



Walsall Council

PLANNING COMMITTEE

Thursday 4th March, 2021 at 5.30 p.m.

Digital Meeting to be held via: **Microsoft Teams**

Public access to meeting via: [YouTube Link](#)

MEMBERSHIP:

Councillor Bird (Chairman)
Councillor Perry (Vice Chairman)
Councillor P. Bott
Councillor Chattha
Councillor Craddock
Councillor Creaney
Councillor Harris
Councillor Harrison
Councillor Hicken
Councillor Jukes
Councillor Murray
Councillor Nawaz
Councillor M. Nazir
Councillor Rasab
Councillor Robertson
Councillor Samra
Councillor Sarohi
Councillor M. Statham
Councillor Underhill
Councillor Waters

QUORUM: Seven Members

AGENDA

PART I - PUBLIC SESSION

1. Apologies.
2. Minutes – 4th February, 2021 - copy **enclosed**.
3. Declarations of Interest.
4. Deputations and Petitions.
5. **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.

6. Application List for Permission to Develop:
 - a) Items subject to Public Speaking;
 - b) Items 'Called-in' by Members
 - c) Items not subject to 'Call-in'
- copy **enclosed**.

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

Thursday 4 February, 2021 at 5.30pm

Digital Meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulation 2020; and conducted according to the Council's Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Present:

Councillor Bird (Chair)
Councillor Perry (Vice Chair)
Councillor P. Bott
Councillor Chattha
Councillor Craddock
Councillor Creaney
Councillor Harris
Councillor Harrison
Councillor Hicken
Councillor Jukes
Councillor Nawaz
Councillor M. Nazir
Councillor Rasab
Councillor Robertson
Councillor Samra
Councillor Sarohi
Councillor M. Statham
Councillor Underhill
Councillor Waters

Officers:

Neil Taylor – Interim Director of Regeneration and Economy
Alison Ives – Head of Planning & Building Control
Michael Brereton – Group Manager - Planning
Alison Sargent – Principal Solicitor, Built and Natural Environment
Kevin Gannon – Highways Development Control and Public Rights of Way
Beverley Mycock – Democratic Services Officer

Welcome

At this point in the meeting, the Chair welcomed everyone and explained the rules of procedure and legal context in which the meeting was being held. He also directed members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information system (CMIS) webpage.

Members and officers in attendance confirmed they could both see and hear the proceedings.

17/21 **Apologies**

Apologies had been submitted on behalf of Councillor Murray.

18/21 **Minutes of 7 January, 2021**

The Chair **moved** and it was duly **seconded** by Councillor Samra that the minutes of the meeting held on 7 January, 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

The Chair put the recommendation to the vote by way of a roll call of Committee Members.

Resolved (unanimous)

That the minutes of the meeting held on 7 January, 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

19/21 **Declarations of Interest.**

Councillor Samra declared a non-pecuniary interest in plans list item 5 (20/1091).

The Chair advised Committee he would take that item at the end of the meeting.

20/21 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

21/21 **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items to consider in private session.

Councillor Underhill arrived at this juncture of the meeting.

22/21 **Section 106 Monitoring Report**

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Head of Planning and Building Control advised Committee of the background to the report and highlighted the salient points therein. In addition, she drew the Committee's attention to the additional information as set out within the supplementary paper.

The Head of Planning and Building Control then drew Committee's attention to paragraph 9 on page 4 of the report. She advised that the SPD for education had been revoked but a Section 106 officers group were seeking to review future education provision and focusing on the pending expiry dates of S106 contributions. This would provide transparency of funding spend. She further added that a report would be provided to Committee every six months, which would provide a full breakdown of contributions and spend.

The Chair advised that Elected Members could change the policy to enable all Members to be engaged with the decision making of how S106 monies were spent within their wards.

The Chair **moved** and it was duly **seconded** by Councillor Nawaz:-

That the report be referred to Scrutiny Committee to determine how Members are engaged on the spending of S106 monies collected and to include details of all service area expenditure on specific projects. All Elected Members of the Council to receive a copy of the report in advance of its submission to Scrutiny Committee to enable any comments to be taken into consideration.

Members considered the report, during which a number of comments were made. These included:-

- It was imperative that Members were consulted prior to future spend within their wards.
- The report was welcomed but it was disappointing that some figures within the report did not appear to be reflective of actions taken and that the report did not provide evidence of where previous S106 monies had been spent.
- Some monies will need to be spent prior to a report to Scrutiny due to seasonal spend requirements.
- Planning Officers could only provide the information received by service areas at that time and therefore a full breakdown of spending required for Scrutiny Committee report and for future Committee meeting updates.
- Current policy dictated that 20% of S106 monies received were top sliced by Clean and Green if not designated within a particular area and therefore it was likely the money may have been spent but not necessarily with the area where the development occurred.

The Interim Director, Regeneration and Economy stated that the previous Section 106 Monitoring Officer's post had been released a couple of years previous. He welcomed Committee's comments and the request that a report be taken to Scrutiny to enable management of Section 106 money. He further advised Committee that within the current Section 106 rules, between 5% and 8% could be top sliced off the S106 contributions to fund a Section 106 Officer to manage the contributions.

Resolved (unanimous by assent)

That a report be presented to a Scrutiny Committee to see how Members are engaged on the spending of monies collected and report to include details of all service area expenditure on specific projects. All elected Members to receive a copy of the report in advance of reporting to a Scrutiny Committee.

23/21 Change in the Plans List Items

The Chair advised Committee that Plans List Item 4 (20/0745) had been withdrawn until a future Committee.

The Chair further advised Committee that Plans List item 5 (20/1091) would be heard last due to a Member having declared an interest.

24/21 Application List for Permission to Develop

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, the Chair advised them on the procedure whereby each speaker would have two minutes to speak. The Chair reminded Members that should they be minded to go against officer's recommendations, planning reasons must be provided.

25/21 PLANS LIST ITEM NO. 1 – 20/0522 – FORMER ALLOTMENTS REAR OF 1 TO 9 CRICKET CLOSE – PROPOSED ERECTION OF 29 DWELLINGS (COMPRISING 22 OPEN MARKET DWELLINGS AND 7 AFFORDABLE UNITS) WITH LANDSCAPING, ACCESS ROADS, CAR PARKING AND ASSOCIATED INFRASTRUCTURE.

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information and revised recommendation as set out within the supplementary paper.

The Committee then welcomed the first speaker on this item, Mrs Sandhu, who wished to speak on objection to the application.

Mrs Sandhu stated that the application did not address road safety concerns and would have an impact on the lives of the residents within the Close and that there had been a lack of contact between residents and whg. She advised Committee that she lived at number 11 Cricket Close and she would lose her off road private parking. She added that she had been allocated two parking spaces around the corner from her property but it would be impossible to leave two young children and elderly parents whilst parking or collecting the car and the CCTV cameras at the front of her property could not monitor the security of her car. Broadway was considered a key safety corridor and cannot accept a new access whereas the proposed Birmingham Road was narrower. If UDP policy T4 restricted access roads onto classified roads, why had access roads from the University and Keepers Gate been approved? Mrs Sandhu urged Members to support the residents.

The Committee then welcomed the second speaker on this item, Mrs Wilding, who also wished to speak in objection to the application.

Mrs Wilding stated that she was a long-term resident of Cricket Close. It had always been a safe, quiet and peaceful place to live and that it should not be the main access onto the new housing development. Whilst the residents of Cricket Close had no objections to the development itself, she did not feel the applicant had addressed any of the residents' concerns raised at the December meeting with regard to the proposed access when there was a suitable alternative on the Broadway. Mrs Wilding said there were a number of road safety issues to be taken into consideration due to width and size of the Close. The exit onto the A34 was already congested.

The Committee then welcomed the third speaker on this item, Mr. Williams, who wished to speak in support of the application.

Mr Williams stated that following the December Committee, the applicant had reviewed the site access and had identified a temporary solution to address some of the residents' concerns in relation to traffic disruption. The Highways Officer had advised that a new, permanent access onto the Broadway would not be supported. Highways had confirmed that Cricket Close was an adopted public highway, designed for residential traffic and that its junction with the Birmingham Road had capacity for the additional traffic. Mr. Williams advised that the applicant has proposed that all construction traffic for the duration of the build would not use Cricket Close and it had been agreed with officers for a temporary access to be constructed onto the Broadway and had agreed in principle the management of the construction to minimise disruption to the residents of Cricket Close.

Committee Members were then invited to ask questions of the speakers.

Members queried the following:-

- Why had the amended plans not addressed the Tree Officer's concerns? Mr. Williams stated that the applicant had provided proof of a root protection zone around T29 and the scheme would take into account and retain the protected tree.

- What would happen to the temporary access road following completion of the development? Mr. Williams stated that the temporary access road would be removed and the area reinstated. The Chair stated that Sport England had advised they would withdraw their objection temporarily whilst the development took place on the understanding that the area affected by the temporary access road be reinstated. The land was in the ownership of the applicant but Sport England, as a statutory consultee would not allow use of the land until the tennis club had secured new premises.
- Would the temporary road be wide enough to accommodate construction traffic? Mr. Williams confirmed that at 3.7m, it would be wide enough to accommodate construction traffic.
- Was the Highways objection the only reason a permanent access onto the Broadway could not be considered? Mr. Williams stated that as the planning consultant, he would not recommend to his client that they prepare a planning application that could not be supported by the Highways Authority.
- How did the applicant feel about the disruption to the residents? Mr. Williams stated that in accordance with Highways, Cricket Close was a suitable road to accommodate the traffic. He added that the applicant could do nothing further with regard to the access over the former tennis courts but had managed to negotiate temporary access for construction vehicles over the site to prevent disruption to Cricket Close during construction.
- How many additional journeys through Cricket Close would the development create per day? Mr. Williams stated that a traffic impact statement had predicted there would be 14 vehicle movements per hour during the peak hours. The Chair added that the Highway Safety Officers had objected to a road onto the Broadway and not the applicant.
- Was the land currently being used by the tennis club? Mr. Williams confirmed that the land was not being used by the tennis club. The land was in the ownership of whg but Sport England was a statutory consultee and because of their objection, whg could not use the former tennis club land.
- Why hadn't whg offered the full S.106 contribution? Mr. Williams stated his client wished to provide 25% shared ownership as opposed to social rent tenure with a commitment of an additional financial contribution towards offsite affordable schemes. The Chair stated that the original application had been for 50 dwellings but the full scheme had not been able to be built out due to the objection from Sport England and therefore the profitability and viability of the scheme had become more difficult.

There then followed a period of questioning by Members to Officers in relation to:-

- Why was access onto the Broadway not acceptable? The Team Leader-Highways Development Control and Public Rights of Way advised Committee that the Senior Officer for Road Safety had been unable to attend the meeting but a statement had been prepared. With the Chair's permission, the Team Leader-Highways Development Control and Public Rights of Way read out the statement, which included:-
 - National Planning Policy Framework - development should be prevented or refused on highway grounds if there would be an unacceptable impact on highways safety or residual, cumulative impact on the road network

would be severe. Any additional access, temporary or permanent created along the Broadway would intensify the existing situation, which had been exacerbated by the creation of the university junction and any changes that may affect the interaction between new and proposed accesses on this section of the Broadway needed to form part of the decision on the determination of the application.

