goes ahead. Our staff and clients will be affected and will mean a loss of trade.

We request that the planning application be rejected.

	Name	Address	Signature
1		36 Bradford Street, WS1 3QA	
2		22 Wednesbury Rd, WS1 3PY	
3		101 Prince Street, WS2 9QB	
4		46a West Bromwich Road, Walsall, WS5 4PR	
5		11 - Walsall	
6		47 BRADFORD ST WS1 3QA	
7		52 BRADFORD STREET, WALSALL WS1 3QD	
8		30 Bradford street WS1 3PA	
9		19-20 BRADFORD street WS1 1PS	
10		73 Bradford St.	
11		44 Bradford St. Walsall	
12		108 Colshaw Road - Great Barr. L WUK in Ldall.	
13			
14			
15			

END OF OFFICERS REPORT

Planning Committee

Report of Head of Planning and Building Control on 20 June 2022

Plans List Item Number: 6

Reason for bringing to committee

Significant Community Interest

Application Details

Location: LAND FORMER PEAR TREE COTTAGE INN, PEAR TREE LANE, BROWNHILLS

Proposal: RESERVED MATTERS FROM OUTLINE APPLICATION 21/1057 SEEKING CONSENT FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR THE DEVELOPMENT OF 5NO 3 BEDROOM DWELLINGS (3 X 2.5 STOREY AND 2 X 2 STOREY), ASSOCIATED PRIVATE AMENITY SPACE AND PARKING.

Application Number: 21/1669

Case Officer: Helen Smith

Applicant: Mr A Jennings

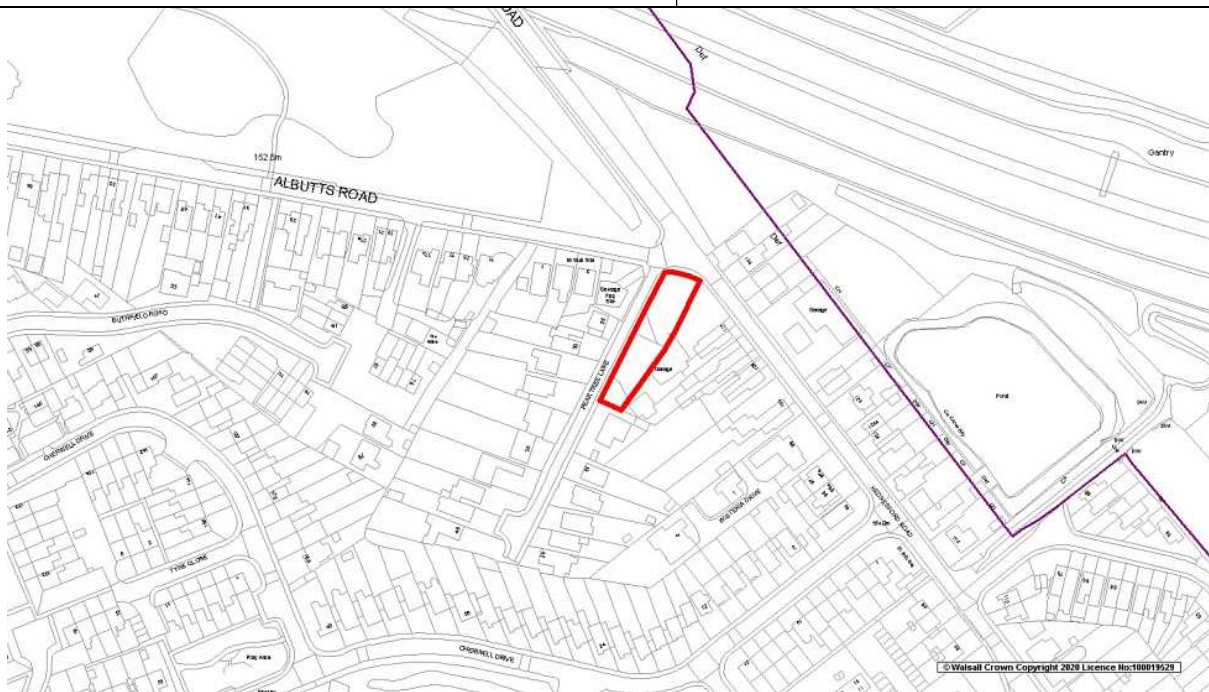
Ward: Brownhills

Agent: Mr Scott Thompson

Expired Date: 08-Feb-2022

Application Type: Reserved Matters: Minor Application

Time Extension Expiry:



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Recommendation

Grant Planning Permission Subject to Conditions and subject to

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

Proposal

Reserved Matters following outline application 21/1057 approval, seeking consent for appearance, landscaping, layout, and scale for the development of 5 no 3 bedroom dwellings (3 x 2.5 storey and 2 x 2 storey), associated private amenity space and parking. Outline planning permission was granted in September 2021 in respect of access only.

Planning condition 2 of the Outline planning permission required details of the following for approval and which have been provided as part of this Reserved Matters application;

1. Appearance
2. Landscaping
3. Layout
4. Scale

Plots 1, 2 & 3

Three new terraced dwellings (Plots 1 to 3) are proposed to the northern element of the application site with front elevations facing onto Albutts Road and positioned at right angles to Pear Tree Lane with the side wall of Plot no. 1 facing the highway.

These three houses would have front gardens with allocated communal parking to the rear. These houses would have a gable roof design, each having a single front facing dormer window, obscurely glazed gable hoods. The height of the houses (Plots 1 to 3) would measure 8.77 metres high and two obscurely glazed side facing windows would be installed in plot no. 1 facing onto Pear Tree Lane to create an active frontage.

Each house would include a lounge/dining room, kitchen, hall, W.C. two bedrooms, bathroom, and study at first floor with a bedroom and en suite within the roof void.

Private rear gardens to serve each dwelling house are proposed each measuring;

Plot 1 = 49.4 sq. metres

Plot 2 = 46.6 sq. metres

Plot 3 = 51.6 sq. metres

Bin access is proposed to the rear of the properties with gated access into the rear gardens where bins are to be stored. New tree planting is proposed within each rear garden.

A 2 metres high brick screen wall is proposed along the western garden boundary of plot no. 1 fronting the public footpath. A 2.0m high acoustic fence is proposed along the eastern boundary to reduce potential noise from the adjoining car repair business

Plots 4 & 5

This pair of semi-detached houses sit to the south-west of plot no's 1, 2 and 3 with frontages that face onto the central parking area. There would be a 1.2 metres wide paved gap between the proposed front elevations and allocated parking spaces.

The side elevation of plot 5 would front Pear Tree Lane and side facing windows have been added to the plans to create an active frontage.

These two houses would have a gable roof and these dwellings would be 8.6 metres high.

These two houses would each include a kitchen/dining area, lounge, W.C., 3 bedrooms, bathroom and en suite.

There would be a proposed habitable room window to window separation distance of 28.4 metres between rear windows in plot no's 1, 2 and 3 and front windows in plot no's 4 and 5.

2 new trees are proposed on plots 4 and 5, and private rear gardens would each measure;

Plot 4 = 56.4 sq. metres

Plot 5 = 55.5 sq. metres

Bins would be stored within the private rear gardens with gated access. Plot no. 5 would have a gated access onto Pear Tree Lane.

A 2 metres high brick acoustic screen wall is proposed along the western garden boundary of Plot no. 5 fronting the public footpath. The eastern boundary for Plot no. 4 includes an existing screen wall and a new 2 metres high screen fence added on plot side.

A pedestrian visibility splay would be included on Plot no. 5 adjacent to the drive access to 31 Pear Tree Lane.

The proposal includes 10 allocated off-street parking spaces, with a porous block paved surfaced, parking area that would be overlooked by the proposed houses on plot's 4 and 5. Parking bays would be line marked.

28 Pear Tree Lane faces across the road to the proposed parking area on the site.

31 Pear Tree Lane sits to the south of the plot with a side facing obscurely glazed non-habitable room window and a vehicle driveway next to the site.

32 Pear Tree Lane would face the side gable of proposed plot no. 5 across a separation distance of 22 metres.

115 Hednesford Road would face the side gable of proposed plot no. 3 across a separation distance of 16 metres.

The proposed materials to be used in the development are as follows;

- Edilians Double HP20 Large Format Interlocking Clay Tile, Colour Slate
- Ibstock New Cavendish Stock Bricks
- Smooth red plinth brick to cills
- Smooth red engineering detail brick
- Riven grey slabs to paths and patios
- Charcoal porous block paving to parking
- Anthracite grey upvc windows and doors
- Black rainwater goods
- Lead finish to dormers

The application is supported by the following documents;

- Drainage Strategy
- Environmental Database Search
- Ground Investigation Report
- Materials Schedule
- Noise Impact Assessment

Site and Surroundings

The former Pear Tree Cottage Inn was situated on the corner of Pear Tree Lane, Albutts Road and Hednesford Road, in a predominately residential area of Brownhills West. The site formally comprised a public house with car park to the rear that has now been demolished.

The nearest centre is Brownhills District Centre is approximately 2km to the south east. To the north of the site is the M6 Toll Motorway and the boundary of the borough and Chase Water beyond. Land to the north of Albutts Road and west of Hednesford Road is included within the Green Belt, while Pear Tree Lane and the site is excluded.

Properties along Hednesford Road vary between two-storey houses opposite the site to larger two-storey houses with rooms in the roof (these have quite a deep span from front to back resulting in taller ridge heights approximately 8.5m high). There is also a vehicle repair business immediately adjacent to the site with a significant amount of outdoor vehicle storage. There is also an unused petrol filling station on the opposite side of Hednesford Road currently in use as a car wash. These uses plus the vacant application site combine to give a mixed character to the area.

Properties nearer to the site on the streets leading off Hednesford Rd are lower in height, with a number of bungalows, chalet style houses and two-storey houses nearby. There is also a Severn Trent Water pumping station directly opposite the site on the corner of Pear Tree Lane and Allbutts Road.

No. 31 Pear Tree Lane sits to the south of the application site and has a drive access immediately next to the rear boundary.

The site comprises a relatively narrow rectangular plot and is surrounded by a combination of

two-storey houses and bungalows. Access to the site is via the existing dropped kerb to the rear car park off Pear Tree Lane. The site has been cleared and is mostly covered by hardstanding.

There are bus stops along Hednesford Road within a 2 minute walk from the application site served by bus route number 3.

The site is a Coal Development Low Risk Area.

Relevant Planning History

21/1057 - Outline planning permission for the construction of 5 no. dwellings (3 x 2.5 Storey and 2 x 2 Storey), alterations to existing access and provision of parking spaces - Access only to be considered – GSC 13/9/21

14/0874/OL, Outline application for a food convenience retail store (A1) with access only for consideration. 2014-06-16, Non Determination Subject to Appeal, 2015-04-20, Appeal Dismissed, 2015-04-20. The reasons given can be summarised as follows:

The proposed development would adversely affect the safe operation of the local highway network, given the location of the site on an awkward junction and siting of the proposed access. Accordingly, the development would fail to comply with the main aims of CS Policies TRAN1 and TRAN2 and UDP Policy T4, and the objectives of paragraph 32 to the Framework.

12/0810/PD Prior Notification of Demolition of public house, Demolition Approved, 2012-07-24

12/0671/FL Demolition of public house and erection of retail unit (Food Retail A1), Refuse Permission, 2012-07-25. Reasons for refusal were as follows:

1. The proposed retail unit through its design and use of materials will have a detrimental impact on the streetscene and the character of the area by virtue of it not providing animation, variety, or interest at the street level. It will result in a building which is bland, uninspiring in appearance and which does not recognise or mark its importance and prominence within the streetscape. The scale and massing of the proposed building does not represent or replicate the former Pear Tree Cottage which is considered necessary to address this local site and corner within the overall town/streetscape.

As such and on balance the proposed retail development is considered to be inconsistent with the National Planning Policy Framework and sustainable development and does not meet the aims and objectives of the Black Country Core Strategy policies ENV3, CEN6 and CEN7, Unitary Development Plan policies GP2 and ENV32, and Designing Walsall Supplementary Planning Document

2. The proposed new retail unit fails to ensure that the scheme will not have any detrimental impact on highway safety and in particular it has failed to demonstrate the following aspects:

- 1. Failed to provide a satisfactory Transport Statement in accordance with DfT Guidance on Transport Assessment*

2. *The proposed level of car parking does not comply with UDP Policy T13 which requires 27 car parking spaces for food retail and 19 for non-food.*
3. *Car parking spaces 10 and 11 are not accessible as they reduce the required 6m aisle width required for vehicles to manoeuvre in/out of spaces 1 to 6.*
4. *Customers are likely to park on Hednesford Road at the front, particularly as the car park cannot be seen from Hednesford Road.*
5. *The level of disabled car parking to comply with policy is an additional 10% which equates to either 3 or 2 depending on whether the retail is food or non-food, respectively.*
6. *Drawing 012012/3 does not demonstrate that there is sufficient space for the delivery vehicle to manoeuvre such that it would leave the site in a forward gear.*
7. *No pedestrian access routes have been shown.*

In view of the above the application has failed to demonstrate that it will not have a detrimental impact on the free flow and safety of both pedestrians and vehicular traffic on the existing highway. As such and on balance the proposed retail development is considered to be inconsistent Unitary Development Plan policies T7 and T13.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

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

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

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

encouraged.