- Accident data and vehicle speeds and for the Broadway between 2017 and 2019 - there had been four accidents between Delves Road and the university access; no accidents had been recorded on the Birmingham Road between 2017 and 2019 and only one since 2019. Should Members be minded to not support the Road Safety advice, substantive grounds for refusal would have to be provided.
 - Accumulative impact on the network - based on one car every four minutes, should Committee be minded to refuse against the judgement of the Highways officers, an Inspector may not support the Committee's view;
 - Intensification of junctions, pedestrian crossings and turning movements are the overarching issues.
 - It was not uncommon to create a temporary construction access in conjunction with a management plan.
 - Cricket Close is an existing adopted road into the strategic network and no justification or evidence not to use. The junction would work within capacity for 29 properties
 - Access from Broadway did not form part of the application and therefore not a material consideration.
 - Temporary haul road was 3.75m. A permanent road would need to be 5.5m wide plus 2m wide footpaths and would not fit within the boundary of the site.
 - Birmingham Road peak times are 9am to 10am (700 vehicles per hour) and 5pm to 6pm (900 vehicles per hour) - Broadway peak times are 8am to 9am (1000 vehicles per hour) and 5pm to 6pm (1200 vehicles per hour)
- Why had the Road Safety Officer supported a temporary access onto the Broadway but had objected to a permanent access to the Broadway? The Team Leader-Highways Development Control and Public Rights of Way advised that the application for consideration would provide a temporary access during construction. It was the decision of Members whether they wished to accept that temporary access. The management plan would control the temporary construction access.
 - When had the Transport Assessment been carried out and would it have taken account of the Sprint operation? The Team Leader-Highways Development Control and Public Rights of Way stated that the Transport Assessment had been carried out within the last two years, with a final assessment updated in March 2020. Should Sprint be introduced, this should not affect the movement of vehicles into and out of Cricket Close.
 - Had many accidents had occurred on the Broadway? The Team Leader-Highways Development Control and Public Rights of Way stated there had been a cluster site of accidents reported around the Broadway island junction and Birmingham Road but no accidents had been reported close to the potential access onto the Broadway.
 - Would it be considered a cumulative impact for 29 proposed dwellings to utilise a cul-de-sac? The Team Leader-Highways Development Control and Public Rights of Way advised the cumulative impact was what the proposal

would have on the main network itself. The Transport Assessment indicated an additional 15 vehicles per hour on a morning and 10/12 on an evening. Birmingham Road was a classified road and a strategic network and its capacity had been tested for a further 5 years.

- What advice would officers give with regard to financial implications should Members be minded to refuse against officers recommendations? The Team Leader-Highways Development Control and Public Rights of Way stated that officers had to advise Committee of potential financial risks to the Council should Members be minded to vote against a professional officers' recommendations. The Chair stated that officers were correct to remind Members of potential costs. The Head of Planning and Building Control advised that officers made the recommendations and that Committee made the final decision. She added that should Committee be minded to overturn an officer's recommendation that had been based on policy and facts, then Committee would have to provide justified reasons to support its decision otherwise costs may be awarded against the Local Authority should an appeal against refusal be lodged.
- How had the predicted vehicle movement data been calculated? The Team Leader-Highways Development Control and Public Rights of Way reported that data was input into a nationally recognised Trips Database by a Transport Consultant. A comparison would then be made with previously developed sites. The Chair stated that the figures had to be considered because of National Guidance. The Principal Solicitor, Built and Natural Environment advised that a qualified, professional Road Safety Officer had provided the evidence and therefore Committee would have to provide expert evidence to the contrary if they did not agree with the officer's evidence.
- Would the homes be fabricated off site? The Presenting Officer stated that the homes would be constructed on site in the traditional method.

Following the conclusion of questions to Officers, Members considered the application and comments were made as follows:-

- There were concerns in relation to the traffic arrangements proposed and it seemed the whole development had been hampered by the objection from Sport England. If the objection was not there and all the land was available for use, a satisfactory solution may be found. A previous plan had proposed 50% exit onto the Broadway and 50% exit out of Cricket Close.
- Road safety was an issue and the Sprint bus along the A343 was a reality.
- An actual development was not the issue, only the proposed access through Cricket Close.
- Whether an alternative access could be considered from the hotel off the Birmingham Road which was the access to the tennis facility.

Councillor Rasab **moved** and it was **seconded** by Councillor Samra:-

That planning application number **20/0522** be refused, against officers recommendations, as insufficient information had been provided by Highways and that the Sprint Bus would increase traffic within the area.

Members considered the application prior to voting. A discussion ensued as to whether Committee would be minded to defer the application to await a comprehensive development plan to be provided once the land had been

taken back from the tennis club and Sport England had withdrawn their objection and whether the applicant could then consider an alternative access from the hotel off Birmingham Road. Should Members be minded to refuse the application, the applicant may appeal and if successful, the access and egress would be off Cricket Close.

The Head of Planning and Building Control advised Committee that the current Motion would need to include evidence that it would cause a highway safety issue, otherwise there may be a risk an appeal may not be upheld.

In response to whether a deferral could be sought, the Principal Solicitor, Built and Natural Environment advised Committee that it could seek a deferral to request details of a more comprehensive development if it so wished. With regard to the previously mentioned access from the former tennis, she requested the Presenting Officer to highlight the extent of the boundary line of the application site. If the boundary of the submission for consideration did not include the suggested access, then it might be outside the scope of the Committee to consider. The Chair stated that the existing access from the former tennis club was over the carpark of the neighbouring hotel.

Following further consideration of the application, Councillor Rasab removed his Motion. This was agreed by the seconder.

The Chair **moved** and it was duly **seconded** by Councillor Samra:-

That planning application number **20/0522** be deferred, against the officers recommendation, to enable the applicant and officers to further explore an alternative means of access and egress from the site (potentially from hotel off Birmingham Road) and to consider a comprehensive development to include land at the redundant tennis club.

The Head of Planning and Building Control advised Committee that should the application be deferred, Sport England would only remove their objection at such time the tennis club found alternative accommodation.

Before voting, the Principal Solicitor, Built and Natural Environment read out the recommendation for the benefit of Members.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with eighteen Members voting in favour and one against.

Resolved (18 in favour and 1 against)

That planning application number **20/0522** be deferred, against the officers recommendation, to enable the applicant and officers to further explore an alternative means of access and egress from the site (potentially from hotel off Birmingham Road) and to consider a comprehensive development to include land at the redundant tennis club.

26/21 **PLANS LIST ITEM NO. 3 – 20/0802 – REDHOUSE NURSING HOME (UK) LTD, 55 REDHOUSE STREET, WALSALL, WS1 4BQ – PROPOSED CHANGE OF USE FROM NURSING HOME (USE CLASS C2) TO PROVISION OF A 35 BEDROOM HOUSE IN MULTIPLE OCCUPATION (HMO)(SUI GENERIS) FOR PEOPLE SHARING ASSOCIATED AMENITY, RECREATION, TRAINING AND LAUNDRY FACILITIES.**

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the supplementary paper.

The Committee then welcomed the first speaker on this item, Councillor Ditta, who wished to speak in objection to the application.

Councillor Ditta stated that she was speaking on behalf of local residents who believed the establishment would pose a safety risk and would lead to an increase of anti-social behaviour within the area and she alluded to the number of reported crimes within Redhouse Street for December 2020. She stated that residents had been confused with regard to the public notices and that not all local properties had been made aware of the application. Councillor Ditta also referred to the potential risk of the spread of diseases by virtue of the number of proposed occupants sharing the amenities.

The Committee then welcomed the second speaker on this application, Mr. Hussain, who also wished to speak in objection to the application.

Mr. Hussain stated the building was visible from his garden and whilst he would have no objection to the building being converted to a nursing home, he did have concerns should it be converted into a HMO for asylum seekers. He believed the proposed application would create more noise, pollution and would lead to its residents loitering around the area. Mr Hussain also expressed concerns that the proposal could devalue nearby homes, could lead to an increase in home and car insurance and would increase anti-social behaviour.

The Committee then welcomed the third speaker on this application, Dr Sahay, who wished to speak in support of the application.

Dr Sahay stated that he was a G.P. and the main applicant for the former Redhouse Nursing Home. The building had been vacant for two years and the change of use had been recommended by officers for approval. He wished to reassure Members that a collaborative and flexible approach would be adopted and earlier plans had been amended following Police and Housing Standards recommendations. Discussions had been held with a local ward Councillor regarding residents' concerns and these had been allayed. Previous plans for the building to be converted into a nursing home had been changed and the applicants had engaged with Serco, who were a Government affiliated and national organisation responsible for supporting seekers of asylum to

integrate into the community as well as site management. Dr Sahay added that the building would not be a secure unit or a detention centre and that occupants would be accommodated for between six to twelve months. In closing, Dr Sahay advised that he had extensive, positive experience of working with Serco and they would manage the facility in conjunction with the applicants.

The Committee then welcomed the fourth speaker on this application, Dr Rischie, who also wished to speak in support of the application.

Dr Rischie stated that he was a resident of Walsall as well as having been a G.P. for over 15 years and he had a passion to look beyond affordable housing and to help provide care for homeless people. The property in Redhouse Street was within an ideal location and would enable the occupants to enjoy privacy within their respective accommodation whilst at the same time enabling them to integrate into the community. Dr Rischie added that the occupants of the proposed HMO would be ordinary people who had arrived into the country and who needed the appropriate intervention to enable them to blend in. In closing, Dr Rischie stated that as a G.P. he would be very supportive to the occupants, particularly in advising them of the risks around infections. He advised that there had been no evidence of Covid outbreaks within any HMOs.

Committee Members were then invited to ask questions of the speakers.

Members queried the following:-

- Were the speakers confident that Serco would provide good management following concerns around other institutions around the country, including Walsall? Dr Sahay advised that he was unsure of any previous problems concerning Serco's management of establishments or in which locations the problems had occurred.
- Could the applicants understand the lack of confidence with regard to Serco managing the establishment, given the Council's experience with Serco elsewhere in the borough? Dr Sahay advised that a Management Plan would be submitted for approval. He would continue to have a hands-on approach and would work with the community.
- Following a petition by residents in objection to the proposals, did the speakers accept why the community may be fearful of asylum seekers being accommodated within the facility? Dr Sahay stated that unfortunately a stereotype had been attached to asylum seekers without any understanding of why they were seeking asylum. It was only a perception there would be an increase in crime and anti-social behaviour and he was not aware of any evidence to substantiate that would be the case. Dr Rischie added that they would be working in corroboration with Serco and other agencies.
- Would the HMO be for single sex occupants or would it include families? Dr Sahay stated that it would be single sex and would accommodate either all male or all females only. The Chair advised Committee that Serco were the appointed contractor for dispersal of housing for asylum seekers.
- What experience did the applicants have in running similar facilities? Dr Sahay advised that they currently managed 26 units over 3 sites for both asylum seekers and for people with complex needs. In his experience, the needs of seekers of asylum were less complex and more straight forward to manage.

- Why did the site notice state the application would be for people over 55 years of age, which had been misleading for some residents? Dr Sahay advised that a site notice proposal for over 55 year olds was still in situ from an earlier planning application and had no reference to the one currently being considered.
- How would the applicants and Serco manage the site with regard to residents' fear of crime and risk to public health? Dr Sahay advised that following feedback from the Police, the applicants would manage the site with daily visits by Serco. The team would consist of an Operation Manager, rehousing officers, maintenance officers and discussions taking place for a full time Serco officer. Should an occupant create a nuisance then they would be moved and disciplinary action taken. There would be a mix of age groups and of religious beliefs within the site. There would be recorded CCTV around the main door entry point and shared areas, an intruder alarm, the office would be situated at the front of the building and there would be a professional presence at all times. There would also be English language external trainers. Dr Rischie added that all Public Health precautions with regard to Covid would be adhered to. He added the building would include two kitchen areas that would provide adequate spacing to reduce the risk of any spread of infections.

At this juncture of the meeting, the Chair **moved** the suspension of Standing Order of the Council's Constitution to enable the meeting to continue beyond 8.30pm in order to complete the remaining items on the agenda. This was duly **seconded** by Councillor Nawaz. The Committee agreed by assent to extend the meeting beyond 8.30pm.

Members continued with their questions to the speakers:-

- Would residents be tested for Covid prior to accommodation? Dr Rischie stated that should there be a requirement from Public Health for systematic testing to be carried out prior to occupants settling in, they would ensure all occupants complied with the instruction. He reiterated there was a lack of evidence that there had been any outbreaks of Covid within HMOs.
- Would it be Serco or the applicant who would be in control of monitoring the site? Dr Sahay advised that the applicants would work in conjunction with Serco and the applicant would also have access to remote surveillance at all times.
- If the facility was a single sex facility only, would there be children on the site. Dr Sahay confirmed there would be no children on the site. He added that currently there were more males requiring accommodation but the applicants had requested females only for the site.
- Would the Management Plan include a curfew for residents and if so, how would this be enforced and who would monitor the CCTV? Dr Sahay advised there was no requirement for a Management Plan to enforce a curfew for asylum seekers. Should nearby residents experience any disturbances, management should be informed. Dr Sahay added that he would monitor the CCTV cameras remotely alongside Serco.
- How would management deal with anti-social behaviour that may occur at the facility? Dr Sahay advised that management would work with the Police and Housing Standards and the applicants would be accessible at all times.

- Where had the demand for asylum seeker accommodation come from? Dr Sahay advised that Serco had been contracted by the Home Office to manage the accommodation of asylum seekers pending their asylum applications around the country. By way of further explanation, the Chair advised that a dispersal document agreed by the West Midlands Leaders and Serco were the contractors to operate through the dispersal document to allocate places for asylum seekers throughout the West Midlands.