National Planning Policy Guidance

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

Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- LC8: Local Community Facilities

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

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

T4: The Highway Network

Supplementary Planning Document

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

Archaeology – To be updated at planning committee

Conservation Officer – No specific conservation objections

Designing Out Crime, Police – No objections and recommend the principles of Secure by Design.

Environmental Protection – No objections subject to the inclusion of planning conditions in respect of noise, ground gas, air quality and the inclusion of a construction environmental management plan along with informative notes if approved.

Fire Officer – No objections subject to compliance with Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England. An informative note can be included for the applicant if approved.

Local Highway Authority – No objections subject to planning conditions in respect of hard-surfacing and drainage of the parking area, demarcation of parking bays, vehicle footway crossing, no planting that exceeds 600mm within the pedestrian visibility splay envelope next to 31 Pear Tree Lane, and boundary treatment in respect of plot no's 1,2 and 3.

Severn Trent Water – No objections in respect of the proposed drainage strategy plan (drawing 500A)

Strategic Planning Policy – No objections

Tree Officer – Objections to the proposed types of planting proposed however a landscaping condition can be included to require a revised scheme

Representations

(Planning Officers' comments in italics and brackets)

Objections have been received from four households on the following grounds;

- Highway/pedestrian visibility splay and access next to 31 Pear Tree Lane from boundary wall and fencing
- New trees will overhang 31 Pear Tree Lane, and this is unacceptable
- Devalue properties *(not a material planning consideration in this instance)*
- Health and Safety Risk Assessment needed for the public interface *(the Local Highway Authority has no objections on highway safety grounds)*
- Interference to life, property, and assets of neighbour without any response from the Local Planning Authority *(all planning proposals have an impact on neighbours however safeguarding conditions can be included if approved. The Local Planning Authority is unable to respond individually to residents' comments on planning applications because of the high numbers received. This is explained in the neighbour notification letter)*
- Two storey houses not on the original plans *(the current proposal is assessed as presented and the previous application was for outline permission only with only access being considered)*
- Impact on light to front of bungalows
- Eyesore and out of keeping with bungalows in the lane
- Highway safety
- Lack of parking
- Access to the lane should not be impaired *(The local highway authority has no objections to the proposal and access to the site was agreed at outline stage)*

Determining Issues

- Principle of development
- Design and Character of the Area
- Amenity
- Noise
- Ground Conditions
- Air Quality
- Ecology
- Landscaping
- Parking and Access
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The principle of residential development on the application site was considered by the outline planning application and was considered acceptable as the proposal offers the opportunity to make better use of urban land, efficient use of the existing infrastructure and reclaim a derelict

site in accordance with policies GP1 and ENV14.

Policy LC8 regarding loss of community facility is no longer applicable as the public house has already been removed.

The site is previously developed, and the character of the area is predominantly residential houses. The proposal offers the opportunity to make better use of urban land, efficient use of the existing infrastructure and reclaim a derelict site in accordance with policies GP1 and ENV14. On this basis proposed redevelopment of this derelict site is considered acceptable in principle.

The latest available figures show that the Council does not currently have a 5 year housing land supply, and, in addition, the Council failed the Housing Delivery Test published in January 2022 based on low levels of delivery over the last 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d is in effect.

Design and Character of the Area

The submitted site layout shows that the proposed plots 4 and 5 to the rear of the site would be built to two storeys or 8.6 metres high to the ridge and accommodate two no. three bedroomed dwellings, while plots 1 to 3 would be at 2.5 storeys or 8.77 metres high to the ridge where the frontage is onto Hednesford Road.

Existing residential properties located on Pear Tree Lane, Albutts Road and Hednesford Road have a mixed character consisting of bungalows, two storey semi-detached and terraced houses of varying design and age along with a car sales and separate car wash facility at a former petrol station on Hednesford Road.

The proposed new dwellings would be characteristic of others in the area with front and rear gardens and whilst the urban layout differs from the existing street pattern on Pear Tree Lane it is considered the proposed plots 1 to 3 would have a similar orientation to existing houses fronting Hednesford Road and Albutts Road.

Existing properties to the rear of the site are generally lower with some 1.5 storey and single storey bungalows whilst along Hednesford Road the buildings are higher and more intensively developed.

Plots 1 to 3 would be taller than plots 4 to 5 at the rear and it is considered that these three properties would create a landmark entrance to the area when travelling over the M6 Toll over-bridge and into Brownhills to the south. A street scene drawing has been provided which demonstrates the relationship of the proposed new dwellings with 115 and 117 Hednesford Road and 31 Pear Tree Lane.

The proposed exterior facing materials are considered to be acceptable and the overall scale of the development appropriate for this location.

The proposal is considered would integrate with the existing established and mixed character of the area, integrating well into the surroundings and bringing a derelict site back into use.

Amenity

The housing has been arranged so that in the main the principle elevations are oriented to look outwards towards the surrounding streets or ensure that the central parking court is well overlooked. To avoid blank frontages facing public spaces/routes, secondary windows have been added into the gable elevations of houses that abut Pear Tree Lane.

Where rear garden boundaries abut Pear Tree Lane, a 2 metres high feature brick wall is proposed which would provide additional privacy and acoustic insulation and would reduce maintenance than if wooden fences are provided directly abutting public footways.

A 2.0m high acoustic fence is proposed along the eastern boundary to reduce potential noise from the adjoining car repair business. The applicants have provided a detailed Acoustic Assessment that provides for mitigation the potential noise impacts of the surrounding commercial development and planning conditions have been recommended to ensure that appropriate boundary treatment and acoustic measures required for any future occupants of the property are provided.

The gross internal floor area of plots 1 to 3 exceeds the recommended minimum National Space Standard of 90 sq. metres per house at 98.5 sq. metres per plot. Plots 4 and 5 would be marginally less than the recommended minimum National Space Standard of 93 sq. metres with a gross internal floor area of 82.2 sq. metres each however this shortfall is considered to be minor and on balance is acceptable.

The layout also shows private amenity space of between 49.4 and 56.4 sq. metres. This provision is slightly below the minimum recommended size of 68 sq. metres per dwelling, as referred to in Appendix D of Designing Walsall Supplementary Planning Document. On reviewing this shortfall, it is considered that the proposed garden sizes it is in line with the mixed pattern of development seen in the area and would still allow for a reasonable standard of amenity for prospective occupants. Consequently, it is considered that the proposed layout plan successfully demonstrates that an acceptable layout could be provided on the site to accommodate the proposal.

The proposal would sit to the north of 31 Pear Tree Lane and it is considered that this orientation would result in this proposal having a limited impact on residents existing light.

The proposed extensions meet the separation distances recommended in Appendix D of SPD Designing Walsall and is considered would not cause any significant harm to the residential amenities of neighbouring properties in terms of outlook, privacy or daylight.

Side facing windows in plots 1 and 5 would be obscurely glazed and can be conditioned to remain as such with any opening parts 1.7 metres higher than the floor of the rooms they serve to ensure privacy for residents.

The construction of new dwelling houses will often result in some noise and disturbance to neighbours' but as this proposal is for 5 dwellings it is considered unlikely that a development of this small scale will have a significant impact on existing Pear Tree Lane occupiers.

To protect residents' amenity, it is recommended that permitted development rights are removed, if the scheme is approved.

Noise

The Council's Environmental Protection Team has advised that the Environmental Noise Impact Report, Sound Testing Acoustic Consultancy, Ref 15365 Version 1 28 March 2022, has in general terms met the requirements of condition 4a of the outline planning permission (reference no. 21/1057).

The remaining parts of condition 4 of the outline permission (parts b, c and d) are considered should remain in place and be carried forward to the reserved matters planning application if approved. In particular the applicant must provide an acoustic mitigation scheme confirming that the remedial measures set out in the submitted report will be implemented.

It is noted, the submitted assessment has indicated that no noise was identified as emanating from the adjacent commercial garage premises. For this reason, it is important that the submitted scheme includes installation of the walls and acoustic fencing detailed in the Proposed Site Plan and Planting, drawing number 392/PD/01 Rev. C, deposited 6/6/22

Ground Conditions

The Council's Environmental Protection Team has advised that the submitted Phase 1 Desk Study & Phase 2 Ground Investigation April 2022 Report No P22016/01 Spilman Associates meets the requirements of condition 6a and 6b of the outline planning permission (reference no. 21/1057). However, the remaining parts of condition 6 (parts c, d, e, f) must remain in place and be carried forward to any planning permission for reserved matters granted.

Air Quality

The Council's Environmental Protection Team consider that as no information in relation to planning condition no. 5 of the outline planning permission (reference no. 21/1057) has been provided then this should be carried forward to any reserved matters planning permission, if granted. This condition required the submission of an Air Quality Low Emission Scheme to be provided and approved to install electric-vehicle charging points and Ultra-Low NOx boilers into the proposed development.

Furthermore, the provision of a Construction Environmental Management Plan shall be required as there are residential properties in close proximity to the application site.

The site is not located in an area where air quality is likely to exceed current targets or recommended future targets. On this basis Environmental Protection do not consider that an Air Quality Assessment is required for this development. However, they do have concerns regarding the potential impact on local air quality associated with the installation and use of solid fuel heating appliances and a planning condition in respect of this should be included if approved.

Ecology

The proposal includes ecological enhancements to the site which include new tree planting, the installation of brick bat boxes by Ibstock to the gable ends and bird boxes fitted to the walls.

Landscaping

The proposal includes new tree planting in private rear amenity areas serving each new house. The proposed trees include Silver Birch, Rowan Sorbus Hybrida Gibbsii and Acer Campestre Louisa Red Shine. The Council's Tree Officer has advised that revisions will be required to the proposed planting scheme and has commented on the suitability of planting species as follows;

- Rowan Sorbus Hybrida Gibbsii (front of Plot 2) - species and location are acceptable
- Rowan Sorbus Hybrida Gibbsii (rear of Plot 2) - species and location are acceptable
- Silver Birch (Plots 1 and 3) -species not acceptable however locations are acceptable
- Silver Birch (Plot 4) - species not acceptable, location is acceptable but not a tall growing tree as it would be too close to neighbours. A small growing tree would be required (e.g. Acer griseum, Magnolia sp, Cercis siliquastrum, Kornus kousa, Cercidiphyllum japonicum, et al)
- Acer campestre "Louisa red Shine" (Plot 5)- species and location are acceptable

To address these concerns a planning condition can be included requiring revisions to the proposed landscaping scheme (drawing no. 392/PD/01 Rev. C)

Parking and Access

The site layout plan shows a single access off Pear Tree Lane into the car park. This is a similar arrangement to the existing access that was in place for the former Pear Tree Cottage Inn on the site. The Local Highway Authority has provided comments indicating that the access arrangement is acceptable as it will not have severe transport implications on the local highway network.

The proposal included a 2 metres high fence immediately to the back of footway extending up to the vehicle access to 31 Pear Tree Lane however this design has been revised to include a 2.4metres by 3.4 metres pedestrian visibility splay to provide adequate pedestrian inter-visibility at the existing access to 31 Pear Tree Lane and it is considered that the impact on the rear garden size at plot 5 would be minimal. A planning condition will be required that no vegetation or planting exceeds 600mm in height at any time within the splay envelope next to no. 31.

The Local Highways Authority have raised no objections to the proposed parking access and layout and the submitted proposed parking arrangement has sufficiently demonstrated that an acceptable level of parking could be provided on the site. The indicative plans show parking for 10 cars which would provide 2 spaces per dwelling in accordance with saved UDP T13 parking policy, and the central parking court will provide natural surveillance and be overlooked.

It is proposed to make use of permeable surfacing will be used in the construction of the Car Park, which is supported subject to a condition to prevent any discharge of surface water onto the highway.

The development has been supported by the Local Highway Authority and it is considered that the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF paragraph 111 (2021).

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 five new homes.

The Government has indicated that, for 2021-22, it will award £350 for each affordable dwelling, but the payment for all new homes (including both affordable and others) varies. There is no fixed payment of £1,000 per home: the sum will vary from £0 to an undisclosed figure. Essentially there is a fixed pot of money each year that is divided between all authorities depending on how many homes in total have been completed across the country.

The money is worked out based on performance in previous years (18 months in arrears), so the payment in 2022-23 will be based on the number of homes completed between October 2020 and October 2021.