The Head of Planning and Building Control reminded Members that the Council had a corporate policy to reduce inequalities and that a decision based on fear of crime, without evidence may be considered as discriminatory against certain sectors of the community. The Chair stated that Walsall had experience of Serco's management within Walsall and that was why the fear of crime was a concern.

- How would the applicants enhance the fight against inequalities within the site? Dr Sahay advised that plenty of management measures would be put into the site and working with all parties to ensure that no adverse impact would be felt with the community. These were only perceptions and stereotypes. Dr Rischie added that collectively it was everyone's responsibility to work on reducing inequalities.
- Clarification as to the role of the two speakers in support of the application? Dr Rischie confirmed both himself and Dr Sahay were the applicants as well as local G.P.s.
- Were the applicants satisfied that Serco could manage the site? Dr Rischie stated that he would not put his name on anything that he did not feel that he could support and he was confident the facility would be managed safely.
- How many HMOs did the applicants run in Walsall and what type of penalties would be imposed should anti-social issues arise? Dr Sahay advised that he did not have other HMOs within Walsall but he did have some within Birmingham. The HMOs in Birmingham accommodated both asylum seekers and residents with complex needs. Should any residents create problems, they would be relocated out of the area.
- Had Serco confirmed that they would manage the site? The Chair advised that all asylum seeker referrals had to be administered by Serco as the Government's contracted service provider. The Principal Solicitor-Built and Natural Environment drew Members attention to condition 3 on page 68 of the report in relation to a condition for the submission of a Premises Management Plan for approval. The Premises Management Plan would detail how the premises were to be operated. Any breach of the terms of the management plan would be a breach of condition. So there was some element of security for Members in the way the facility was to be managed. She further added that should Members be minded to seek to limit the occupation of the premises such as to asylum seekers only or female only, as long as Members had good reason, it could be secured by a S.106 agreement but this could not be done by condition.

There then followed a period of questioning by Members to Officers in relation to:-

- Was fear of crime a material planning condition? The Chair advised that the fear of crime was enshrined by the House of Lords that it was a material planning consideration. This could be demonstrated with evidence from other establishments around the country that had experienced inadequate management by Serco.
- How many HMOs were situated with the locality? The Presenting Officer advised that the exact number was currently unknown as some would be registered and some not. The Chair stated that stronger licensing powers were soon to be published.
- Concern that residents had been confused by the two site notices for different applications. The Chair clarified that all planning applications were advertised within the local press and letters sent out to neighbouring properties. He confirmed a wide area of approximately 60 homes would have received notification of the proposal.

Following the conclusion of questions to Officers, Members considered the application during which Members made the following comments:-

- That there was a great strength of feeling that the application would be an unacceptable use in the area due to the contracting out of the management of the facility to Serco and its reputation. There was documented evidence of inadequate management by Serco from similar HMO facilities within Sheffield, Birmingham and one within Walsall. This would be to the detriment of the asylum seekers and local residents.
- Already two HMOs within Redhouse Street and there was a saturation of HMOs within the locality, which had increased residents' fear of potential crime and anti-social behaviour.
- Potential to defer the application to enable the applicants to consider an alternative management provider.

Following consideration of the application, Councillor Nawaz **moved** and it was duly **seconded** by Councillor Nazir:-

That planning application number **20/0802** be refused, against the officer's recommendation due to the existing concentration of HMOs within the locality and evidence of poor management of other HMO facilities in Birmingham, Sheffield and Walsall by Serco, leading to increased fear of crime and anti-social behaviour.

Before voting, the Principal Solicitor, Built and Natural Environment read out the recommendation for the benefit of Members.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with thirteen Members voting in favour and six against.

Resolved (13 in favour and 6 against)

That planning application number **20/0802** be refused, against the officers recommendation due to the existing concentration of HMOs within the locality and evidence of poor management of other HMO facilities in Birmingham,

Sheffield and Walsall by Serco, leading to increased fear of crime and anti-social behaviour.

29/21 **PLANS LIST ITEM NO. 2 – 19/1168 – THE BOWMAN, MYATT AVENUE, ALDRIDGE – OUTLINE APPLICATION FOR DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 12 NO APARTMENTS (ACCESS, LAYOUT AND SCALE TO BE DETERMINED).**

The Committee considered the application and the Chair **moved** and it was duly **seconded** by Councillor Nawaz and:

Resolved (unanimously by roll-call)

That planning application number **19/1168** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and a S.106 to secure Open Space contribution and landscape management and subject to:-

- i. The amendment and finalising of conditions;
- ii. Satisfactory completion of a Section 106 agreement for open space contribution and landscape management; and
- iii. Subject to no further objections from consultees to amended plans received.

as contained within the report and supplementary paper.

30/21 **PLANS LIST ITEM NO. 6 – 20/1218 - 13 SOMERS ROAD, WALSALL, WS2 9AU – PROPOSED SINGLE STOREY REAR EXTENSION.**

The Committee considered the application and the Chair **moved** and it was duly **seconded** by Councillor Nazir and:

Resolved (18 in favour and 1 against by roll-call)

That planning application number 20/1218 be refused for the reasons as set out within the report.

Councillor Samra, having declared an interest in the final item for consideration, left the meeting

31/21 **PLANS LIST ITEM NO. 5 – 20/1091 – WALSALL COUNCIL, CAR PARK, NEWPORT STREET – TEMPORARY (2 YEAR) RETENTION OF CHANGE OF USE FOR OPEN STORAGE AND PLACEMENT OF CONTAINERS FOR USE BY MARKET TRADERS AND WIDENED PEDESTRIAN ACCESS GATE.**

The Committee considered the application and the Chair **moved** and it was duly **seconded** by Councillor Sarohi and:

Resolved (unanimously by roll-call)

That planning application number **20/1091** be granted planning permission, subject to conditions as set out within the report.

32/21 **Termination of meeting**

There being no further business, the meeting terminated at 8.54pm

Chair

Date



Development Management Planning Committee

Report of Head of Planning and Building Control on 04/03/2021

CONTENTS

Item	Planning Application Number	Planning Application Site Address	Planning Application Proposal	Officer Recommendation
1	20/1151	SHORT HEATH JUNIOR SCHOOL, PENNINE WAY, AND ROSEDALE CHURCH OF ENGLAND INFANT SCHOOL, STROUD AVENUE, WILLENHALL Ward: Short Heath	EXTENSION CONSISTING OF 4 CLASSROOMS, 2 WCS, A HYGIENE ROOM AND A PROPOSED LINK CANOPY. NEW VEHICULAR ACCESS ONTO SITE WITH DOUBLE GATES.(SITE ABUTTS THE PUBLIC RIGHTS OF WAY WILL39)	Grant Planning Permission Subject to Conditions
2	20/0365	WATLING STREET PRIMARY SCHOOL, WATLING STREET, BROWNHILLS, WS8 7LW Ward: Brownhills	PROPOSED 9.0M X 7.2M MODULAR BUILDING TO PROVIDE ADDITIONAL TEACHING SPACE, TOILETS AND ABLUTION AREA	Grant Planning Permission Subject to Conditions
3	20/1003	THE CAMBRIDGE, ARUNDEL STREET, WALSALL, WS1 4BY Ward: Palfrey	RE-SUBMISSION OF (19/0949): PROPOSED CHANGE OF USE FROM A FORMER PUBLIC HOUSE (A4 USE CLASS), TO A DAY NURSERY (D1 USE CLASS). WITH THE CREATION OF 2 NEW	Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to finalising of planning conditions

			OFF-STREET PARKING SPACES, A CYCLE STORAGE, AND RE-OPENING THE FORMER CENTRAL FRONT ACCESS. THE NURSERY WILL RUN BETWEEN 7:30 - 18:00 MONDAY - FRIDAY, FOR TODDLERS AND YOUNG CHILDREN	
4	19/0846	4, FIELD MAPLE ROAD, STREETLY, SUTTON COLDFIELD, B74 2AD Ward: Streetly	CONSTRUCTION OF DETACHED 6 BEDROOM PROPERTY 2.5 STOREY HIGH ON LAND ADJACENT TO 4 FIELD MAPLE ROAD	Refuse
5	20/0559	61, MANOR ROAD, STREETLY, B74 3NF Ward: Streetly	ERECTION OF DETACHED DWELLING	Grant Planning Permission Subject to Conditions
6	20/1526	DARLASTON HEALTH CENTRE, PINFOLD STREET, DARLASTON, WEDNESBURY WS10 8SY Ward: Darlaston South	ERECTION OF SECURE BIN STORE IN EXISTING CAR PARK, AND WIDENING OF EXISTING RAMP TO MAIN ENTRANCE. PROPOSED BIN STORE TO CONTAIN CLINICAL AND NON-CLINICAL WASTE, INCLUDING COVID-19 RELATED WASTE	Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to: <ul style="list-style-type: none"> • No new material considerations being received within the consultation period; and • Finalising of planning conditions
7	20/1541	75, LINCOLN ROAD, WALSALL, WS1 2DW Ward: Paddock	FIRST FLOOR SIDE EXTENSION WITH FRONT DORMER AND ADDITION OF NEW PITCHED	Grant Planning Permission Subject to Conditions

			CANOPY OVER GROUND FLOOR BAY WINDOW	
8	20/0927	95, PARK HALL ROAD, WALSALL, WS5 3HS Ward: Paddock	FIRST FLOOR REAR AND SIDE EXTENSION AND CONSERVATORY	Grant Planning Permission Subject to Conditions
9	20/1294	57 DICKINSON DRIVE, WALSALL, WS2 9DL Ward: Pleck	TWO STOREY AND SINGLE STOREY REAR EXTENSIONS	Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to finalising conditions
10	20/0767	5, YARE GROVE, WILLENHALL, WV13 2SH Ward: Willenhall South	SINGLE STOREY REAR EXTENSION	Grant Planning Permission Subject to Conditions

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 04 March 2021

Plans List Item Number: 1

Reason for bringing to committee

Council owned land

Application Details

Location: SHORT HEATH JUNIOR SCHOOL, PENNINE WAY, AND ROSEDALE CHURCH OF ENGLAND INFANT SCHOOL, STROUD AVENUE, WILLENHALL.

Proposal: EXTENSION CONSISTING OF 4 CLASSROOMS, 2 WCS, A HYGIENE ROOM AND A PROPOSED LINK CANOPY. NEW VEHICULAR ACCESS ONTO SITE WITH DOUBLE GATES.(SITE ABUTTS THE PUBLIC RIGHTS OF WAY WILL39)

Application Number: 20/1151

Case Officer: Gemma Meaton

Applicant: Walsall Council

Ward: Short Heath

Agent: Baily Garner LLP

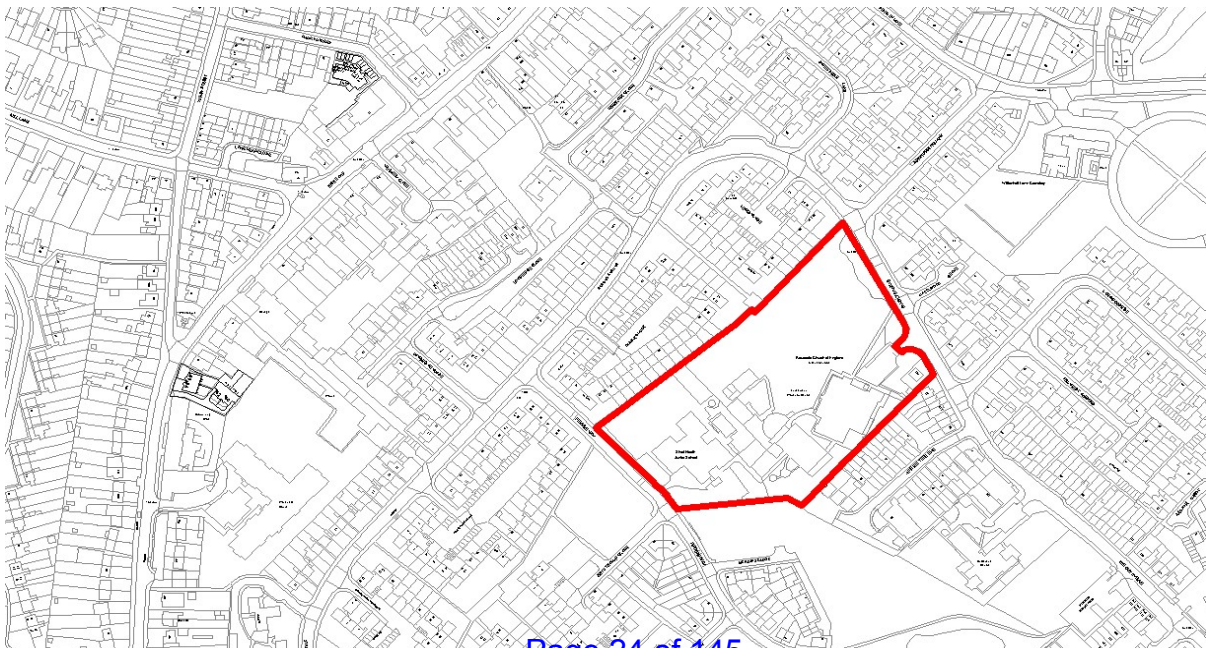
Expired Date: 20-Jan-2020

Application Type: Regulation 4: Minor Application (SI 1992/1492)

Time Extension Expiry: 11-Mar-2021

Recommendation

Grant Planning Permission Subject to Conditions



Proposal

It is proposed to construct a single storey classroom extension projecting from the existing main school building in the north of the site. The extension would allow for the increase of capacity of the school from 240 to 360 pupils by 2024, by providing 4 new teaching spaces, toilet facilities, a store, group room and hygiene room. The extension would be linked to the main building off the main hall by a covered walkway, and would lead into the existing outbuilding containing two classrooms. The building would be extended to the north and west to create the additional facilities and classrooms, making use of the existing building and footprint. The existing modular building further to the north currently used by Rosedale School will be demolished and removed in line with its temporary permission (ref. 19/0831).