Conclusions and Reasons for Decision

The principle of residential development on the site is considered acceptable as the proposal offers the opportunity to make better use of urban land, efficient use of the existing infrastructure and reclaim a derelict site in accordance with policies GP1 and ENV14.

The proposed access and parking provisions have been supported by the Local Highway Authority.

The application has successfully demonstrated that the development proposed can be accommodated on the site, in a manner in line with the character of the area and without undue impact on the amenity of surrounding occupiers.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report.

The latest available figures show that the Council does not currently have a 5 year housing land supply, and, in addition, the Council failed the Housing Delivery Test published in January 2022 based on low levels of delivery over the last 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect.

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

The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

1. Grant Planning Permission Subject to Conditions and subject to

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

Conditions and Reasons

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

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

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

- Site Survey/Location Plan, drawing no. 392/PD/10, deposited 24/11/21
- Materials, drawing no. 392/PD/MAT, deposited 24/11/21
- Drainage Strategy, drawing no. 500 Rev. A, deposited 31/03/22
- Floor Plans, drawing no. 392/PD/100A, deposited 8/4/22
- Plots 1-3 Elevations, drawing no. 392/PD/300 Rev. A, deposited 8/4/22
- Plots 4-5 Elevations, drawing no. 392/PD/400 Rev. A, deposited 08/04/22
- Proposed Site Plan and Planting (including Street Scene), drawing number 392/PD/01 Rev. C, deposited 6/6/22

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

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

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary porta cabins and welfare facilities for site operatives

7. Site security arrangements including hoardings
8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
9. Measures to prevent flying debris
10. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
12. Noise and vibration mitigation measures

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

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

4: a) Prior to the commencement of the development hereby permitted, an Acoustic Mitigation Scheme which put forward measures to mitigate identified noise revealed in the Acoustic Assessment shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

4: d) Prior to occupation of the development hereby permitted a Validation Statement demonstrating the agreed measures have been installed shall be submitted in writing to and approved in writing by the Local Planning Authority.

Reason: In order to protect the health and amenities of the future occupiers of the premises.in compliance with Policies GP2 and ENV32 of the UDP.

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

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

5: c) If during the undertaking of remedial works or the construction of the approved development, unexpected ground contamination, not identified by the site investigation, desk

study and site reconnaissance is encountered, development shall cease. The 'Remediation Statement' required by part a) of this condition shall be amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

5: d) 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

Reason: To prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan

6: a) Prior to the commencement of the development hereby permitted Air Quality Low Emission Scheme shall be submitted in writing to and approved in writing by the Local Planning Authority, to install electric-vehicle charging points and Ultra-Low NOx boilers.

6: b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

6: c) Prior to the first occupation of the development hereby permitted a Validation Statement demonstrating the agreed measures have been implemented submitted in writing to and approved in writing by the Local Planning Authority

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

7: a) Notwithstanding the details as submitted and prior to commencement of the development hereby permitted details of an amended landscaping scheme including both hard and soft landscape works, and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17, ENV18 and ENV33 of Walsall's Unitary Development Plan

8: a) Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means

of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

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

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

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

9: a) Prior to commencement of any building operations above the damp proof course of the development hereby permitted details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby permitted shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves, and ridge heights of surrounding properties.

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

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

10: a) Prior to occupation of the development hereby permitted, the car parking area shall be consolidated and hard surfaced in tarmacadam or similar material and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the clear demarcation of the parking bays.

10: b) The parking area shall thereafter be retained and used for no other purpose for the lifetime of the development.

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

11: Prior to occupation of Plot no's 1 to 3 of the development hereby permitted, the frontage boundary treatment shall be implemented in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To ensure the satisfactory completion of the development and to prevent vehicular access to the plot frontages in the interests of highway safety and saved UDP policies GP2 and

ENV2.

12. Prior to occupation of the development hereby permitted until a vehicle footway crossing point to align with the new access, together with the removal and reinstatement back to full kerb height of the two existing dropped kerbs access points, made redundant under the development, shall be implemented and thereafter retained for the lifetime of the development.

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

13: a) Prior to occupation of the development hereby permitted, details of any solid fuel stove, fire and heating appliance and associated chimney and flue arrangements and their proposed installations shall be submitted in writing to, and approved in writing by, the local planning authority.

13: b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development. No additional solid fuel stove, fire or heating appliance or associated chimney or flue shall be installed.

Reasons: To ensure the development will function well and safeguard a high standard of amenity for existing and future users, to ensure the development does not contribute to unacceptable air pollution and to ensure the development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health and living conditions in accordance with saved UDP policy ENV10 and the Air Quality SPD

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

- All external doors to individual dwellings to be PAS24; 2016 compliant with a door viewer, door limiter and a maximum aperture of 260mm x 40mm letter plate
- All ground floor windows and over accessible roofs to be PAS24; 2016
- All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass.
- No Lead or metal shall be used on the ground floor.
- External LED lights with daylight and movement sensors to be provided at all external entrances.
- All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)
- All energy meters shall be placed at the front of the dwellings

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

15: a) Prior to the installation of any external lighting on the site of the hereby permitted development until details of the lighting including, its positions, the intensity of illumination and predicted lighting contours have been submitted in writing to and approved in writing by the Local Planning Authority.

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

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

16: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house;

- Class A (enlargement, improvement or other alterations),
- Class AA enlargement of a dwellinghouse by construction of additional storeys
- Class B (additions to the roof),
- Class C (other alterations to the roof),
- Class D (porches),
- Class E (building incidental to the enjoyment of a dwelling house),
- Class G (chimneys, flues),

shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

17: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no additional side facing windows, doors, or other openings other than those shown on the approved 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 saved policy GP2 of the Walsall's Unitary Development Plan.

18: Notwithstanding the details submitted of the development hereby permitted and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, the proposed side facing windows shall be obscure glazed to Pilkington (or equivalent) privacy level 4 and there shall be no opening parts lower than 1.7metres from the floor level of the rooms they serve and the windows shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the neighbours and to comply with saved policy GP2 of the Walsall Unitary Development Plan.

19: Notwithstanding the details submitted the pedestrian visibility splay envelope next to 31 Pear Tree Lane shall not have any structures and/or planting exceeding 600mm in height above footway levels for the lifetime of the development.

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

Notes for Applicant

Local Highways Authority Informative Note

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. For the footway crossing works in the public highway the developer must enter into an Agreement with the Highway Authority under S38/278 of the Highways Act 1980 or alternatively obtain a Road Opening Permit. For further advice please contact Highway Development Control Team at Stephen.Pittaway@walsall.gov.uk
3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway. All works within the public highway shall be in accordance with all statutory requirements.
4. The visibility splay envelope next to 31 Pear Tree Lane shall be clear of all structures and planting exceeding 600mm in height above footway levels

Designing Out Crime Officer – Police Informative Notes

Suitable lighting will provide some security. External LED lights with daylight sensors to the external walls, particularly by entrances and lighting to parking areas.

Alarm and cctv installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/>

Recommend security using the principles of Secured By Design.

The applicant may wish to consider crime prevention and home security advice contained within SBD New Homes. Please see :

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf

Dwelling entrance door-sets (SBD Homes 2019 page 29, 21.1-8).

PAS 24: 2016 standard doors for houses and apartments.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

Combined fire resistance with security.(See SBD Brochure page 5, 5).

https://www.securedbydesign.com/images/downloads/DOORSET_BROCHURE_200319.pdf

Cycle stores, approved products. (SBD Homes 2019 page 68, 56).

Fire Officer Informative Notes

Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

a. External access enabling fire appliances to be used near the building.

b. Access into and within the building for firefighting personnel to both:

i. search for and rescue people

ii. fight fire.

c. Provision for internal fire facilities for firefighters to complete their tasks.

d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1.

Turning facilities should comply with the guidance in Table 13.1.

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

Water Supplies

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

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

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:

b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above

ground level) (BS 9991:2015 50.1.2).

The approval of Building Control will be required to Part B of the Building Regulations 2010 Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 1, Section 7)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

Severn Trent Water Informative Note

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

Environmental Protection Informative Notes

Contaminated Land:

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2018; British Standard BS10175: 2011 +A2:2017 '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); Land contamination risk management (LCRM) 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 and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority. For example, photographs of earth works, capping systems, ground gas membranes, and structure details should be provided.

Copies of laboratory analysis reports for imported 'clean cover' materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Details of works to be implemented must be verified and underwritten by a specialist consultant, so that there can be no confusion or anomalies once work commences on site. Final details of any product(s) and measures, their suitability to address site specific conditions and method(s) of installation must be confirmed with the Building Regulation authority overseeing the development. Satisfactory design and installation should then be verified by the Building Regulation authority and/or by an appropriate person having suitable experience, qualifications and competencies.

In particular it is important to ensure that any post development alterations or adaptations to any structure do not impair or reduce the effectiveness of the installed ground gas protection measures and systems.

It is the responsibility of the developer to ensure that they comply with the requirements of Contaminated Land, Health & Safety, Waste Management, Environmental Damage and the Control of Asbestos Regulations. The responsibility to properly address contaminated land issues, including safe development and secure occupancy, and irrespective of any involvement by this Local Planning Authority, lies with the owner/developer of the site.

CL4

The desk study and site reconnaissance shall have regard to previous unknown filled ground and materials used and processes carried on. A further detail on the matters to be addressed is available in 'Model Procedures for the Management of Contamination' (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

Air Quality Supplementary Planning Document

Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points: The electric vehicle charging point provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw. Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

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

Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following: • West Midlands Low Emissions Towns and Cities

Programme, Good Practice – Air Quality Planning Guidance,

- Black Country Air Quality Supplementary Planning Document (SPD),
- General Procurement Guidance for Electric Vehicle Charging Points, UK Electric Vehicle Supply Equipment Association (April 2015),
- Institute of Engineering and Technology (IET) Code of Practice for Electric Vehicle Charging Equipment Installation.

Ultra-low NO_x boilers discharge NO_x at or below 40mg/kWh. The latest models are future-proofed to the European Union's Energy-related Products Directive 2018 NO_x levels. At the same time, they meet the EU standard EN15502 Pt 1 2015 Class 6 for NO_x, and may be eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.

Black Country Air Quality Supplementary Planning Document (SPD) can accessed via the following link:

https://go.walsall.gov.uk/Portals/0/images/importeddocuments/black_country_air_quality_spd_september_2016.pdf

END OF OFFICERS REPORT

Planning Committee

Report of Head of Planning and Building Control on 20 June 2022

Plans List Item Number: 7

Reason for bringing to committee

Non-determination appeal lodged (costs appeal from the applicant to follow). Officers are therefore seeking a resolution from Members of this Planning Committee on how they would have otherwise determined this application. The resolution will be forwarded to the Planning Inspectorate and will form part of the Council's appeal documents.

Application Details

Location: CAR PARK AT FORMER WALSALL WOOD LIBRARY, COPPICE ROAD, WALSALL WOOD, WALSALL, WS9 9BL

Proposal: FULL APPLICATION FOR 4 NEW SEMI-DETACHED 2 BEDROOM DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING

Application Number: 21/0048

Case Officer: Ann Scott

Applicant: RH Development (Midlands) Ltd

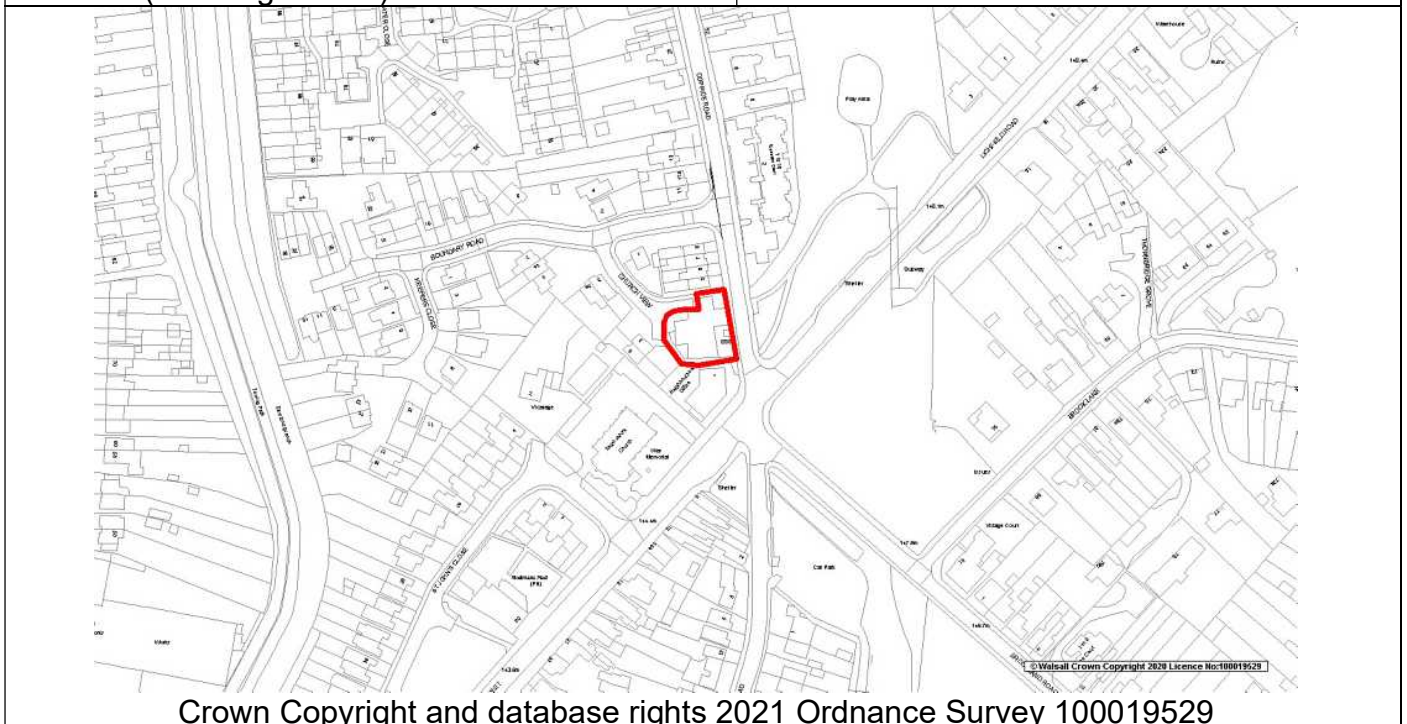
Ward: Aldridge North And Walsall Wood

Agent: Integrated Designs & Associates Ltd

Expired Date: 08-Apr-2021

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

Time Extension Expiry:



Recommendation

Refuse Permission

Proposal

Full application for 4 new semi-detached 2-bedroom dwellings with associated parking and landscaping on land forming part of the car park at the former Walsall Wood Library Coppice Road, Walsall Wood, Walsall.