External doors would be provided on the west of the new building to provide access to a hard surfaced pathway that would wrap around the building, and provide further access via a ramp to the the outside play area beyond.

It is proposed to make use of a lightweight, modular construction for the extension, in a similar style to the existing buildings. The extension would have a flat roof matching the rest of the school and windows and roof lights would provide light and ventilation to the rooms.

A new emergency vehicular access is proposed off Pennine Way through the playground adjacent to no. 12 Dibble Close, this will allow for fire appliance access to the new extension with a new dropped kerb and gate in this area. The gates and surrounding fencing would be a maximum of 2.3m high and constructed in a mesh style.

An Arboricultural Survey and Constraints Report has been provided which concludes that several trees will need to be removed in order to construct the scheme but that these are low quality and can be re-provided elsewhere on the site.

A Coal Mining Risk Assessment Report, was submitted with the application. The report concludes that the risk to the construction of the proposed extension can be mitigated by routinely adopted measures, a scheme of drilling and grouting will be necessary beneath the planned structure.

Ecological Appraisal was included with the application which found that the broadleaved woodland on the northeast edge of the site, with bramble scrub and improved grassland which will be lost to the new classroom block. Along the southwest edge is a line of broadleaved trees and a narrow hawthorn hedge, a short section of which will be lost to accommodate a new access. Mitigation and enhancement measures are proposed .

A Transport Statement has been provided that indicates that the expansion would not have an unacceptable impact on the road network, and that the existing 27 car parking spaces would be sufficient to accommodate the expansion from 32 to 40 staff members.

Site and Surroundings

Short Heath Junior School is located off Pennine Way with vehicular and pedestrian access opposite Rhys Thomas Close. The school shares the site with Rosedale Church of England Junior School which is accessed to the north off Stroud Avenue. The school buildings are located to the south of the playing fields. The Site is otherwise surrounded by residential development off Dibble Close, Lewis Close and Spindle Tree Rise, with some open land to the south off Mendips close

The existing school buildings are single storey and constructed in modern materials with areas of buff brick, uPVC windows and red cladding and accents. The buildings have a flat roof with roof lights and a large raised area in the centre of the building which allows for additional windows providing light and ventilation.

The property is relatively flat but rises gently to the north where grassed area is located. The parking area for the school is located in front of the main building when viewed from Pennine Way, with a hard surfaced playground to the left and west of the property, further to the north is a densely vegetated area that leads up a gentle bank to the grassed playing fields beyond. To the rear of the school are two buildings housing temporary classrooms.

Relevant Planning History

Short Heath Primary School:

03/0966/FL/W3 - Alterations and single storey extensions, GSC - 04/07/2003
19/0809 - New modular training room to existing school site, GSC - 14/10/2019

Rosedale C of E Infant School:

BC50514P - Single storey classroom extension & caretakers store, GSC - 03/02/1998
09/0686/FL - Proposed additional classroom plus new main entrance, feature wall and associated works. Internal alterations to existing staff areas, GSC- 12/08/2009
18/0850 - Provision of temporary classroom accommodation. (Affects Public Rights of Way Will 39) – GSC, 10/08/2018
19/0831 - Installation of a temporary classroom building and temporary toilet building for a period of 52 weeks. The toilet building linked into a modular building already on site. GSC - 01/04/2020
19/1444 - Construction of 3 classroom extension, two infill extensions and dry riser, relocation of play area and bicycle shelter. GSC, 01/05/2020

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 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 15 – Conserving and enhancing the natural environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- HOU5: Education and Health Care Facilities

Page 27 of 145

- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Walsall Site Allocation Document 2019

OS1: Open Space, Sport and Recreation

T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Pollution Control – No objection. Pollution Control has reviewed the Ground Investigation (GIP reference AJM/29529 dated 3rd July 2020) and the Remediation Strategy and Verification Plan (GIP AJM/29529 dated 10th August 2020). The Ground Investigation has identified the need for ground gas protection measures to be installed within the foundations of the buildings. Details of how the applicant is going to comply with the Black Country Air Quality Supplementary Planning Document and a Construction Management Plan shall be submitted and agreed with the Local Planning Authority.

Birmingham and Black Country Wildlife – The Preliminary Ecological Appraisal, recommends compensatory planting, but no details of this are available in the submission. Further information and commitment to the required compensation should be provided. This should be submitted prior to the determination of a planning application, to ensure that there is no net loss in biodiversity, as result of the development, in line within the National Planning Policy Framework.

Officer's Note – a compensatory planting scheme has been submitted for review, but at the time of writing no amended comments have yet been received from Birmingham and Black Country Wildlife, however this report recommends that although the submitted details are acceptable to inform a recommendation on the scheme, further detailed compensatory planting and ecological mitigation and enhancement scheme be submitted in line with a condition.

Tree Officer – No objection subject to conditions relating to tree protection measures and landscaping.

Local Highway Authority – No objection subject to conditions regarding use of emergency access gates, completion of dropped kerb, and participation in the A*STARS programme plus a note for applicant regarding debris on the highway and road opening permit.

Public Rights of Way – No objection, definitive public footpath 39 Willenhall runs alongside the application site boundary, no direct impact on the footpath, recommends notes to applicant regarding stopping up order.

Local Access Forum – No objection, no impact to public rights of way.

West Midlands Police – No objection, recommend security measures including LED lighting alarms standards for external locks, notes regarding Secured by design principles

West Midlands Fire – No objection subject to compliance with building regulations.

Representations

None

Determining Issues

- Principle of development
- Design and Layout
- Impact upon neighbouring residential occupiers

- Ecology
- Access and Parking

Assessment of the Proposal

Principle of Development

Policy HOU5 of the Black Country Core Strategy supports the provision to enhance educational facilities in the Borough. The proposal to provide an extension to the existing school within the grounds would therefore be supported in accordance with this policy.

The principle of development is acceptable.

Design and Layout

The design of the proposed extension would be in a similar style to the existing school buildings, with an increase in glazed area to provide good light penetration onto the new rooms, and additional access points into and out of the building increasing its permeability and functionality as a flexible learning space. The extension would not impact on the existing playgrounds or playing fields for either school, hence there was no requirement to consult with Sport England regarding the proposal. The proposal is supported from a design perspective.

The proposed extensions would be towards the rear of the school grounds and would be mostly obscured from the public realm by distance and the existing building. It is considered that the design would ensure the extension would blend in with the existing school campus and as such would not stand out as a prominent feature

The new emergency access to the site will be visible from Pennine Way, but would be in keeping with the character of the site as a school, it is recommended that a condition be attached to any decision to require that the gates be finished in a green colour in order to blend with the existing hedge and trees in the area. It is not considered that the new gates will have an unacceptable impact on the appearance of the development.

The construction of the extension will incorporate the existing stand-alone building into the main development on the property, which will give the scheme a more cohesive appearance. The location of the extension to the rear of the main site and in close proximity to the main built development will mean that they will be viewed mostly against existing buildings. There are also large trees on the site, many of which would be retained. These trees have the effect of softening and screening the development, as well as giving a sense of scale to the built environment. These factors together mean that the proposal will not have create unacceptable increase in perceived bulk and scale of the site.

In general the layout is considered practical and conducive to a positive environment for its occupants and integrating well into its surroundings and the character of the wider area.

Impact upon neighbouring residential occupiers

The proposed extensions to the west of the school would be set adjacent the existing school grounds and away from neighbouring residential occupiers, with approximately 30m separating the closest part of the new building from the closest property at 24 Dibble Close. The extension would be well screened by vegetation from this angle and would be a similar distance from residential properties as the existing main school building. The proposed development is for a single storey which means there would be no impacts in terms of privacy and overlooking to surrounding properties. The height and separation of the building from surrounding properties is such that impacts in terms of light, overlooking noise and disturbance are considered to be negligible.

On balance it is considered the application will have no harmful impact on surrounding amenity and can be supported.

Ecology

The proposal would require that a section of the existing broadleaved woodland on the northeast edge of the site, with bramble scrub and improved grassland, to be removed to make way for the new classroom extension.

Along the southwest edge is a line of broadleaved trees and a narrow hawthorn hedge, a short section of which will be lost to accommodate a new access. Mitigation and enhancement measures are proposed .

Proposed mitigation measures include safeguarding of hedgehogs and nest-checking during site clearance and compensatory planting of trees and shrubs is required to replace those lost. Enhancement recommendations include bird and bat boxes, hedgehog domes and bee bricks. A compensatory planting plan has been provided which shows replacement trees to the north of the proposed extension. The tree officer has supported the application subject to additional details on mitigation and tree protection.

It is considered that conditions should be attached to any approval to require that a detailed landscape plan including compensatory planting and enhancement measures be provided, and that a construction environmental management plan be prepared in order to ensure that wildlife are protected through the site clearance and construction period.

Access and Parking

A Transport Statement has been submitted that sets out the transportation impacts of the cumulative school expansion. It focusses on Short Heath Primary School only even though Rosedale School has been included within the red-line boundary for this application.

The school car park currently provides parking 27 spaces for staff to the east of the main building, no amendments are proposed to the parking provision on site as a result of the development. It is estimated that at present 91% of staff travel to the site by private car, and there are 32 full time equivalent (FTE) staff members. The expansion of the school would require 8 new members of staff, making the total 40 FTE. Since the staff would not all use a private car to travel to the site by car and demand would be staggered through the day the provision of 27 spaces is considered sufficient to accommodate the development. The Highways Officer has not objected to the level of parking.

The increase in pupils would add to vehicle trips in the area, but the Transport Statement demonstrates that these could be successfully accommodated within the existing transport network.

There are traffic calming measures in place around Pennine Way including large yellow zig-zag school keep clear markings and double yellow lines. Surveys in the area have estimated that parking has a minimum of 35-37% spare capacity in the morning and evening drop-off and pick-up periods, which would be sufficient to accommodate the increased demand. It is recommended that a condition be attached to the development in order to require that the school take part in the A*STARS programme that promotes sustainable travel for schools.

A new access is proposed off Pennine Way to allow emergency vehicles onto the site. It is recommended that the access be reserved for emergency use only in order to maintain safety for vehicles and pedestrians in the area, with a condition attached to this decision in order to secure this.

Taking into account the staff parking on-site, the demonstration that there is available parking capacity on street at the busiest times, and that the Highway Authority has 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, it is considered that the proposal is acceptable in accordance with the NPPF paragraph 109.

Conclusions and Reasons for Decision

The principle of development are considered acceptable. The development would adequately integrate into the character of the site and would not have a negative impact on the character of the surrounding area. The proposal would not unduly harm the amenities of neighbouring residential occupiers. The proposal complies with the policies as set out in the policy section of this report.