Site and Surroundings

The application site forms part of the former Walsall Wood Library and provides parking for the existing building. The site is situated on the corner of Coppice Road Walsall which is a primarily residential area in character. Behind the application site are existing dwellings. The site is a flat level area and the existing library building which does not form part of the application site is a single storey building circa 1990's. The library is now closed to the public. The existing car park is primarily hard surfaced with grassed areas surrounding the edge of the car park. The entrance to the car park is via Coppice Road. The site falls within the Walsall Wood local centre.

Relevant Planning History

19/0754 – Demolition of existing building and erection of three storey block to provide 15 x 2 bed apartments and 15 parking spaces – Finally Disposed of 06-07-2020.

21/0842 – Extension to create a 1st and 2nd floor to existing building to allow for the construction of 6 x 2-bedroom apartments and associated private amenity space, cycle and bin store and 3 no car parking spaces. Extension of windows vertically at ground floor to allow for front and rear entrances to building. This application is currently under consideration and covered in a separate report to Planning Committee.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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On **planning conditions** the NPPF (para 56) says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV5: Stabling and Riding of Horses and Ponies
- ENV6: Protection and Encouragement of Agriculture
- ENV7: Countryside Character
- ENV9: Environmental Improvement Initiatives
- ENV10: Pollution
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- LC8: Local Community Facilities

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
- EMP1: Providing for Economic Growth
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN5: District and Local Centres
- TRAN2: Managing Transport Impacts of New Development
- 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

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- SLC1 Local Centres

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Supplementary Planning Documents Conserving Walsall's Natural Environment

Designing Walsall

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

Open space, sport and recreation

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

Air Quality SPD

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

Consultation Replies

Environmental Protection – concerns raised regarding whether or not consideration has been given within the submitted noise report for the ProPG Planning and Noise May 2017 for new residential development. External areas to be used for amenity space need to be confirmed in relation to the confirmation of existing sound levels and whether any mitigation measures are required. Glazing specification is necessary to afford greater acoustic specification.

Highways – raises concerns. The development looks to build on the car park to the former library which will effectively leave the former library without any on-site parking provision. Parking will be an important factor in any future use or development of the library site due to its position on a busy road junction and therefore the Highway Authority is concerned that the current proposal may have a detrimental impact on the future of the library site.

Strategy Planning Policy – Support [Page 142 of 180](#)

Severn Trent Water – no objections

West Midlands Fire Officer – comments in relation to fire safety

Clean and Green – no objections comment that each property will require bins for recycling and general waste.

Representations

4 letters of representations received in relation to the following;

- Highway safety
- Residential amenity
- Increase in congestion
- Impede access for existing resident's driveways
- Encroachment onto private land
- Concerns regarding what will happen to the existing library

Determining Issues

- Principle of development
- Housing need
- Design layout and character/ Visual impact
- Highway safety
- Residential amenity
- Flood Risk and drainage
- Crime and antisocial behaviour
- Impact on heritage assets
- Other issues
- Local finance considerations

Principle of development

The application site is on a parcel of land used as a car park to the adjacent now disused library. The site lies close to the junction with Coppice Road and Lichfield Road. The site lies in Walsall Wood the Local Centre. Policy SLC1: Local Centres is relevant and seeks to ensure the allocated centres provide for day to day shopping and service needs. Within these areas the retention, enhancement and further development of shops, services and other town centre uses will be encouraged.

A separate planning application for the library building has been lodged for extensions to create a 1st and 2nd floor to the existing building to allow for the construction of 6 x 2 bedroom apartments and associated private amenity space, cycle and bin store and 3 no car parking spaces. Extension of windows vertically at ground floor to allow for front and rear entrances to building. This application is also to be presented to Members of this Planning Committee given both applications are made by the same applicant and are intrinsically linked.

The revised NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The application is mostly on commercial land in a sustainable location. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development.

The proposal is in a sustainable location being within the built-up area of Walsall Wood.

However, the development is not a sustainable form of development if it fails to consider the environmental role - protecting and enhancing our natural, built, and historic environment. The report considers this further.

Housing need

Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 60 seeks to ensure the governments' objective of significantly boosting the supply of homes. Paragraph 61 relates to strategic housing supply policies and should be informed by local housing need. The council has an emerging housing supply shortfall and has recently failed the Housing Delivery Test because of low housing delivery over the last three years. Paragraph 73b of the NPPF seeks to ensure that the supply of new homes should be well located and designed, and supported by the necessary infrastructure and facilities including a choice of transport modes. The site is part of a commercial area and forms part advertising site/part car park to the adjacent clinic. The site lies within the built-up area of Walsall Wood. The housing scheme proposed is therefore supported on strategic planning policy grounds by BCCS policies CSP1 and HOU1, SAD policy HC2 and NPPF paragraphs 69 and 119. Paragraph 74 relates to maintaining supply and delivery of housing sites over the development plan period. Local Planning Authorities should update annually a supply of deliverable sites against their housing requirement set out in adopted strategic policies.

The Black Country Core Strategy Policy HOU1 Delivering Sustainable Housing Growth seeks to create a network of cohesive, healthy, and prosperous communities and for the provision of sufficient land to provide for sustainable housing growth.

The latest available figures show that there was a 5-year housing land supply as at April 2021, however the Council failed the Housing Delivery Test published in January 2022 based on low levels of delivery over the last 3 years. This means that the size of the required supply buffer has increased resulting in the supply at the time of preparing this report being slightly less than 5 years, and the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect.

Design and character/ Visual impact

The application fails to put forward sufficient justification in relation to how the design is informed by the wider locality in relation to design and impact on nearby heritage assets. St Johns Church a non-designated heritage asset and the Grade II Listed War Memorial a designated heritage asset in the grounds of St Johns Church. The proposed materials are brick and tile of a type not specified and this could be secured by an appropriate materials condition. The use of the site for residential purposes is acceptable in principle which reflects comments made by the Strategic Planning Policy team. The current submission fails to put forward sufficient justification for the design in relation to the impact on the character of the locality in relation to existing heritage assets. Contrary to Saved UDP Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and DW1 (Sustainability) and DW3 (Character), of the Designing Walsall SPD. Together with the design advice in Chapter 16 of the NPPF Conserving and enhancing the historic environment.

Highway safety

The proposed development is accessed via Coppice Road. The Highways officer comments that the relationship between the adjacent retained former library building and the site is not fully explained, particularly as both sites are in the same ownership.

the former library without any on-site parking provision. Parking will be an important factor in any future use or development of the library site due to its position on a busy road junction and therefore the Highway Authority is concerned that the current proposal may have a detrimental impact on the future of the library site. Whilst this is the case, the separate application for the conversion of the library building 21/0842 being considered in tandem with this application does demonstrate a use for the library if the parking and access concerns can be overcome. However, the current submission for the library building proposes a new access which is not supported by the Highway Authority in relation to the impact on the highway network and highway safety. The Highway Authority therefore considers the development will have an unacceptable impact on road safety and have a negative impact on the operation of the strategic road network contrary to the NPPF 2021 paragraph 111. The proposal provides 8 parking spaces three of which are divorced from the properties to the side of the application site and it is unclear as to which dwellings these spaces will serve.

Para 110 of the National Planning Policy Framework 2021 seeks to ensure that specific plans for development should provide 'safe and suitable access to the site that can be achieved for all users' and that, under para 112, applications for development should 'give priority first to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility, create places that are safe and secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicle movements, allow for the efficient delivery of goods and access by service and emergency vehicles'.

Concerns have been raised by third parties in the locality with regard to the likely adverse impact of more dwellings in this location in relation to congestion, parking and access and highway safety, together with concerns for the future use of the library building.

The application is not considered to accord with the BCCS Policy TRAN2 Managing transport impacts of new development, and "saved" policies T7 Car Parking, T13 Parking provision for cars of the Walsall UDP and paragraph 110 (d) and 111 of the National Planning Policy Framework 2021.

Residential amenity

The proposed dwellings are below the minimum size set out in the nationally described space standard for houses of this type – this should be a minimum of 79sqm of internal space where there is currently only 72.9sqm this is a shortfall of 8% below the minimum. Whilst the space standards are advisory in nature, this goes some way to demonstrate that the proposal would fail to provide a satisfactory level of amenity for intended occupiers.

The separation distance between the proposed dwellings and the house 2 Church View is below the guideline set by the SPD at 19.9m from the recommended 24m. Annex D of the Designing Walsall SPD requires separation from distances of 24 metres from habitable windows at two storeys and above the proposed separation distances are 20 metres from the habitable windows to the rear of 2 Church Road to the rear of the proposed apartments. The standards are applied more robustly at the rear than across roads at the front of new development. The amended plans submitted have failed to overcome the previous concerns in relation to the separation distances to the rear of the site and the property at 2 Church View.

There is a separate application for the conversion and extension of the existing library building to form 6 apartments. However, this application is being considered in tandem with the application for the proposed dwellings.

Environmental Protection have raised concerns about the potential impact of noise from both the road and the substation in the vicinity of the proposed dwellings. They have requested a noise survey be produced to determine whether the site is suitable for residential development.

Comments have been received from nearby occupiers with regard to the impact on residential amenity from encroachment to their properties, and the provision of boundary treatment in close proximity to neighbouring dwellings, together with concerns regarding access being impeded to their existing driveways from the resulting development.

The proposal is considered to be contrary to the Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), and ENV3 (Design Quality) Designing Walsall SPD in particular policies DW1 Sustainability, DW3 Character and DW9 High Quality Public Realm, and the advice in appendix D Guidelines for residential development and policies, together with Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places.

Crime and antisocial behaviour

The proposal is not considered to have the potential to result in harm to the amenities of the locality from crime and antisocial behaviour. The design of the development gives opportunities for pedestrian access through the site due to the use of the ground floor as a public house. There will be natural surveillance throughout most of the day from users of the ground floor public house and the accommodation above from the habitable windows.

This application is considered to accord with Saved Unitary Development Plan Policy GP2 (Environmental Protection), Site Allocation Document Policy HC2 (Development of Other Land for Housing), the aims of Appendix D (Numerical Guidelines for Residential Development) of the Designing Walsall SPD and the National Planning Policy Framework 2021.

Flood Risk and Drainage

The application site is situated in Flood Zone 1 an area at the lowest risk of flooding as defined on the Environment Agency Flood Map for Planning. There are no objections to the proposal from Severn Trent Water Authority. In accord with the Black Country Core Strategy Policy ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

Drainage could be dealt with by a planning condition to secure details for the disposal of foul and surface water.

Impact on heritage assets

The application site lies in close proximity to the Church of St John Walsall Wood, which is a non-designated heritage asset, within the church yard is a Grade II Listed War memorial. No information has been put forward in the submission in respect of the impact the proposed development to describe the significance of the heritage assets, including any contribution made by the setting of the Grade II Listed War Memorial. Paragraph 194 of the National Planning Policy Framework requires that in determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting, at a level sufficient to understand the potential impact of the proposal on their significance. Paragraph 203 of the National Planning Policy Framework requires that the effect of an application on a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm to the significance of the heritage asset. The submission does not put forward any justification or assessment of the significance of St Johns Church and therefore there is insufficient information put forward in the submission to demonstrate how the development will affect the non-designated heritage asset St Johns Church.

There is insufficient information put forward in the submission to demonstrate the significance of the heritage asset a Grade II Listed War Memorial at the St Johns Church Walsall Wood a non-designated heritage asset, and how the proposal would impact upon the heritage asset contrary to paragraph 194 of the National Planning Policy Framework. Contrary to the Black Country Core Strategy ENV2: Historic Character and Local Distinctiveness and the National Planning Policy Framework Conserving and Enhancing the Historic Environment. Paragraphs 203, 194 and 195.

Other issues

Regarding the adjacent library building which is now unused. A previous application for the development of the library building site via demolition and new build apartments has been withdrawn. The current application would result in the loss of parking for the library site and the site is presently demonstrated in the same ownership, but the library is not part of this application. The development looks to build on the car park to the former library which will effectively leave the former library without any on-site parking provision. There is a separate application for the conversion and extension of the existing library building to form 6 apartments. However, this application is being considered in tandem with the application for the proposed dwellings in this submission. However, the current submission for the library building proposes a new access which is not supported by the Highway Authority in relation to the impact on the highway network and highway safety. The Highway Authority therefore considers the development will have an unacceptable impact on road safety and have a negative impact on the operation of the strategic road network contrary to the NPPF 2021 paragraph 111.

Parking will be an important factor in any future use or development of the library site due to its position on a busy road junction and therefore it is considered that the use of the site for residential development in its present form would prejudice the future development of the wider site which would be contrary to the aims and objectives of the National Planning Policy Framework in relation to sustainable development.

Concerns have been raised by third parties of neighbouring properties regarding an alleged encroachment onto their land from the resulting development. This is a private matter and is not a material planning consideration. It is understood that the correct certificates of ownership have been provided with the application.

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 4 new homes.

The Government has indicated that, for 2020-21, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling.

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

Conclusions

There is a current appeal against non-determination of this planning application. There is also an appeal from the applicant for an award of costs which is to follow. Officers are therefore seeking a resolution from Members of this Planning Committee on how they would have otherwise determined this application. The resolution will be forwarded to the Planning Inspectorate and will form part of the Council's appeal documents.

The presumption in favour of sustainable development in relation to Chapter 2 Achieving Sustainable Development of the National Planning Policy Framework is relevant in the determination of this application. Paragraph 10 requires that sustainable development is pursued in a positive way. Paragraph 11 seeks to ensure that for decision taking this means approving development proposals that accord with an up to date development plan or the application of policies in the Development Plan and Framework protect areas or assets of particular importance and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Officers have worked with the applicant and their agents positively and creatively to provide an opportunity to address the concerns raised by the Council and by consultees and interested parties. A satisfactory way forward has not been negotiated and the amendments have been submitted have failed to overcome previous concerns. Taking into account the above factors it is considered that the application should be recommended for refusal.

Recommendation

Refuse Permission

Reasons

1) There is insufficient information put forward in the submission to demonstrate the significance of the heritage asset, a Grade II Listed War Memorial at the St Johns Church which itself is a non-designated heritage asset, or how the design has been informed by the wider locality in relation to design thus fails to demonstrate how the proposal would impact upon the heritage asset. Furthermore, no information has been put forward in the submission to demonstrate that the proposal would result in a public benefit or the creation of additional dwellings that would count towards the provision of additional housing within the Borough and whether that would outweigh any harm arising. The proposal is therefore contrary to the Black Country Core Strategy ENV2: Historic Character and Local Distinctiveness and the National Planning Policy Framework Conserving and Enhancing the Historic Environment. Paragraphs 203, 194 and 195.

2) This proposal would result in the loss of parking to serve the existing library site where parking would be an important factor to facilitate any potential future use or development of the adjacent library site due to its position on a busy road junction. Insufficient evidence has been put forward to demonstrate that the proposal secures the optimum viable use of the wider site and fails to provide comprehensive parking and vehicle access arrangements. The proposal is therefore contrary to Black Country Core Strategy Policy TRAN2 Managing transport impacts of new development, and "saved" policies T7 Car Parking, T13 Parking provision for cars of the Walsall UDP and paragraph 110 (d) and 111 of the National Planning Policy Framework 2021.

3) The proposed development fails to provide a satisfactory standard of amenity for existing and future occupiers in relation to unacceptable separation distances between existing occupiers of 2 Church View and the proposal itself resulting in unacceptable overlooking and loss of privacy. The proposal is therefore contrary to Saved Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country

Core Strategy Policies CSP4 (Place Making), and ENV3 (Design Quality), DW1 Sustainability, DW3 Character, DW9 High Quality Public Realm, and the advice in Appendix D of the Designing Walsall SPD together with the design advice in Chapter 12 of the NPPF Achieving well-designed places.

END OF OFFICERS REPORT

Planning Committee

Report of Head of Planning and Building Control on 20 June 2022

Plans List Item Number: 8

Reason for bringing to committee

Significant Community Interest

Application Details

Location: FORMER WALSALL WOOD LIBRARY, COPPICE ROAD, WALSALL WOOD, WALSALL, WS9 9BL

Proposal: EXTENSION TO CREATE A 1ST AND 2ND FLOOR TO EXISTING BUILDING TO ALLOW FOR THE CONSTRUCTION OF 6 X 2 BEDROOM APARTMENTS AND ASSOCIATED PRIVATE AMENITY SPACE, CYCLE AND BIN STORE AND CAR PARKING. EXTENSION OF WINDOWS VERTICALLY AT GROUND FLOOR TO ALLOW FOR FRONT AND REAR ENTRANCES TO BUILDING.

Application Number: 21/0842

Case Officer: Ann Scott

Applicant: RH Development (Midlands) Limited

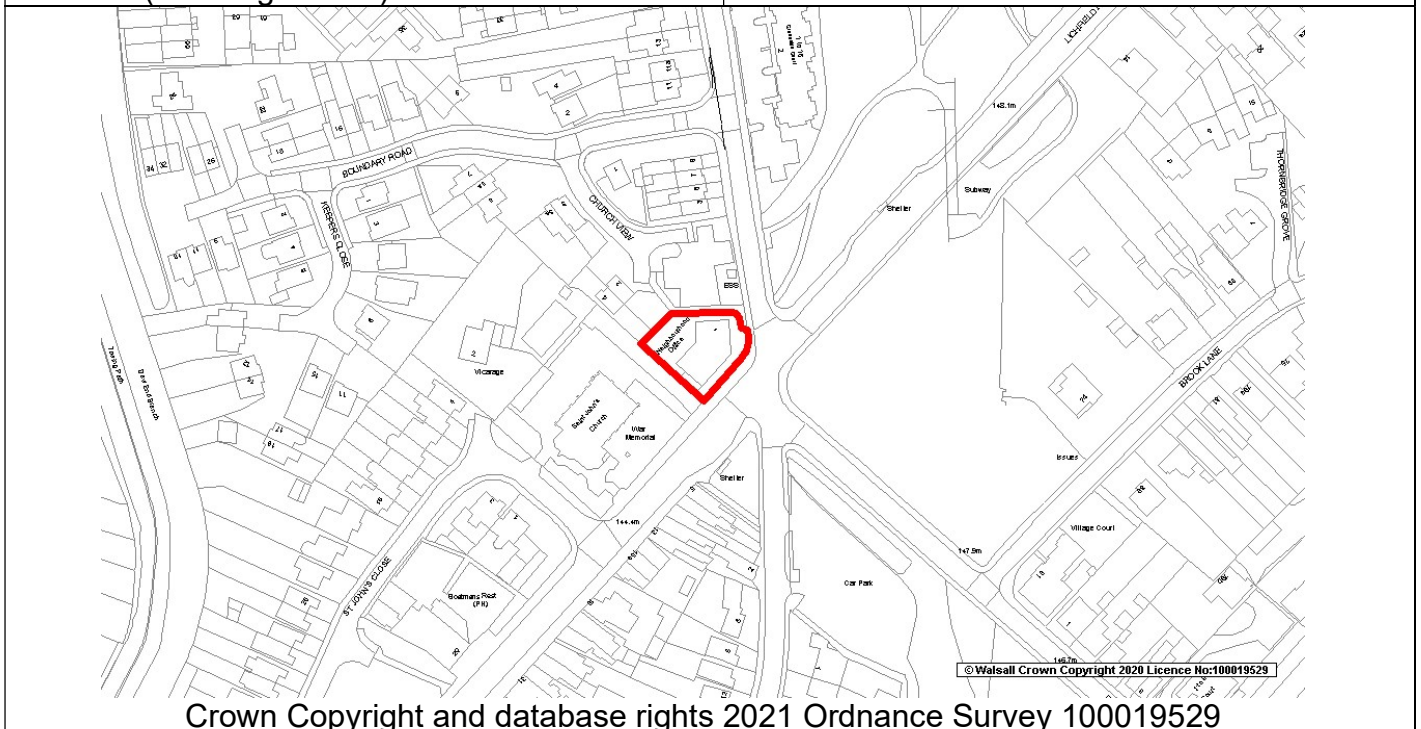
Ward: Aldridge North And Walsall Wood

Agent: Integrated Designs

Expired Date: 20-Aug-2021

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

Time Extension Expiry:



Recommendation

Refuse Permission

Proposal

Extension to create a 1st and 2nd floor to existing building to allow for the construction of 6 x 2 bedroom apartments and associated private amenity space, cycle and bin store and car parking. Extension of windows vertically at ground floor to allow for front and rear entrances to building. Former Walsall Wood Library, Coppice Road Walsall Wood.

Site and Surroundings

The application site forms part of the former Walsall Wood Library and provides parking for the existing building. The site is situated on the corner of Coppice Road Walsall which is a primarily residential area in character. Behind the application site are existing dwellings. The site is a flat level area and the existing library car park which does not form part of the application site is proposed under a separate application for two pairs of semi-detached dwellings and associated parking. The library is now closed to the public. The existing car park is primarily hard surfaced with grassed areas surrounding the edge of the car park. The entrance to the car park is via Coppice Road. The Library building is in the same ownership as the car park land, but as the proposal would be to split the site the library would have no car parking or very limited as demonstrated on the submitted plans. The site falls within the Walsall Wood local centre.

Relevant Planning History

19/0754 – Demolition of existing building and erection of three storey block to provide 15 x 2 bed apartments and 15 parking spaces – Finally Disposed of 06-07-2020.

21/0048 - Full application for 4 new semi-detached 2-bedroom dwellings with associated parking and landscaping on land forming part the car park at the former Walsall Wood Library Coppice Road, Walsall Wood, Walsall. – Current appeal against non-determination and covered in a separate report to Planning Committee.

Relevant Policies

National Planning Policy Framework (NPPF)

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

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 56) says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV5: Stabling and Riding of Horses and Ponies
- ENV6: Protection and Encouragement of Agriculture
- ENV7: Countryside Character
- ENV9: Environmental Improvement Initiatives
- ENV10: Pollution
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- LC8: Local Community Facilities

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- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- EMP1: Providing for Economic Growth
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN5: District and Local Centres
- TRAN2: Managing Transport Impacts of New Development
- 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

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- SLC1 – Local Centres

Supplementary Planning Documents

Conserving Walsall's Natural Environment

Designing Walsall

- DW1 Sustainability
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- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

Open space, sport and recreation

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

Air Quality SPD

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

Consultation Replies

Conservation Officer – Site flagged on the Historic Environment Record. To the southwest of the site is St John's Church, a locally listed building. The church is the most prominent building on this side of Walsall Wood Road. The approach to the church from Walsall is one of open space with low-level development, low boundary walls and vegetation and from its approach from Brownhills is open grounds with vegetation and a single storey building.

The proposed first and second floor extensions together with the roof would harm the significance and setting of St John's church, as the development would be taller than the main church and would dominate the church in the street scene. The church is surrounded by low level development, in this case, single storey development of the former library and open space around with vegetation and low boundary details. The proposal would be contrary to para.203 of the NPPF. Objection as set out above.

Highways Officer - The Highway Authority considers the development will have an unacceptable impact on road safety and have a negative impact on the operation of the strategic road network contrary to the NPPF 2021 paragraph 111.

Police Architectural Liaison Officer – No objections.

Severn Trent Water – No objections.

West Midlands Fire Officer – comments in relation to fire safety.

Clean and Green – No comments received.

Environmental Protection - Requires the applicant to install acoustic glazing, acoustic ventilation, and electric vehicle charging points in the development. Conditions to prevent or minimise environmental impact during the course of building works are also provided.

Strategic Planning Policy - Although the current proposal is restricted to the footprint of the existing building, it raises similar concerns to those made for the previous application reference 19/0754. These were as follows:

The site lies within Walsall Wood Local Centre. The loss of the library would normally need to be justified in accordance with UDP Policy LC8. However, as this loss is the result of a decision already taken by the Council, this justification does not need to be provided by the applicant.