With necessary mitigation and enhancement measures the development would not impact negatively on the ecology of the site or surrounding area. The proposal would not lead to an unacceptable impact on highway safety and would have sufficient parking to accommodate staff and visitors.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Grant Planning Permission Subject to 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. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents,

- Site Location and Block Plan (31744_1100 rev. 05) submitted 11-12-2020
- Existing GA Plan (31744_4200 rev. 01) submitted 11-12-2020
- Existing Elevations (31744_4400 rev. 01) submitted 11-12-2020
- Proposed Site Plan (31744_1105 rev. 03) submitted 11-12-2020
- Proposed GA Plan (31744_1200 rev. 02) submitted 11-12-2020
- Proposed GA Plan Fire Appliance Access (31744_1210 rev. 01) submitted 11-12-2020
- Proposed Elevations (31744_1400 rev. 02) submitted 11-12-2020
- Coal Mining Risk Assessment Report (AJM/29529) Prepared by GIP Limited submitted 11-12-2020
- Ground Investigation Report with Remediation Strategy and Verification Plan dated 10th August 2020 (AJM/29529) Prepared by GIP Limited submitted 11-12-2020
- Preliminary Ecological Appraisal, prepared CGO Ecology Ltd. by dated 21st September 2020 submitted 11-12-2020
- Arboricultural Survey and Constraints Report (6874/arb) prepared by Betts Ecology and Estates, dated April 2020 submitted 01-12-2020
- Tree Constraints Plan, dated 28/04/2020, submitted 11-12-2020
- Transport Statement (MTP Ref. 20-077-N) Prepared by Milestone Transport Planning submitted 11-12-2020

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

3. Prior to commencement of the development hereby permitted, 2 bat boxes and 5 bird boxes shall be fixed to mature trees on the site and shall thereafter be retained. The bat and bird boxes shall be made of timber or woodcrete. The location of the bat and bird boxes shall be overseen by an ecologist, and the bat boxes shall be located at a point not lower than 4 metres from ground where there are no branches below the box that would impede the direct flight of bats into and out of the bat box.

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

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

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 portacabins 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
13. Scheme for ecologist oversight of tree felling and site clearance

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

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

5a. Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and compensatory planting shall be submitted in writing to and approved in writing by the Local Planning Authority.

5b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

5c. 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.

6a Prior to commencement of the development hereby permitted: details of remedial works in line with the Coal Mining Risk Assessment Report ref AJM/29529 prepared by GIP Ltd. submitted 11/12/2020 shall be submitted to and approved in writing by the Local Planning Authority

6b. Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out

6c. 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.

7a. Prior to commencement of the development hereby permitted, details of ground gas ingress protection measures, including how any ground gas ingress protection measures incorporated into the existing building are not compromised, shall be submitted in writing to and approved in writing by the local planning authority.

7b. Prior to occupation of the development hereby permitted, a validation report confirming the details of the measures implemented shall be submitted in writing to and approved in writing by the Local Planning Authority.

Reason: In the interest of the safety of current and future occupants in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

8a. Prior to the commencement of development hereby permitted:

- i. details of protective fencing and ground protection to be installed around all retained trees shall be submitted in writing to and approved in writing by the Local Planning Authority
- ii. The approved protective fencing and ground protection shall be installed
- iii. One month's written notice of the intention to commence development shall be given to the Local Planning Authority to allow the Council's Arboricultural Officer to fully inspect the installation of the protective fencing and ground protection

8b. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

8c. Nothing shall be stored or placed nor any fires started, any tipping, refuelling, disposal of solvents or cement mixing carried out inside the protective fencing or on the ground protection referred to in part a to this condition. Ground levels within protective fencing and on ground protection areas shall not be altered nor shall any excavation or vehicular access or drainage routes be made.

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

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

9a. 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.

9b. 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.

10. Prior to occupation of the development hereby permitted the dropped kerb for the emergency access shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 *see Notes for Applicant.

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

11. Prior to occupation of the development hereby permitted the School Travel Plan shall be updated and the school shall continue to actively engage with the Council's A*STARS programme.

Reason: To encourage sustainable travel modes and reduce the reliance on the motor car in the light of the expansion of the school, to improve road safety around the school, in accordance with UDP Policy T10 and Black Country Core Strategy TRAN2 and in the interests of highway safety.

12a. Prior to occupation of the development hereby permitted an Air Quality Low Emission Scheme including details of electric-vehicle charging points and Ultra-Low NOx boilers shall be submitted in writing to and approved in writing by Local Planning Authority.

12b. Prior to occupation of the development hereby permitted, a validation report confirming the details of the scheme implemented shall be 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 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

13. The Emergency Access gates hereby approved shall be used for this purpose only and shall not, at any time, be used as a general access to the school for staff, pupils or parents or other school operations.

Reason: In the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

14. None of the trees on the site shall be lopped, topped, felled, root pruned, cut down or uprooted without the prior written approval of the Local Authority.

Reason: To safeguard the existing trees on the site in accordance with saved policy ENV18 of Walsall's Unitary Development Plan.

15 The development shall not be constructed otherwise than in accordance with the following minimum security measures and thereafter retained for the life time of the development:

- The detail design of the building shall prevent features which aid scaling, or climbing.
- All ground floor and vulnerable windows shall use minimum 6.8mm laminated glazing.
- Sills shall be steeply angled to prevent them being used as climbing aids, seats or litter points.

- All windows shall be fitted with restrictors.
- External doors external doors to PAS 24: 2016 standard, TS 007 3 star rated cylinder locks.
- External LED lights with daylight sensors shall be fitted to all aspects of buildings and parking area.
- Emergency escape doors and frames shall be manufactured from steel and designed without visible external ironmongery.

Reason: To ensure the safety and security of the development itself and the safety and security of pupils, visitors and staff in accordance with Saved Policy GP2 of the Unitary Development Plan, DW2 of the Designing Walsall SPD and the National Planning Policy Framework.

Notes for Applicant

1. A permit to work and/or temporary prohibition of traffic may be required prior to commencement of work adjacent to, or within, the adjoining definitive public footpath 39 Willenhall, alongside the northern and eastern red planning application site boundary. No excavations, hoarding, signage, movement and storage of materials, or other obstructions associated with the proposed development are to be present within, over or underneath the adjoining path without prior agreement of the highways authority. Prior to commencement of any work within this footpath, the applicant must provide details to highways and apply for any necessary permits. Upon completion, the applicant must reinstate the footpath to present condition. Please contact Public Rights of Way on PubliRightsofWay@walsall.gov.uk 01922 654673, at least 28 days prior to commencement of any work within the footpath to discuss the requirements
2. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
3. 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 please contact Stephen.Pittaway@walsall.gov.uk
4. Advice on basic ground gas ingress protection requirements can be found by reference to the following publication; "Protective measures for housing on gas contaminated land", BRE Report 414, ISBN 1 86081460 3 (contact CRC Ltd 020 7505 6622 for order information)
5. The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points. The electric vehicle charging point parking provision for commercial premises is 5% of points to comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw, with appropriate cable provision in place for a further 5% to meet any future increase in demand.

Wherever possible the power supply and charging point should both be phase 3 compatible. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is

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

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

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

Ultra-low NOx boilers discharge NOx at or below 40mg/kWh. The latest models are future-proofed to the European Union's Energy-related Products Directive 2018 NOx levels. At the same time, they meet the EU standard EN15502 Pt 1 2015 Class 6 for NOx, and may be eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.

6. Where stabilisation/piling works are included in the agreed Construction Management Plan, the level of structure-borne vibration transmitted to occupied buildings from the stabilisation/piling works shall not exceed the specified criteria for '*low probability of adverse comment*', as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting' as may be amended or replaced from time to time.
7. Demolition, construction and engineering works (including land reclamation, stabilisation, preparation, remediation or investigation), shall not take place outside the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays and no such works shall take place on Sundays, Bank Holidays or Public Holidays*. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.
(Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)*
8. Approved Document B, Volume 2, Buildings other than Dwellings, 2019.
Requirement B5: Access and facilities for the fire service
Section 15: Vehicle access
Buildings not fitted with fire mains 15.1 For small buildings (up to 2000m², with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.
 - a. 15% of the perimeter.
 - b. Within 45m of every point of the footprint of the building (see Diagram 15.1).15.2 For all other buildings, provide vehicle access in accordance with Table 15.1.
15.3 Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (e.g. a 150m elevation would need a minimum of two doors)
Design of access routes and hard-standings

15.7 Access routes and hard-standings should comply with the guidance in Table 15.2. Requirements can only apply to the site of the works. It may not be reasonable to upgrade the route across a site to a small building. The building control body, in consultation with the fire and rescue service, should consider options from doing no work to upgrading certain features, such as sharp bends.

15.8 Where access to an elevation is provided in accordance with Table 15.1, the following requirements should be met, depending on the building height. a.

Buildings up to 11m, excluding small buildings (paragraph 15.1): pump appliance access should be provided adjacent to the building for the specified percentage of the total perimeter. b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

15.9 Where access is provided for high reach appliances in accordance with Table 15.1, overhead obstructions (such as cables and branches) should be avoided in the zone shown in Diagram 15.2.

15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3. Turning facilities should comply with the guidance in Table 15.2.

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 2, Table 15.2)

Water

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://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.water.org.uk%2fwp-content%2fuploads%2f2018%2f11%2fnational-guidance-document-on-water-for-ffg-final.pdf&c=E,1,ivYLFoKB5awxQ7vipGXS38tAt-XyYw7yQUHRuY3t8svdph6ddQPTEFJk_TiKuHbSDvIASHjGltc7xPjrWYk5ULoz7EzXM_LnPG3-7ev1o8e4teEKF3v49M0yw,,&typo=1

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

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 8)

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)

Sprinklers – Schools

There is no reference to sprinkler provision in ADB Vol 2. ‘BB100 should be used for the design of schools’; Building Bulletin 100: design for fire safety in schools (BB100)

Please also consider what provisions will be made for fire service access via the gated entrances, out of hours.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 04 March 2021

Plans List Item Number: 2

Reason for bringing to committee

Council owned land

Application Details

Location: Watling Street Primary School, Watling Street, Brownhills, WS8 7LW

Proposal: PROPOSED 9.0M X 7.2M MODULAR BUILDING TO PROVIDE ADDITIONAL TEACHING SPACE, TOILETS AND ABLUTION AREA

Application Number: 20/0365

Case Officer: Gemma Meaton

Applicant: Sandra Edge

Ward: Brownhills

Agent: Denis O'Rourke

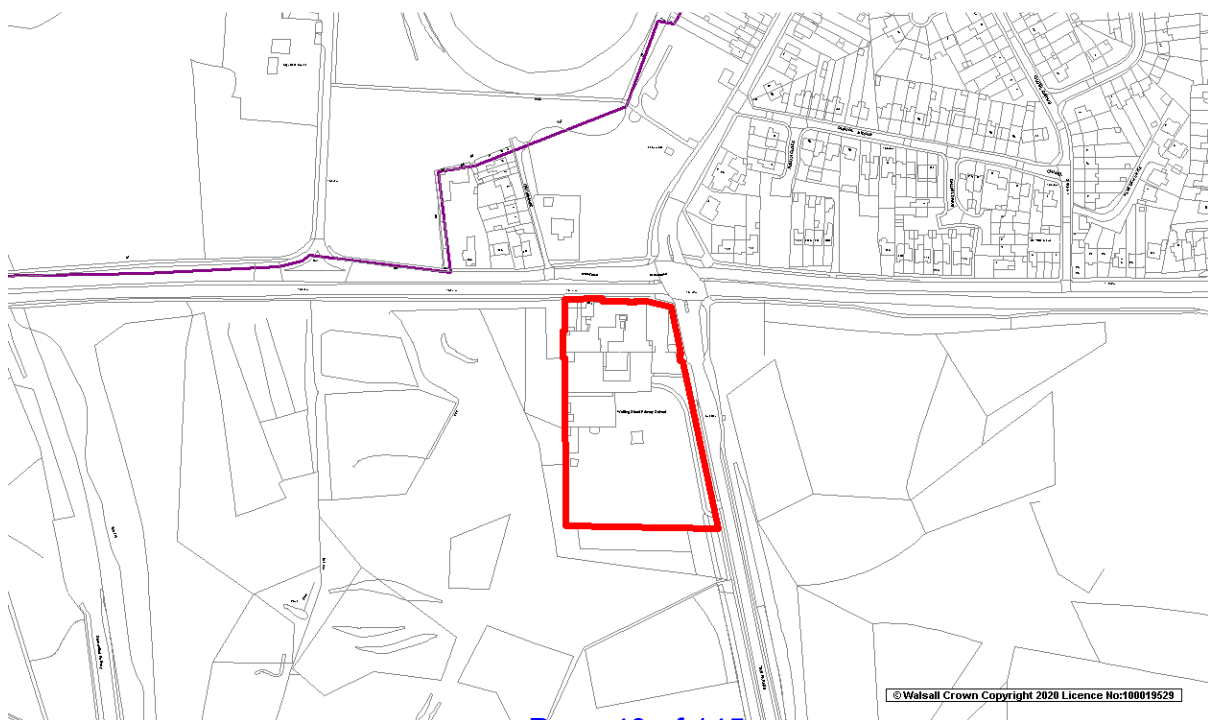
Expired Date: 21-May-2020

Application Type: Regulation 3: Minor Application (SI 1992/1492)

Time Extension Expiry: 11-Mar-2021

Recommendation

Grant Planning Permission Subject to Conditions



© Walsall Crown Copyright 2020 Licence No:100019529

Officers Report

Proposal

The application proposes one modular building to provide additional teaching space and a bathroom on the site. The building would be located in the north west of the site at a minimum of approximately 4m from the boundary, on an area of existing hardstanding where there have been two containers on the site. One of these containers will be removed and the second relocated to the south as part of the application.