Residential use is appropriate in principle given the site's location at the edge of the centre. However, the location on a busy road means that the quality of environment for residents needs to be considered. The design also needs to consider the relationship with the adjacent church which is a locally listed building.

Representations

4 letters of representations with objections in relation to the following;

- Highway safety
- Parking and congestion
- Overlooking
- Loss of privacy to home and garden
- Impact on the character of the neighbourhood
- Environmental damage/additional pollution
- Height of building too much

Determining Issues

- Principle of development
- Housing need
- Design layout and character/ Visual impact
- Highway safety

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- Residential amenity
- Flood Risk and drainage
- Crime and antisocial behaviour
- Impact on heritage assets
- Other issues
- Local finance considerations

Assessment of the Proposal

Principle of development

The application site is on a parcel of land used as the Walsall Wood Library Building which is now disused. The site lies close to the junction with Coppice Road and Litchfield Road in a predominantly residential area. To the South West of the application site is St Johns Church. The site lies in Walsall Wood the Local Centre. Policy SLC1: Local Centres is relevant and seeks to ensure the allocated centres provide for day to day shopping and service needs. Within these areas the retention, enhancement and further development of shops, services and other town centre uses will be encouraged.

A separate application for the car park is being considered in respect of the erection of 4 dwellings on the existing library car park also to be presented to Members of this Planning Committee given both applications are made by the same applicant and are intrinsically linked.

The site is presently under the same ownership as the adjacent former Library car park which is the subject of a separate application for four 2 bed dwellings.

The revised NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The application is mostly on commercial land in a sustainable location. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development.

The proposal is in a sustainable location being within the built-up area of Walsall Wood. However, the development is not a sustainable form of development if it fails to consider the environmental role - protecting and enhancing our natural, built, and historic environment. The report considers this further.

Housing need

Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 60 seeks to ensure the governments' objective of significantly boosting the supply of homes. Paragraph 61 relates to strategic housing supply policies and should be informed by local housing need. The council has an emerging housing supply shortfall and has recently failed the Housing Delivery Test because of low housing delivery over the last three years. Paragraph 73b of the NPPF seeks to ensure that the supply of new homes should be well located and designed, and supported by the necessary infrastructure and facilities including a choice of transport modes

The site is part of a commercial area and forms part advertising site/part car park to the adjacent clinic. The site lies within the built-up area of Walsall Wood. The housing scheme proposed is therefore supported on strategic planning policy grounds by BCCS policies CSP1 and HOU1, SAD policy HC2 and NPPF paragraphs 69 and 119.

Paragraph 74 relates to maintaining supply and delivery of housing sites over the development plan period. Local Planning Authorities should update annually a supply of deliverable sites against their housing requirement set out in adopted strategic policies.

The Black Country Core Strategy Policy HOU1 Delivering Sustainable Housing Growth seeks to create a network of cohesive, healthy, and prosperous communities and for the provision of sufficient land to provide for sustainable housing growth.

The latest available figures show that there was a 5-year housing land supply as at April 2021, however the Council failed the Housing Delivery Test published in January 2022 based on low levels of delivery over the last 3 years. This means that the size of the required supply buffer has increased resulting in the supply at the time of preparing this report being slightly less than 5 years, and the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect.

Design and character/ Visual impact

The proposed conversion and alterations of the library building are to create an additional two storeys to provide six two bedroomed apartments. Whilst the use of the site for residential purposes is acceptable in principle. The Strategic Planning Policy support the proposal in principle. The application fails to put forward sufficient justification in relation to how the design is informed by the wider locality in relation to design and impact on nearby heritage assets. St Johns Church a non-designated heritage asset and the Grade II Listed War Memorial a designated heritage asset in the grounds of St Johns Church. The proposed materials are brick and tile of a type not specified and this could be secured by an appropriate materials condition.

The proposed upward extensions would result in the building being taller and as a result would dominate church views from key viewpoints from Walsall Wood Road and Coppice Road. The proposed extensions would be visually detrimental in the street scene, especially given this would be the only three storey building in this location along Walsall Wood Road, when the area is characterised by low level development and open space. The extensions would screen views of the church when approaching from Brownhills (north of the site).

The proposed first and second floor extensions together with the shallow roof would harm the significance and setting of St John's church, as the development would be taller than the main church and would dominate the church in the street scene. The church is surrounded by low level development, in this case, single storey development of the former library and open space around with vegetation and low boundary details. The proposal would be contrary to para.203 of the NPPF.

The proposed extensions fail to reflect the low level, two-storey development along Walsall Wood Road and Coppice Road and the detailing and proportions of the fenestration and shallow roof pitch fails to reflect local distinctiveness and the character of the area.

Contrary to GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW3 Character, of the Designing Walsall urban design document. Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places and Chapter 16 Conserving and enhancing the historic environment, together with the SPD Policies in Designing Walsall DW1 Sustainability and DW3 Character and DW10 Well Designed Sustainable Buildings.

Highway safety

Concerns have been raised by third parties in the locality regarding the likely adverse impact of more dwellings in this location in relation to congestion, parking and access and highway safety.

Authority comments that the existing library site and car park which is the subject of a separate application for four dwellings, as both sites are the same ownership and considers the development in its present form will have an unacceptable impact on road safety and have a negative impact on the operation of the strategic road network contrary to the NPPF 2021 paragraph 111.

There are only three car parking spaces and cycle parking for 6 flats. The adjacent application on the car park site for 4 dwellings which would be separate from the flats provides 8 parking spaces. These would not be available for the flats proposed. The site is in a sustainable location however, this does not overcome the policy concerns in relation to highway safety and the impact of the development on the wider highway network.

Para 110 of the National Planning Policy Framework 2021 seeks to ensure that specific plans for development should provide 'safe and suitable access to the site that can be achieved for all users' and that, under para 112, applications for development should 'give priority first to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility, create places that are safe and secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicle movements, allow for the efficient delivery of goods and access by service and emergency vehicles'.

Concerns have been raised by third parties in the locality regarding the likely adverse impact of more dwellings in this location in relation to congestion, parking and access and highway safety.

The application is not considered to accord with the BCCS Policy TRAN2 Managing transport impacts of new development, and "saved" policies T7 Car Parking, T13 Parking provision for cars of the Walsall UDP and paragraph 110 (d) and 111 of the National Planning Policy Framework 2021.

Residential Amenity

The Environmental Protection Team has raised concerns about the potential impact of noise from both the road and the substation in the vicinity of the proposed dwellings. They advised that the applicant needs to install acoustic glazing, acoustic ventilation, and electric vehicle charging points in the development. Conditions to prevent or minimise environmental impact during the course of building works are also provided.

Comments have been received from nearby occupiers with regard to the impact on residential amenity from overlooking and proximity to neighbouring dwellings, together with concerns regarding access and parking, congestion and increase in the height of the building which would give rise to a loss of amenity to nearby homes and gardens and would impact on the character of the residential area.

It is considered that the proposal would give rise to the potential for the creation of a dominating impact from the increase in the height of the building, together with the potential for overlooking to the rear gardens of numbers 2 and 4 Church View from habitable windows being able to overlook the rear gardens of those properties at second floor to the detriment of the existing residential amenities currently enjoyed by those occupiers. Annex D of the Designing Walsall SPD requires separation from distances of 24 metres from habitable windows at two storeys and above the proposed separation distances are 20 metres from the habitable windows to the rear of 2 and 4 Church Road to the rear of the proposed apartments. The standards are applied more robustly at the rear than across roads at the front of new development.

The proposal is considered to be contrary to the Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), and ENV3 (Design Quality) Designing Walsall SPD

in particular policies DW1 Sustainability, DW3 Character and DW9 High Quality Public Realm, and the advice in appendix D Guidelines for residential development and policies, together with Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places.

Crime and antisocial behaviour

The proposal is not considered to have the potential to result in harm to the amenities of the locality from crime and antisocial behaviour. The design of the development gives opportunities for pedestrian access through the site due to the use of the ground floor as a public house. There will be natural surveillance throughout most of the day from users of the ground floor public house and the accommodation above from the habitable windows.

This application is considered to accord with Saved Unitary Development Plan Policy GP2 (Environmental Protection), Site Allocation Document Policy HC2 (Development of Other Land for Housing), the aims of Appendix D (Numerical Guidelines for Residential Development) of the Designing Walsall SPD and the National Planning Policy Framework 2021.

Flood Risk and Drainage

The application site is situated in Flood Zone 1 an area at the lowest risk of flooding as defined on the Environment Agency Flood Map for Planning. There are no objections to the proposal from Severn Trent Water Authority. In accord with the Black Country Core Strategy Policy ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

Drainage could be dealt with by a planning condition to secure details for the disposal of foul and surface water.

Impact on heritage assets

The application site lies in close proximity to the Church of St John Walsall Wood which is a non-designated heritage asset and within the church yard is a Grade II Listed War memorial. No information has been put forward in the submission in respect of the impact the proposed development to describe the significance of the heritage assets, including any contribution made by the setting of the Grade II Listed War Memorial. Paragraph 194 of the National Planning Policy Framework requires that in determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting, at a level sufficient to understand the potential impact of the proposal on their significance. Paragraph 203 of the National Planning Policy Framework requires that the effect of an application on a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm to the significance of the heritage asset.

The Councils Conservation Officer objects to the proposal for the conversion of the building in the present submission and considers that the proposal will have less than substantial harm to the existing designated heritage assets in relation to the War Memorial in the St Johns Church yard. The church is the most prominent building on this side of Walsall Wood Road. The approach to the church from Walsall is one of open space with low-level development, low boundary walls and vegetation and from its approach from Brownhills is open grounds with vegetation and a single storey building. The

The proposed first and second floor extensions together with the roof would harm the significance and setting of St John's Church a non-designated heritage asset, as the development would be taller than the main church and would dominate the church in the street scene, and fails to preserve and enhance the local historic character of the area, The church is surrounded by low

level development, in this case, single storey development of the former library and open space around with vegetation and low boundary details. The submission does not put forward any justification or assessment of the significance of St Johns Church and therefore there is insufficient information put forward in the submission to demonstrate how the development will affect the non-designated heritage asset St Johns Church. The proposal would be contrary to paragraph 203 of the National Planning Policy Framework.

There is insufficient information put forward in the submission to demonstrate the significance of the heritage asset a Grade II Listed War Memorial at the St Johns Church Walsall Wood, and how the proposal would impact upon the heritage asset contrary to paragraph 194 of the National Planning Policy Framework. Contrary to the Black Country Core Strategy ENV2: Historic Character and Local Distinctiveness and the National Planning Policy Framework Conserving and Enhancing the Historic Environment. Paragraphs 203,194 and 195.

Other issues

Regarding the adjacent library car park which is now unused. A previous application for the development of the library building site via demolition and new build apartments has been withdrawn. The current applications being considered in tandem include 21/0048 and would result in the loss of parking for the library site and the site is presently demonstrated in the same ownership but the library car park is not part of this application. The development in its present form looks to build on the car park to the former library in addition to this development 21/0842 which has very limited parking provision only 3 no spaces. Which will effectively leave the former library limited either limited or any on-site parking provision. Whilst in this submission some parking is proposed via the creation of a new access point there are objections to this from the Highway Authority on the grounds of an unacceptable impact on road safety and a negative impact on the operation of the strategic road network. The current submission in its present form for the library building proposes a new access which is not supported by the Highway Authority in relation to the impact on the highway network and highway safety. The Highway Authority considers the development will have an unacceptable impact on road safety and have a negative impact on the operation of the strategic road network contrary to the NPPF 2021 paragraph 111.

Parking will be an important factor in any future use or redevelopment of the whole library site due to its position on a busy road junction and therefore it is considered that the use of the site for residential development in this proposal would prejudice the future development of the wider site which would be contrary to the aims and objectives of the National Planning Policy Framework in relation to sustainable development.

Concerns have been raised by third parties of neighbouring properties with regard to an alleged encroachment onto their land from the resulting development. This is a private matter and is not a material planning consideration. It is understood that the correct certificates of ownership have been provided with the application.

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 6 new homes.

The Government has indicated that, for 2020-21, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling.

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

Conclusions and Reasons for Decision

The presumption in favour of sustainable development in relation to Chapter 2 Achieving Sustainable Development of the National Planning Policy Framework is relevant in the determination of this application. Paragraph 10 requires that sustainable development is pursued in a positive way. Paragraph 11 seeks to ensure that for decision taking this means approving development proposals that accord with an up to date development plan or the application of policies in the Development Plan and Framework protect areas or assets of particular importance and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Taking into account the above factors and that no satisfactory way forward has been negotiated it is considered that the application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Officers have worked with the applicant and their agents positively and creatively to provide an opportunity to address the concerns raised by the Council and by consultees and interested parties. A satisfactory way forward has not been negotiated and the amendments have been submitted have failed to overcome previous concerns. Taking into account the above factors it is considered that the application should be recommended for refusal.