The building would provide an additional 64m² of teaching space. The building would be 3.2m in height and constructed using one-piece construction with plastisol-coated galvanised steel cladding. The proposed external colour scheme is Sargasso Blue (RAL 5003), with white Upvc framed windows, and a white powder coated aluminium door. The roof would be flat and would have a felted finish.

A Design and Access Statement has been provided which highlights that the school has identified the need for additional teaching space, but that there will be no increase in pupils or staff as a result of the proposal, meaning that there are no proposed changes to the parking or access arrangements.

Site and Surroundings

The site is situated on the southern side of Watling Street (A5, part of the Strategic Highway Network) on the western corner of the (traffic light controlled) junction with The Parade and comprises a primary school catering for children aged 3 – 11 years. The site is approximately 1.3 hectares in extent and has been used as a school since the 1880's.

The main school building fronts Watling Street and comprises a series of red brick Victorian buildings with pitched roofs, the buildings create a small courtyard area which is used for outdoor seating and cycle storage. A 167m² single storey, mono pitched extension to the rear of the main building was approved in 2014. The extension is constructed of a mix of both traditional and new materials with a 'blue' rendered element that separates the old and the new brickwork. At the time an external play space for the nursery/reception class was provided to the south of the extension and enclosed by 1.2m high bow top fencing.

The main vehicle access to the school is off The Parade with car parking areas to the east of the building and playground to the south with a playing field beyond.

The site is situated within the Green Belt with Brownhills Common (Holland Park SINC) situated to the east, south and west of the site with residential properties situated on the opposite side of the Watling Street dual carriageway.

To the south of the buildings is an area of hardstanding used as various playgrounds areas, fenced off in sections from the playing fields further to the south, There are two shipping containers sited on this hardstanding behind the main building in the far west of the property.

Relevant Planning History

03/2142/FL/E5: Extension to staffroom, Grant Permission Subject to Conditions, 04/02/2004

14/0681/FL: Single storey extension to provide new nursery and reception classrooms, associated toilets, cloakroom; food prep area and meeting room, Grant Permission Subject to Conditions, 27/06/2014

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection

Page 42 of 145

- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis
- LC6: Sports Pitches

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

OS1: Open Space, Sport and Recreation

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

Supplementary Planning Documents

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character

Consultation Replies

Strategic Planning Policy - The school and its grounds lie in the Green Belt whilst the site of the proposed classroom is shown as part of open space site reference OS3047 on the Policies Map and referred to by SAD Policy OS1. Under Green Belt policy (SAD Policy GB1) it will need to be demonstrated either that the proposal is not inappropriate development under NPPF paragraphs 145, or that very special circumstances exist. The potential impact on the open space will need to be assessed under the NPPF paragraph 97.

Community Safety – No objection. Advise an autonomous lighting and alarm system be fitted to any stand-alone building on this site. As an addition to the site, the structure may be seen as easily accessed, additional attention should be paid to window locks and an anti-snap, bump and drill lock 3* should be fitted to the main point of access. Further advice on "designing out crime" can be obtained via Secured by Design.

Sport England – No objection. The proposed development does not fall within either our statutory remit or non-statutory remit, therefore Sport England has not provided a detailed response in this case.

West Midlands Fire Service – No objection subject to compliance with Part B of building regulations

Natural England – No objection

Archaeology – No objection

Pollution Control – No objection. The acoustic requirements of Building Bulletin 93 Acoustic Design of Schools - Performance Standards is relevant as a means of demonstrating compliance with the Building Regulations Approved Document E

Resistance to the Passage of Sound.

Local Highway Authority - No objection on the basis the development is not related to any increase in pupils or staff.

Representations

None

Determining Issues

- The principle of the development
- Design and Character of the Area
- Traffic and Highways

Assessment of the Proposal

The Principle of the Development

The erection of an additional building at the school would be regarded as inappropriate development within the Green Belt unless very special circumstances exist to outweigh the harm to the openness and character of the Green Belt.

The applicant explains the very special circumstances in this instance relate to the provision of additional class space which is acutely necessary in order to cater for existing pupils at the school. The additional classroom is required to allow the school to fulfil its teaching responsibilities. This need has been exacerbated due to the requirements for additional space created by the Covid-19 pandemic. It is considered that on balance these very special circumstances would outweigh any harm to the Green Belt by reason of inappropriateness. Additional mitigating factors to outweigh the harm include:

- The building would be single storey with a mono pitched roof well below the height of the main school building.
- The proposals would not result in any additional hardstanding and the existing trees on the site would be unaffected by the proposals.
- The proposals would provide a very modest increase in footprint at the school, with the removal of the existing container, the nett increase would only be 40m²
- It is considered that this would not have any significant adverse impact on the openness or character of the Green Belt as the school extension is located in the already developed part of the site.

The school area is indicated as part of designated Open Space. Paragraph 97 of the NPPF indicates that the loss of open space can be justified where the space is surplus to requirements. The proposals would result in the loss of a very small area of existing playground space, which is laid out as hardstanding but is not part of a sports pitch. Sport England have not objected to the proposal, and there is existing sport and play area of almost 1ha which is considered more than adequate to accommodate the school, meaning the loss of 40m² in a poorly used and equipped area is considered not harmful. The proposal is therefore considered to be in line with paragraph 97 of the NPPF.

On balance, it is considered that the principle of the development can be considered acceptable.

Design and Character of the Area

The small scale of the addition is considered to mitigate the impact on the character of the area. The building would not be visible from the public realm on either Watling Street or on The Parade. The building would be set against a stand of existing trees to the west, and against the existing 1.5 storey brick wall of the school in the north which would soften its appearance and help it to integrate into the existing built environment providing a step down from the built portion of the site in the north to the high intensity play and bordered by vegetation in the centre to the more open area of sports pitched and fields beyond in the south.

The proposed modular building would be finished in blue which matches the coloured render accents of the modern extension to the main building adjacent located 15m to the west. This colour scheme is also in line with the school colours and uniform.

The community safety officer has recommended that additional safety and security measures are required to protect the building from crime. It is considered that due to the siting and stand-alone nature of the proposed building a condition should be applied to the decision notice to require additional security measures.

On balance the design of the proposal is considered to generally accord with the character of the area, and subject to a condition to improve the security of the building would create an acceptable environment for educational use.

Traffic and Highways

There is existing vehicular access from The Parade, which opens directly into the staff parking area.

The proposal does not include any increase in the number of pupils or staff at the school, and the Highways officer has not objected to the proposal on this basis. The proposal would not be to the detriment of highway safety and would therefore accord with NPPF paragraph 109.

Conclusions and Reasons for Decision

Very special circumstances exist for the construction of the building therefore the proposal is in line with Green Belt Policy GB1 of the SAD and NPPF paragraph 143. The site is an existing little used area that is surplus to requirement and therefore is in line with paragraph 97 of the NPPF and is supported by Sport England.

The design would match the existing adjacent building having little impact on the character of the area which complies with UDP policy ENV32.

The Highway Authority has not objected to the application as no alterations are proposed to the access arrangements and no increase in staff or pupils is proposed.

Taking into account the above factors it is considered that the application should be approved.

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Grant Planning Permission Subject to 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: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Existing Block Plan D0R1, submitted 22/04/2020
- Proposed Block Plan D0R2, submitted 22/04/2020
- Proposed Plans and Elevations (including Location Plan), D0R3, submitted 22/04/2020
- Design and Access Statement, submitted 22/04/2020

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

3. The development shall be constructed to meet the following minimum security measures and thereafter retained for the lifetime of the development:

- The design of the building shall prevent features which aid scaling or climbing.
- All ground floor and vulnerable windows shall use minimum 6.8mm laminated glazing.
- Sills shall be steeply angled to prevent them being used as climbing aids, seats or litter points.
- All windows shall be fitted with restrictors.
- Glazing and glazing sizes shall to be kept to the minimum compatible with requirements of lighting, surveillance and visibility.
- External LED lights with daylight and movement sensors to be provided at all external entrances.

Reason: To ensure the safety and security of the development itself and the safety and security of patients, visitors and employees in accordance with Saved Policy GP2 of the Unitary Development Plan, DW2 of the Designing Walsall SPD and the National Planning Policy Framework.

4. The development shall not be carried out otherwise than in accordance with the external materials shown Plan D0R3 (Proposed Plans and Elevations) and the facing

materials shall thereafter be retained for the lifetime of the development

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

Notes for Applicant

West Midlands Fire service

Section 15: Vehicle access

Buildings not fitted with fire mains 15.1 For small buildings (up to 2000m², with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

a. 15% of the perimeter.

b. Within 45m of every point of the footprint of the building (see Diagram 15.1).

15.2 For all other buildings, provide vehicle access in accordance with Table 15.1.

15.3 Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (e.g. a 150m elevation would need a minimum of two doors)

Design of access routes and hard-standings

15.7 Access routes and hard-standings should comply with the guidance in Table 15.2. Requirements can only apply to the site of the works. It may not be reasonable to upgrade the route across a site to a small building. The building control body, in consultation with the fire and rescue service, should consider options from doing no work to upgrading certain features, such as sharp bends.

15.8 Where access to an elevation is provided in accordance with Table 15.1, the following requirements should be met, depending on the building height. a. Buildings up to 11m, excluding small buildings (paragraph 15.1): pump appliance access should be provided adjacent to the building for the specified percentage of the total perimeter. b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

15.9 Where access is provided for high reach appliances in accordance with Table 15.1, overhead obstructions (such as cables and branches) should be avoided in the zone shown in Diagram 15.2.

15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3. Turning facilities should comply with the guidance in Table 15.2.

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 2, Table 15.2)

Water

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

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 8)

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)

Pollution Control

Pollution Control advises that the acoustic requirements of Building Bulletin 93 Acoustic Design of Schools - Performance Standards is relevant as a means of demonstrating compliance with the Building Regulations Approved Document E Resistance to the Passage of Sound.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 04 March 2021

Plans List Item Number: 3

Reason for bringing to committee

Significant Community Interest

Application Details

Location: THE CAMBRIDGE, ARUNDEL STREET, WALSALL, WS1 4BY

Proposal: RE-SUBMISSION OF (19/0949): PROPOSED CHANGE OF USE FROM A FORMER PUBLIC HOUSE (A4 USE CLASS), TO A DAY NURSERY (D1 USE CLASS). WITH THE CREATION OF 2 NEW OFF-STREET PARKING SPACES, A CYCLE STORAGE, AND RE-OPENING THE FORMER CENTRAL FRONT ACCESS. THE NURSERY WILL RUN BETWEEN 7:30 - 18:00 MONDAY - FRIDAY, FOR TODDLERS AND YOUNG CHILDREN.

Application Number: 20/1003	Case Officer: Mike Brereton
Applicant: Mrs S Kang	Ward: Palfrey
Agent: Design Space 2 Ltd	Expired Date: 09-Oct-2020
Application Type: Full Application: Change of Use	Time Extension Expiry: 11-Jan-2021

Recommendation

Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to finalising of planning conditions



Officers Report

Re-submission of (19/0949): Proposed change of use from a former public house (A4 use class), to a Day Nursery (D1 use class).

The site is currently vacant.

The internal layout will be altered and renovated to accommodate children with differing ages and abilities. The external layout will remain the same with the exception that the previously boarded up central access will be re-opened for use by pushchairs and wheelchairs.

The nursery will run between 7:30 - 18:00 Monday – Friday. With 50 places for toddlers and young children. This will cater for the needs of working parents and non-working parents. Comprising of daily sessions, mornings and afternoons to meet the needs of the community. It is expected that when at full capacity to employ 12 members of staff, 7 full time, 5 part time. This nursery is intended to work closely with the applicant's already established nursery 1.7miles away.

The sessions are to be staggered purposely so that staff can meet and greet parents individually and speak them regarding the needs of the child. It is not like a school environment where there is the same start and finish time for all. The nursery is aiming to cater predominately for the local community and focusing on funded places for 2, 3 and 4 year olds coming from non-working disadvantaged backgrounds who will mainly be walking to drop their child off.

There is currently no off-street parking, but the proposal seeks to create 2 new off-street parking spaces within the former beer garden via existing dropped kerb vehicle access off Cambridge Street, and a cycle storage to be located off Arundel Street. A further 7 on-street parking around the Cambridge will be relied on, not affecting the parking of local residents, by parents dropping children off. Although, the main focus would be to cater for parents within the local area who will walk to the nursery.

The applicant also advises that in May 2019 Palfrey Day Nursery closed down and from the recent Ofsted report there was 128 children on the roll and 21 employed staff. It is evident that there is a local demand within the vicinity.

Site and Surroundings

The application site is a large, detached two storey former public house, with a mock tudor frontage with white render and white PVC windows. The property is located on the prominent corner of the Arundel Street, Cambridge Street and Thorpe Road junction. It is situated within a street scene comprising of tight Victorian terraced houses of uniform size, design and similar facing materials, traditional of an inner-city area.

The main entrance on the corner of Arundel Street and Cambridge Street is currently bricked up.

There is an open space at the rear of the property, formerly used as a beer garden. This has dropped kerb vehicle access via a gate from Cambridge Street. Otherwise. There is no off street parking available. Local residents currently park on the street on both sides of the roads.

There are tree preservation orders on the trees along the Cambridge Street frontage.

The site is located outside of both Walsall Town Centre and Caldmore Local Centre.

Planning History

BC45294P – Land Between No.14 &,The Cambridge P.H.,Cambridge Street,Caldmore,Walsall. – Erection of 6 No. 2 Storey Houses – GSC on 07/02/1996

19/0949 – 3, CAMBRIDGE STREET, WALSALL, WS1 4BZ – Change of use from a public house to a D1 day nursery – Refused on 20/03/2020 for:

- 1. The loss of the existing local community facility the public house has not been justified as required via the four tests of saved UDP Policy LC8 and no such justification has been provided with the application. The policy provides a presumption in favour of retaining community facilities unless it can be demonstrated that there is no longer a need for any facility in that area. When considering applications for redevelopment or change of use of community facilities to other non-community uses, the Council will expect developers to provide detailed evidence to demonstrate compliance with this policy. The applicant has failed to provide this information and this means that the application cannot be assessed both fully and properly. As a result the proposal fails to meet the requirements of saved UDP Policy LC8.*
- 2. The potential impact of noise emanating from children playing outside in the garden area would cause the potential disturbance on the neighbouring residential properties. The applicant has not provided any evidence or information on how the issue of noise is to be addressed or dealt does not help in the consideration of this issue either. As a result the proposal is considered to be unacceptable given it does not meet the requirements of Policy ENV10 of Walsall's Unitary Development Plan.*
- 3. The application has not been justified in accordance with Black Country Core Strategy Policy HOU5 of the BCCS, which requires such information should be submitted to ensure that it meets the requirements of the policy. Policy HOU5 requires, amongst others, proposals to be well designed and well related to neighbourhood services and amenities; and well related to public transport infrastructure and directed to a Centre appropriate in role and scale to the proposed development and its intended catchment area. Proposals located outside Centres must be justified in terms of relevant national policy. No information about the intended catchment has been provided. As a result and without that information the proposal fails to meet the requirements of BCCS Policy HOU5.*

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 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.

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

- 3.9 Derelict Land Reclamation
- GP2: Environmental Protection
- GP6: Disabled People
- ENV10: Pollution
- ENV32: Design and Development Proposals
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T13: Parking Provision for Cars, Cycles and Taxis
- LC3: Children's Play Areas
- LC8: Local Community Facilities

Black Country Core Strategy

- CSP4: Place Making
- HOU5: Education and Health Care Facilities
- ENV3: Design Quality

Supplementary Planning Documents

Designing Walsall

- DW3 Character

Consultee Comments

(Planning Officer comments made in brackets and italics)

West Midlands Fire Service – No Objection, Notes to Applicant provided

Public Health – No Objections

- Public Health has no objections to this planning application. The application addresses local need for social / nursery provision. The addition of a cycle storage is highly welcomed and hopefully will enable staff and users to cycle to and from the site. The site is accessible via the local bus network which is welcomed by Public Health.

Pollution Control – Concerns Raised

- The activities carried on at the site of a day nursery have the potential to give rise to significant noise emissions, typically from behavioural noise and traffic movements. Such emissions could have a significant impact on the occupiers of adjacent residential premises. Under these circumstances comments should be sought from Environmental Health as they would regulate any noise emissions from the business. (*Environmental Health has also responded*)

Strategic Planning Policy – Concerns Raised

- The previous application was refused in part on the grounds that the proposal failed to address BCCS policy HOU5 to justify this proposal in an out of centre location. The supporting statement notes that the proposal would help to replace Palfrey Day Nursery, however the latter remains vacant as far as we are aware. The applicants should still demonstrate why it is not possible to acquire this existing facility or another location that is within or close to a centre.

Highway Authority – No Objection Subject to Conditions

- Both the site and local residents rely on street parking within the surrounding area.
- It is acknowledged that whilst all nurseries and schools alike generate traffic and parking demand at times, there is also a demand for day nursery places and they have to go somewhere.
- The catchment of the site within a high density residential area is likely to result in relatively high numbers of parents walking to the Day Nursery, reducing the need for car borne trips.
- The existing public house use also has a latent parking demand. Based upon its GFA of 354sqm, the maximum parking demand in T13 parking policy terms is 19 spaces inclusive of 2 disabled spaces. Furthermore, the peak of public house parking is likely to be in the evenings and weekends coinciding with the peak residential parking demand.
- On balance, taking into account;-
 - o The development proposed 2 off street parking spaces for staff,
 - o The maximum number of children allowed at the nursery is limited to 50,
 - o There is a high likelihood that many children will be walked to and from the nursery reducing car borne trips,
 - o The extant pub use could be bought back into use creating a parking demand in the evenings when residents parking would at its peak,
 - o The nursery's operational hours will not generally coincide with peak

residents parking

- The Highway Authority considers the Change of Use acceptable, in accordance with the NPPF.

Environmental Health – No Objection

- The small size of the outdoor play area and the restricted hours of use is sufficient to limit the noise level to within acceptable levels that would not be detrimental to the surrounding residential area. It is recommended that this is secured through a condition.
- The hours of operation are acceptable.

Neighbour and interested Parties Comments

(Planning Officer comments made in brackets and italics)

Public Petition received from Councillor S Ditta, with 42 resident signatures from 40 local addresses along Arundel Street, Cambridge Street and Thorpe road. Objecting to the proposal on the following grounds:

- The Day Nursery would utilise on-street parking within the area, in competition with local residents, potentially reducing traffic flow and creating congestion.
- This usage will result in excessive noise at the property, at the detriment to the amenities of local residents.
- The increased traffic to the property will result in increased air pollution in the area

Determining Issues

- Have the previous reasons for refusal been overcome
- Other material considerations

Assessment of the Proposal

Have the previous reasons for refusal been overcome

1. The loss of the public house has not been justified

This application includes a response to UDP Policy LC8. The applicant's statement confirms, the Former Cambridge PH is in close proximity to other public houses which could pick up the local demand. The nearest being the Wheatsheaf, then The Black Country Arms, followed by Flan O'Briens all approximately 1.2km away if you were to walk, alternatively this would be a 5-6 minute drive. The Cambridge PH did not have parking available so it is likely that the majority of customers were local and walked to the property. UDP paragraph 7.51 states: '*the maximum will normally be regarded as 1000 metres. Pedestrians should not have to cross any roads unless absolutely necessary*'. The distances away from the nearest pubs would require a roughly 15-20 minute walk. Whilst the nearest pubs are just beyond the recommended distance, it is still considered to be within an acceptable range.

Within 0.8km's of the Cambridge there are other community facilities which include; the Jalal Mosque, the Caldmore Evangelical Church, the Aisha Mosque and Islamic Centre of Walsall, the Orthodox Church, RCCG Victory Centre for All Nations, the Guru Nanak Gurdwara Sahib and Masjid-Al-Farouq. These are all places of worship within an approximate 9 min walk, of the Cambridge. This is in addition to numerous eatery establishments within the local area, as well as Palfrey Park. Therefore, the abundance of alternative social meeting places and community facilities at an appropriate distance away according to UDP policy T11, is considered that the community will not be adversely affected by the loss of this P.H. This is therefore considered to have overcome this part of the reason for refusal, in compliance with UDP Policy LC8.

The applicant's supporting document also claims that there is poor demand for the pub by locals as justification for its change of use, evidenced by its closure over the past three years. Whilst it is unclear why the pub closed and has remained closed, no representations to this planning application or to the 19/0949 application have been about retaining the building as a pub. It is therefore considered difficult to refute the applicant's claim. UDP policy ENV14 encourages the development or re-development of derelict and previously developed land.

In weighing the planning balance, taking into account the lack of demand for the previous P.H. use and the presence of other community facilities in the vicinity, it is considered acceptable and the applicant has this reason for refusal.

2. Noise impacts to neighbouring residential properties

As part of the application, a supporting Noise Impact assessment on neighbours has been submitted. This re-affirms the expectation that the nursery will not receive an influx of parents and children at the same time, but rather allocate staggered appointment drop-off and collection slots to regulate traffic to the premises. This will avoid excessive amounts of noise from cars or parents & children at drop-off and pick up times and restrict this to within acceptable levels for a residential area. Furthermore, to reduce the noise and protect the amenities and parking availability of local residents, a planning condition can be attached which requires the Nursery to maintain the staggered drop-off / pick-up times evenly over the course of the day.

The outdoor play area, formerly used as a beer garden, will be used by different age groups at different times of the day. The applicants state that the outdoor sessions will follow an educational curriculum where learning will be structured and assessed. The play area will be in use between 9:30 – 3:30 each work day, Monday to Friday. This will not be available to all children at all times of the day, but each year group will have their allotted time. Each year group will utilise the outdoor space for different purposes depending on their development. According to the allocated time slots provided, the outdoor area will be in continuous planned use from between 9:30-11:30 & 1:30-3:00.

Subsequently, as only a limited group of children will follow planned activities and these would be monitored and supervised by staff members who can regulate noisy behaviour. Overall, this is considered to be materially different from school play areas where all the children at once are allowed to run around with little to no structure, supervision or restrictions on noisy behaviour. The resulting educational activities by smaller groups of children, under the supervision of staff members will generate

acceptable levels of noise generally expected to occur within a residential area.

Furthermore, the proposed restricted hours of use between 9:30-3:30 are considered to be an improvement over the extant P.H. use where noise could be expected to arise for longer periods into the night time including within the pub itself and in the outdoor beer garden i.e. music emanating from the premises. In comparison, the restricted hours of regulated play, whilst the majority of local residents are likely to be at work, offers a less disruptive alternative. Hence, the evidence provided is considered to have overcome this reason for refusal. The proposal accords with Saved UDP policy ENV10 and the provisions of NPPF Section 15, paragraphs 170 and 180. To ensure that residential amenities are protected, a planning condition can be imposed, restricting the use of the rear outdoor play area to the specified times only and to not be used other than by one age group at a time, in accordance with the timetable they have provided.

A further condition would be attached to limit the total number of children in attendance to no more than 50 at any one time to define the permission and to help safeguard neighbours amenity.

3. Proposal fails to provide justification against Black Country Core Strategy Policy HOU5.

This application includes a Response to Policy HOU5. This specifies the intended catchment as being the Palfrey area, located within an approximate 6 minute walking distance to the Caldmore local centre. And a short bus ride to Walsall Town Centre, the nearest bus stop being on Weston Street, a 3 minute walk away enabling travel into town within 15 minutes. This is considered to be within acceptable distances to public transport facilities, and local services.