Recommendation

Refuse

Reasons

- 1) There is insufficient information put forward in the submission to demonstrate the significance of the heritage asset, a Grade II Listed War Memorial at the St Johns Church which itself is a non-designated heritage asset, or how the design has been informed by the wider locality in relation to design thus fails to demonstrate how the proposal would impact upon the heritage asset. Furthermore, no information has been put forward in the submission to demonstrate that the proposal would result in a public benefit or the creation of additional dwellings that would count towards the provision of additional housing within the Borough and whether that would outweigh any harm arising. The proposal is therefore contrary to the Black Country Core Strategy ENV2: Historic Character and Local Distinctiveness and the National Planning Policy Framework Conserving and Enhancing the Historic Environment. Paragraphs 203, 194 and 195.
- 2) The development would have an unacceptable impact on road safety and would have a negative impact on the operation of the strategic road network. Insufficient evidence has been put forward in the submission to demonstrate that the proposal is required to secure the optimum viable use of the wider site and fails to provide comprehensive parking and vehicle access arrangements. The proposal is therefore contrary to the Black Country Core Strategy Policy, TRAN2 Managing transport impacts of new development, and "saved" policies T7 Car Parking, T13 Parking provision for cars of the Walsall UDP and paragraph 110 (d) and 111 of the National Planning Policy Framework 2021.
- 3) The proposed development fails to provide a satisfactory standard of amenity for the existing and future occupiers in relation to the separation distances between existing occupiers of 2 and 4

Church View and the proposal itself resulting in unacceptable overlooking and loss of privacy. The proposal is therefore contrary to the Saved Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), and ENV3 (Design Quality) Designing Walsall SPD in particular policies DW1 Sustainability, DW3 Character and DW9 High Quality Public Realm, and the advice in appendix D Guidelines for residential development and policies, together with Together with the design advice in Chapter 12 of the NPPF Framework Achieving well-designed places.

4) The proposed extensions fail to reflect the low level, two-storey development along Walsall Wood Road and Coppice Road and the detailing and proportions of the fenestration and shallow roof pitch fails to reflect local distinctiveness and the character of the area resulting in harm to the character and appearance of the area contrary to Saved UDP Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality), DW3 Character of the Designing Walsall SPD and Chapter 12 of the NPPF Achieving well-designed places.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 20 June 2022

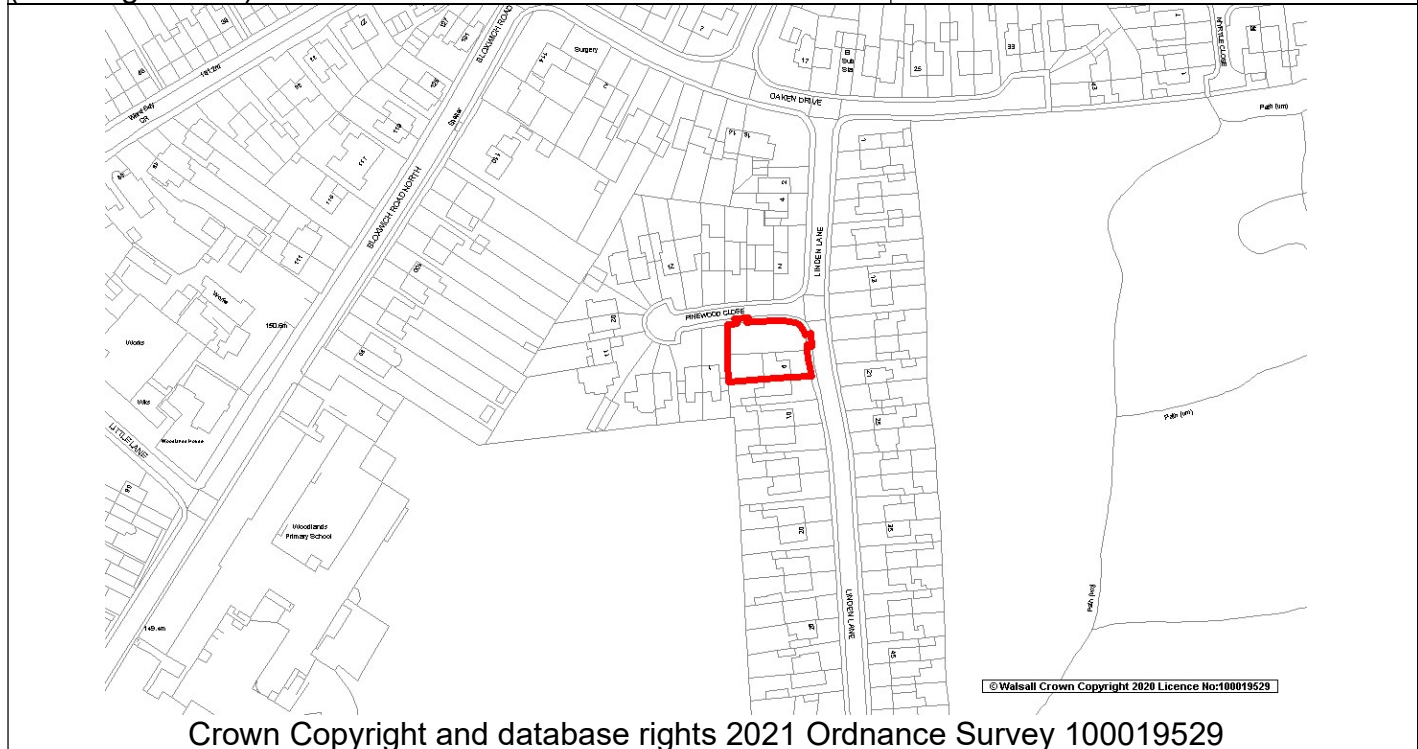
Plans List Item Number: 9

Reason for bringing to committee

Significant Community Interest and Council Owned Land

Application Details

Location: 6, LINDEN LANE, WILLENHALL, WV12 5NX	
Proposal: PROPOSED 2 BEDROOM DETACHED BUNGALOW WITH PARKING TO THE REAR	
Application Number: 21/1339	Case Officer: Helen Smith
Applicant: Mr Graham Griffiths	Ward: Short Heath
Agent: Hart of the Home Ltd	Expired Date: 27-Dec-2021
Application Type: Full Application: Minor Use Class C3 (Dwellinghouses)	Time Extension Expiry:



Reason for bringing to committee:

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

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

Proposal

This application proposes the construction of a two bedroom single storey bungalow (use class C3) with associated parking and landscaping on land adjacent to 6 Linden Lane.

Ownership Certificate B has been completed and the requisite notice served on Walsall Council in respect of this proposal.

The proposed new bungalow would sit to the western side of Linden Lane. Adjacent to 6 Linden Lane and will be used as a single dwelling, separate from 6 Linden Lane.

The proposed bungalow would match the existing building line of the bungalows fronting Linden Road.

The proposed bungalow would be set in 3.1 metres from the public footpath with the proposed rear garden fence set in 1.7 metres.

A detached garage has been removed from the plans and an area to the rear of the side would be utilised for parking. There would be a second parking space on the frontage both to be served by dropped kerb accesses. Three parking spaces (including garage) would be retained at 6 Linden Lane with access from the highway.

The bungalow would have an external footprint measuring 68.3 sq. m. The ground floor as proposed would consist of a lounge/dining area, kitchen, bathroom, entrance hall and two bedrooms.

It would measure 10.12 m in depth and 6.75 m in width. The ridge height of the new bungalow would be 5.31 m with an eave's height of 2.1 m.

To the front elevation, there would be 2 no windows proposed and a front door, to the side elevation facing Pinewood Close along with a bathroom window.

The side elevation facing 6 Linden Lane would be blank and to the rear elevation 2 no windows and a rear door are proposed.

The proposed bungalow will provide private amenity space of 70 sq. m with an approximate length of 8 m from the rear of the property to the rear fence. No 6 Linden Lane would retain a garden of similar proportions at 109 sq. m.

The bungalow has been designed in a similar fashion to the existing bungalows along Linden and is to be constructed from facing brickwork to the front elevation.

Bins would be stored within the proposed rear garden area. This application is supported by the following documents;

- Coal Mining Risk Assessment by The Coal Authority, deposited 17/2/22

Site and Surroundings

The subject site is to the western side of Linden Lane, Willenhall, and at the road junction with Pinewood Close. The property is within the Bentley Character area.

The street scene is characterised by a mix of bungalows which are similar in style and size to this proposal, along with pairs of semi-detached houses with a similar style. The area has a spacious character.

No. 6 Linden Lane would sit to the south of the proposed new bungalow and has an existing garage to the side along with its main entrance door. The garage has a side facing window.

House no's 2 to 6 Pinewood Close face across the public highway to the side elevation of the proposed bungalow with a separation distance of 19.1 metres.

No. 1 Pinewood Close is a bungalow that sits to the rear and west of 6 Linden Lane and to the south west of the application site. This neighbouring property has front facing habitable room windows and a former garage to the side. There is an access drive serving no. 1 adjacent to the proposed southern boundary of the application site.

The site is not within a Conservation Area and is within a High Risk Coal Development Area.

Relevant Planning History

None

Relevant Policies

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

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

Key provisions of the NPPF relevant in this case:

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

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV17: New Planting
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- 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

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document 2019

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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- DW10 Well Designed Sustainable Buildings
- Appendix D

Air Quality SPD

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

Consultation Replies

Clean and Green – No objections as this would include a standard household waste provision with bins to be presented on Linden Lane, if approved.

Coal Authority – No objections subject to the inclusion of planning conditions in respect of land stability

Environmental Protection – No objection subject to the inclusion of planning conditions in respect of air quality and a construction environmental management plan.

Fire Officer – No objections subject to compliance with Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England, if approved. An informative note can be included.

Local Highway Authority – No objections subject to the inclusion of planning conditions in respect of parking, footway crossing and boundary treatment on the frontage, if approved.

Severn Trent Water – No objections and do not require a drainage condition however they recommend the inclusion of an informative for the applicant in respect of public sewers.

Strategic Planning Policy – No objections

Representations

(Planning Officers' comments in italics and brackets below)

Objections have been received from 13 neighbouring households on the following grounds;

- Increased traffic and parking
- Unsightly development (*the proposal is similar to existing bungalows on Linden Lane*)
- Light
- Disruption during construction
- Overlooking
- Fencing next to the footpath (*fencing would be set in 1.7 metres from the public footpath*)
- Overdevelopment and cramped appearance
- Impact on informal neighbourhood watch (*not a material planning consideration and passive surveillance would continue*)
- Open plan character would be affected detrimentally (*restrictive covenants are a private legal matter and planning would not override these*)
- Building line infringement
- Drainage and rainwater run off
- Detached garage will obstruct view (*this has been removed from the amended plans and replaced with a parking space*)
- Detrimental impact on mental health from loss of view (*there is no right to a private view in current planning legislation and personal health circumstances are not a material planning consideration*)
- Impact on financial value of neighbouring properties (*not a material planning consideration*)
- Increased crime and unwanted visitors during construction (*no supporting evidence has been provided to show that there would be an increase in crime and unwanted visitors*)
- Not on the original plans for the estate (*the Local Planning Authority is required to assess planning applications as submitted*)

- A dropped kerb would stop parking outside the neighbour's house (*Pinewood Close is public highway and there is no designated parking in this location*)

Determining Issues

- Principle of Development
- Design, Layout and Character of the Area
- Amenity of Neighbours and Future Occupiers
- Drainage
- Ground Conditions
- Air Quality
- Parking and Access
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The proposed bungalow is to be sited in a well-established existing residential and sustainable location with access to local services. The proposal would add to the supply of housing and therefore can be supported on strategic planning policy grounds under the NPPF paragraph 60. The principle of the dwelling is acceptable in principle, subject to other material considerations set out below in this report.

The latest available figures show that the Council does not currently have a 5 year housing land supply and, in addition, the Council failed the Housing Delivery Test published in January 2022 based on low levels of delivery over the last 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d is in effect

Design, Layout and Character of the Area

This application proposes the construction of a two bedroom detached bungalow with associated parking and landscaping. The proposal would be used as a single independent dwelling separate to 6 Linden Lane.

The proposed new bungalow would be of a similar height to the adjacent bungalow at 6 Linden Lane, and would reflect the design of the existing line of bungalows fronting 6 Linden Lane. Bungalows on Linden Lane have a similar size and scale to the proposal however the wider surrounding area has a mixed style and size.

The proposal would be of a similar scale to no. 6 and has been designed to reflect the local vernacular and the proposed overall layout is considered to be acceptable. The proposed set in of 3.1 metres from the proposed bungalow and public footpath on Pinewood Close is considered would avoid the proposal having a cramped appearance in the street scene and would retain a landscaped area. This is considered would retain visual amenity on this prominent street corner.

The new bungalow would sit forward of the building line to the rear on Pinewood Close however the existing garage at no. 6 Linden Lane does too. It is considered that as this proposal is for a bungalow in this corner position which is separated by a distance of 15.2 metres from 1 Pinewood Close then the impact on the street scene would be limited.

Planning permission for a similar development was granted by planning committee in April 2022 at 99 Birmingham Road, Aldridge and whilst thus does not create a precedent it is considered that this proposal has a similar position and layout in the street scene as this current development being considered (planning application reference 21/1447).

The proposed private amenity space provision for both the new bungalow and no. 6 Linden Lane would exceed the minimum recommended provision referred to in Appendix D of Designing Walsall SPD.

Taking into account the above, it is considered that the proposed siting of the bungalow is acceptable in this prominent location and the retention of a wide verge is considered would not have a detrimental impact on the character of the area or visual amenity for existing residents.

Planning conditions could be attached to any permission to secure the use of appropriate external materials and to remove certain permitted development rights.

Amenity of Neighbours' and Future Occupiers

The proposed new bungalow would have a side facing bathroom window facing existing houses on Pinewood Close. Bathroom windows are not habitable room windows and the usual minimum separation distances outlined in Appendix D of the designing Walsall SPD would not apply in this instance. Any approval would include a condition to ensure this window is obscure glazed and non-opening below 1.7m above finished floor level to minimise any potential additional / perceived overlooking to this neighbour.

The proposal would be viewed from no's 2 to 6 Pinewood Close across the public highway and with a separation distance of 19.1 metres. It is considered that this separation distance would result in this proposal having a limited additional impact on neighbours existing light, privacy and visual amenity.

The proposed bungalow would not extend any further forwards or rearwards than the adjacent bungalow at 6 Linden Lane. Consequently there would be a limited impact on the existing light, outlook and privacy for the occupiers of this dwelling.

No. 1 Pinewood Close sits to the south west of the application site and its rear elevation faces south. There would be a separation distance of 15.2 metres between no. 1 and the proposed bungalow and it is considered that this distance and orientation would limit the impacts of this proposal on neighbour's existing light, outlook and privacy. The removal of the detached garage next to the boundary with no. 1 is considered to be a positive change and permitted development allowances can be removed to safeguard residents' amenity in the future.

Rear facing habitable room windows would be screened from 1 Pinewood Close by proposed rear boundary fencing and on balance this is considered acceptable and would not result in significant impacts to neighbours amenity.

In summary the proposed new bungalow meets the separation distances recommended in Appendix D of SPD Designing Walsall and is considered would not cause any significant harm to the residential amenities of neighbouring properties in terms of outlook, privacy or daylight.

The proposed bungalow meets the Council's 45 degree guidance, as referred to in Appendix D, in relation to the adjacent bungalow. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

Comments made about disruption during construction works, if approved, are noted however whilst there will be some disturbance for neighbours' during any works it is considered that these would be for a limited time and safeguarding conditions can be included to limit the potential impacts.

Appendix D of the Designing Walsall SPD states that garden dimensions should be 12m in length or a minimum area of 68 sq. m for dwellings. The proposed garden would be 8m in length and 70 sq. m in area; as such it would comply with policy standards in regard to private amenity space.

An area of 109 sq. m would also remain to serve 6 Linden Lane which meets the SPD requirements. These gardens are considered would reflect the mixed size of gardens in the locality.

All primary use, habitable rooms of the development would have reasonably sized windows allowing for daylight. In terms of outlook, the bedrooms would have unobstructed views and are of an adequate size providing future occupiers with a satisfactory level of privacy and amenity.

A planning condition can be included in respect of security requirements for the new dwelling based on Secured by Design principles.

Drainage

Severn Trent Water have been consulted on this proposal and they have raised no objections to the proposal on drainage grounds and do not require a drainage condition to be applied.

The proposed parking area can be conditioned to include sustainable drainage to limit any storm water run-off.

Ground Conditions

The Coal Authority have advised that the Coal Mining Risk Assessment report has been based upon a review of Coal Authority data, historical mining records and geological information. The report's author concludes that there is a potential risk to the site from shallow underground coal mining legacy. The report also draws attention to a coal mining geological fault 30m north of the site and the potential risk of unrecorded mine entries present on the site.

Following their review of information the report authors comment that they consider that the site also lies within the boundary of a site from which coal has been removed by surface mining methods.

The submitted report makes recommendations for ground investigations to be carried out on the site in order to establish the exact situation as to the coal mining legacy present and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable. The Coal Authority advises that the author of the report also notes that the designer of the ground investigation will need to consider that a suspected culvert or surface drainage channel passes within or adjacent to the site which may be related to historic coal mining.

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development.

The Coal Authority advises that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. The Council's Environmental Protection team have been consulted and no ground gas protection measures have been required.

The Coal Authority have no objections to the proposal subject to the inclusion of planning conditions requiring the undertaking of intrusive site investigations, prior to the commencement of development. This is considered necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and migratory measures to be identified and carried out before building works commence on site.

This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework (2021).

Air Quality

The Council's Environmental Protection Team have advised that given the proximity of neighbouring residential premises the Applicant will need to implement measures to control noise, dust, debris, site drag-out, and working hours if the proposal is approved and a planning condition requiring a construction environmental management plan can be included.

Walsall Council has adopted the Black Country Air Quality Supplementary Planning Document (SPD) and the application falls under the Type 1 classification, which requires the installation of an electric vehicle charging point. This can be conditioned if approved.

Parking and Access

The Local Highway Authority considers that the proposed development would not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2021 paragraph 111.

The Local Planning Authority supports the proposal subject to the inclusion of planning conditions in respect of parking, footway crossing and boundary treatment on the frontage, if approved.

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 one new home.

The Government has indicated that, for 2021-22, it will award £350 for each affordable dwelling, but the payment for all new homes (including both affordable and others) varies. There is no fixed payment of £1,000 per home: the sum will vary from £0 to an undisclosed figure. Essentially there is a fixed pot of money each year that is divided between all authorities depending on how many homes in total have been completed across the country.

The money is worked out based on performance in previous years (18 months in arrears), so the payment in 2022-23 will be based on the number of homes completed between October 2020 and October 2021.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the proposed new dwelling would reflect the design of the existing dwelling and other properties around the area.

The proposal is considered would have a limited impact on the character of the wider area and the amenity for neighbouring occupiers. The use of safeguarding conditions in respect of the materials to maintain its appearance will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report.

Furthermore, the latest available figures show that the Council does not currently have a 5 year

housing land supply and, in addition, the Council failed the Housing Delivery Test published in January 2022 based on low levels of delivery over the last 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect

Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the proposed detached garage, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to
 - No new material considerations being received within the consultation period;
 - The amendment and finalising of conditions;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed;

Conditions and Reasons

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

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

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

- Location and Site Plan, drawing no. HH/20/163/001/Site Plan, deposited 18/05/22
- Drainage Layout, drawing no. 163.002 Rev A, deposited 18/05/22
- Existing and Proposed Side and Front Elevations, drawing no. 163-002 Rev A, deposited 18/05/22
- Existing and Proposed Side and Rear Elevations, drawing no. 163-005 Rev. A, deposited 18/05/22
- Existing Bungalow Floor Plan, drawing no. 163-002 Rev A, deposited 18/05/22
- Proposed Floor Plans, drawing no. 163-002 Rev A, deposited 18/5/22
- Coal Mining Risk Assessment by The Coal Authority, version 1.1, dated 11/2/22 and deposited 17/2/22.

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

3: a) Prior to commencement of the development hereby permitted:

- I. Details of intrusive site investigations for past coal mining activity shall be submitted in writing to and approved in writing by the Local Planning Authority;
- II. the approved details of intrusive site investigations shall be undertaken and a report of findings arising from the intrusive site investigations including the results of any monitoring shall be submitted in writing to the Local Planning Authority;
- III. details of remedial works shall be submitted to and approved in writing by the Local Planning Authority;

3: b) Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out

3: c) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

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

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary porta cabins and welfare facilities for site operatives
7. Site security arrangements including hoardings
8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
9. Measures to prevent flying debris
10. Dust mitigation measures
11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
12. Noise and vibration mitigation measures

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

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

5: a) Prior to the commencement of the development hereby permitted Air Quality Low Emission Scheme shall be submitted in writing to and approved in writing by the Local Planning Authority, to install electric-vehicle charging points.

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

5: c) Prior to occupation of the development hereby permitted a Validation Statement demonstrating the agreed measures have been implemented submitted in writing to and approved in writing by the Local Planning Authority

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

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

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

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

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

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

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

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

8: a) Prior to commencement of any building operations above the damp proof course of the development hereby permitted details of the proposed finished floor levels, ridge and eaves heights of the building hereby permitted shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

8: b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

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

9: a) Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, pedestrian gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments, all retaining walls and all pedestrian gates shall be designed and

installed so they cannot open outwards onto a highway.

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

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

10: Prior to first occupation of the development hereby permitted, the parking areas shall be consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain. 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.

11: Prior to occupation of the development hereby permitted until a vehicle footway crossing point to align with the new access, shall be implemented and thereafter retained for the lifetime of the development.

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

12: Prior to occupation of the development hereby permitted, a signed statement/ declaration prepared by a competent person confirming that the site has been made, safe and stable for the hereby approved development shall be submitted in writing to and agreed in writing by the Local Planning Authority. The statement/declaration shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity, including any specifications and photographic evidence before, during and following completion of the works.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

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

- All external doors to individual dwellings to be PAS24; 2016
- All ground floor windows and over accessible roofs to be PAS24; 2016
- All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass.
- Dusk until dawn lights (white light source) to be installed adjacent to each door including either side of garage doors
- 1.8m high closed board fencing with 0.3m trellis topper to be erected around the perimeter (inside of the boundary hedging) of each dwelling.
- All garden access gates shall be of the same construction of the perimeter fencing, self-closing, facing the street, lockable with a key front and rear, designed to not create any climbing aids
- All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)
- All energy meters shall be placed at the front of the dwellings

Reason: To ensure the safety and security of the development and its occupiers, in accordance with Saved Policies GP2 and ENV32 of the Unitary Development Plan, DW2 of the Designing Walsall SPD and the National Planning Policy Framework 12

14: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no additional side facing windows, doors, or other openings other than those shown on the approved 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 saved policy GP2 of the Walsall's Unitary Development Plan.

15: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house;

- Class A (enlargement, improvement or other alterations),
- Class AA enlargement of a dwelling house by construction of additional storeys
- Class B (additions to the roof),
- Class C (other alterations to the roof),
- Class E (building incidental to the enjoyment of a dwelling house),

shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

16. Notwithstanding the details submitted of the development hereby permitted and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, the proposed bathroom window facing Pinewood Close shall be obscure glazed to Pilkington (or equivalent) privacy level 4 and there shall be no opening parts lower than 1.7metres from the floor level of the rooms they serve and the window shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the neighbours and to comply with saved policy GP2 of the Walsall Unitary Development Plan.

17. Notwithstanding the details submitted of the development hereby permitted and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification any boundary treatment around the site frontages to the highway shall not exceed 600mm in height above footway levels.

Reason: To retain adequate inter-visibility at the access points and around the road junction in accordance with UDP Policy GP2 and in the interests of highway safety.

18: No solid fuel stove, fire or heating appliance or associated chimney or flue shall be installed in the development hereby permitted.

Reason: To ensure safeguarding of local air quality and to protect local residential amenity and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan

Notes for Applicant

Fire Officer Informative

Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

a. External access enabling fire appliances to be used near the building.

b. Access into and within the building for firefighting personnel to both:

i. search for and rescue people

ii. fight fire.

c. Provision for internal fire facilities for firefighters to complete their tasks.

d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1.

Turning facilities should comply with the guidance in Table 13.1.

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

Water Supplies

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

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For further information please contact the WMFS Water Office at the address given above or by

email on Water.Officer@wmfs.net

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

- a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:
- b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

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

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 1, Section 7)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

The Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

The Coal Authority advice that the applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Parking and Access

SUDs

We also note that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

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

Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

Environmental Protection

Air Quality Supplementary Planning Document

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

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

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

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

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

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

In respect of the Construction Environmental Management Plan 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)

Severn Trent Water Informative

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will [Beak 17933180](https://www.severntrentwater.co.uk) obtaining a solution which protects both

the public sewer and the building.

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

Please note if you wish to respond please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

Local Highway Authority Informative

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be required to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information and application forms please visit the Council's webpage under Transport and Streets - Parking Roads and Vehicles.
3. The new crossings shall not exceed five 900mm flat kerbs and two 900mm taper kerbs. All works within the public highway shall be in accordance with all statutory requirements

END OF OFFICERS REPORT