As formerly mentioned, the proposal aims to primarily accommodate the needs of local parents within walking distance from the site. The Palfrey area is claimed to have a population of approximately 4,900 0-4 year olds in 2018, which is one of the highest populations compared to the four nearest wards. It similarly experiences one of the highest levels of deprivation. The demographic of the most vulnerable families, of those from low economic backgrounds and those who have English as a second language, are the target market for the proposed Day Nursery.

The document also quotes statistics from the Walsall Council Childcare Sufficiency Report in 2016, which states that 33% of local residents had experienced difficulty in finding a childcare place to suit their needs, and that 63% of respondents felt that there should be more childcare in their local area. However, it appears that this report encompasses findings from the whole of the Walsall Borough and are not specific to Palfrey. Where the supporting information submitted claims that there were only 516 registered places for 0-4 year olds, the report conversely states that there were in fact 4,521 free learning entitlement places and a further 1,586 places from private nurseries. Although, it goes on to say that 42% of respondents indicated that they needed more childcare than they were using and that the highest demand was in the 0-4 age range, although the lowest un-met need was in the 3 and 4 year old ranges. Whilst it is clear that there is still un-met demand for childcare, borough wide, it is difficult to draw conclusions from this regarding the demand for 0-4 year old places on a local setting. However, considering this with the deprivation statistics of the Palfrey area, it is a reasonable assumption that there is a local demand. Hence, the provision

for 50 places within the surrounding area is likely to be taken up, particularly with the aforementioned closure of the Palfrey Day Nursery in 2019.

The context of the socio-economic status of the Palfrey area, the demand for additional childcare, together with the access to transport links and the close walking distance to Caldmore and the local Palfrey Area, is considered acceptable evidence to demonstrate the application's accordance with policy HOU5 of the Black Country Core Strategy. Therefore, this reason for refusal has been overcome.

Other material considerations

Highways

It is recognised that parking provision is sensitive within the area, however the application makes it clear that the target market for the proposed Day Nursery would be local parents within walking distance to the property, specifically catering for disadvantaged and vulnerable families within the local area. Subsequently, there is not expected to be a large amount of car-borne trips to the property. The limited number of car borne trips would be provided for by the seven on-street parking spaces surrounding the property. To mitigate traffic to the property, a planning condition can be attached, requiring drop-off and pick-ups to be staggered at half hour intervals evenly across the course of the work day, in accordance with the supporting documents. With the two off street parking spaces provided and within close walking distance to bus routes, this is considered acceptable to not present a detrimental harm to residential parking, traffic flow or highway safety. Furthermore, it is recognised that there would be a similar demand on parking if the existing public house use was to be resumed, at potentially more unsociable hours, where there would be further competition from residents who have returned from work.

The Highways Authority fully acknowledge this information and have raised no objection to the proposal. Therefore, there would be insufficient evidence to issue a defensible reason for refusal on these grounds.

Air Quality

The public petition received, notes objections to the proposal on the grounds that the increased traffic to the property will result in increased air pollution in the area. However, as previously mentioned, the majority of customers are expected to walk to the premises. There is no evidence to suggest that the levels of exhaust fumes from the cars of the few parents that drive, would be notably different from the levels of exhaust fumes created by the customers of the pub when in use. Furthermore, it is un-evidenced that this would result in unacceptable air quality enough to negatively impact residential amenity. Pollution Control have raised no concerns to the proposal on these grounds. Therefore, there is insufficient evidence to issue a defensible reason for refusal on these grounds.

Conclusions and Reasons for Decision

On balance, for the reasons given above, it is considered that the application has overcome all of the reasons for refusal given against the former application 19/0949. Subsequently, the application is considered to be in accordance with Section 15, paragraphs 170 and 180 of the National Planning Policy Framework, Saved policies

GP2, ENV10 and LC8 of Walsall's Unitary Development Plan and policy HOU5 of the Black Country Core Strategy.

It is therefore considered that this application should be recommended for approval.

Positive and Proactive Working with the Applicant

Approve

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

Decision Recommendation

Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to finalising of planning conditions.

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

- Site and Location Plan – Drawing No. K005A – Received on 14/08/2020
- Proposed Ground Floor Plan – Drawing No. K003 – Received on 14/08/2020
- Proposed First Floor Plan – Drawing No. K – Received on 14/08/2020

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

3a: Prior to the Nursery first coming into use, the proposed staff parking spaces shown on the plans hereby approved: (Drawing No. Drawing No. K003 – Received on 14/08/2020) shall be fully implemented, being consolidated, hard surfaced and drained so that surface water from the area does not discharge onto the public highway or into any highway drain.

3b: The parking spaces 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.

4: Prior to the parking spaces first coming into use, a vehicle footway crossing to align with the new access shall be installed in accordance with the Council's footway crossing specification to the satisfaction of the Local Planning Authority. The works

shall include reinstating the redundant existing dropped kerbs access back to full kerb height. All works within the public highway shall be in accordance with all statutory requirements.

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

5: Prior to the Nursery first coming into use, the proposed cycle shelter shown on the plans hereby approved: (Drawing No. K003 – Received on 14/08/2020) which shall be covered and illuminated, shall be fully implemented and 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.

6: The approved Nursery shall not operate other than with staggered drop off and pick up times for the parents and children, spread evenly at half hour intervals between 7:30-18:00 over the course of the work day. Not more than 10 children can be dropped off or picked up at any one half hour slot at any point throughout the work day.

Reason: To evenly spread out the amount of traffic to the site across the day, to avoid overspill of parking in front of local residents' properties, in the interests of the free flow of traffic along the public highway and highway safety, in accordance with the details provided in the submitted 'Response to Highways concerns' document.

7: The Nursery use hereby permitted shall not be open to customers otherwise than between the hours of 07:30 to 18:00, Mondays to Fridays. The Day Nursery shall not operate at weekends.

Reason: To protect neighbouring amenity and to maximise the availability of on street parking for local residents in the evenings and weekends, in the interests of the free flow of traffic along the public highway and highway safety, in accordance with saved UDP policies GP2 and ENV32.

8: The maximum number of children in attendance at the nursery shall not exceed 50 at any one time.

Reason: To define and control the size of the enrolment in order to limit the number of potential car borne trips to the site in the interests of the free flow of traffic along the public highway and highway safety. And to reduce the potential noise levels emanating from the site, in order to protect the amenities of local residents, in accordance with UDP Policy T13 and GP2.

9: The 'Outdoor Play Area' shown on the plan hereby approved: (Drawing No. K003 – Received on 14/08/2020), shall not be used unless between the hours of 9:30-11:30 & 13:30-15:00, and shall not be used other than by one age group of children at any one time, in accordance with the allocated time slots specified in the timetable provided in the submitted 'Noise Impact on Neighbours' document.

Reason: To reduce the level of noise generated by outdoor play / education to within

acceptable levels that will protect the amenities of neighbouring residents, to comply with policy GP2 of Walsall's Unitary Development Plan.

Notes for Applicant

West Midlands Fire

- The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.
- Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.
- The building should comply with: Approved Document B, Volume 2, Buildings other than Dwellings, 2019.

Highway 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.
- The applicant will be required to obtain a Road Opening Permit from the Highway Authority for the dropped kerb footway crossing works within the public highway. With reference to the Council's footway crossing specification SD11/8 dated January 2008, the crossing extension shall not exceed [two 900mm flat kerbs and one 900mm taper kerb.] All works within the public highway shall be in accordance with all statutory requirements.
- For further information please contact the Traffic Management Team at Traffic.Management@walsall.gov.uk.

Petition Extract:

PETITION - Planning application objection

We, the undersigned, residents of Cambridge St, Arundel St and Thorpe Rd object to the planning **application number 20/1003** The Cambridge, proposed change of use from a Public House to a Day Nursery on the grounds that if the development went ahead, it would result in significant parking issues in an area where parking is already problematic. It will also increase early morning noise and traffic problems alongside air pollution when people drop off and collect children leaving cars running.

Name	Address	Signature
[REDACTED]	34 ARUNDEL ST.	[REDACTED]
[REDACTED]	56 Arundel St	[REDACTED]
[REDACTED]	62 ARUNDEL ST	[REDACTED]
[REDACTED]	35 Arundel St	[REDACTED]
[REDACTED]	39 ARUNDEL	[REDACTED]
[REDACTED]	54 Arundel St	[REDACTED]
[REDACTED]	47 ARUNDEL ST	[REDACTED]
[REDACTED]	45 Arundel street.	[REDACTED]
[REDACTED]	45 ARUNDEL ST	[REDACTED]
[REDACTED]	8 CAMBRIDGE ST.	[REDACTED]
[REDACTED]	8a. WS14BZ	[REDACTED]
[REDACTED]	10. CAMBRIDGE ST	[REDACTED]

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 04 March 2021

Plans List Item Number: 4

Reason for bringing to committee

Councillor S Johal requested the application be heard at Planning Committee due to significant community interest

Application Details

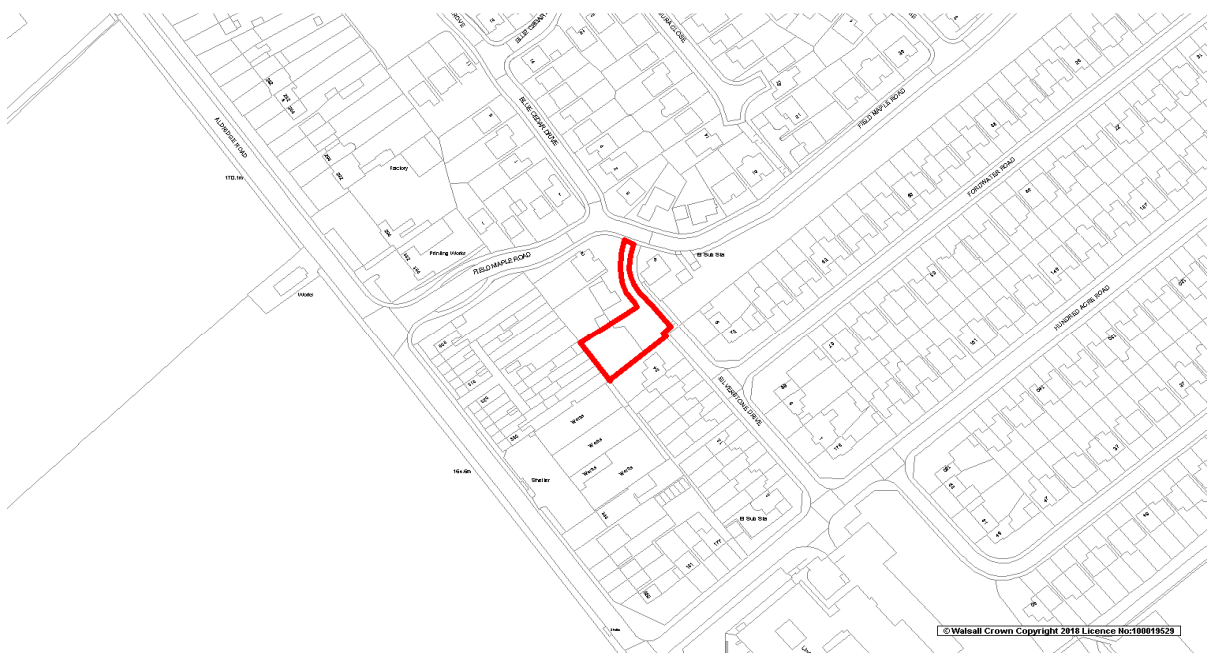
Location: 4, FIELD MAPLE ROAD, STREETLY, SUTTON COLDFIELD, B74 2AD

Proposal: CONSTRUCTION OF DETACHED 6 BEDROOM PROPERTY 2.5 STOREY HIGH ON LAND ADJACENT TO 4 FIELD MAPLE ROAD

Application Number: 19/0846	Case Officer: Helen Smith
Applicant: Mr Glenn Price	Ward: Streetly
Agent: Mr Gary Deffley	Expired Date: 18-Sep-2019
Application Type: Full Application: Minor Use Class C3 (Dwellinghouses)	Time Extension Expiry: 08-Mar-2021

Recommendation

Refuse



Proposal

This application proposes a detached 6 bedroom dwelling house on land adjacent to 4 Field Maple Road.

The proposal would be 2.5 storeys high and would include an integral garage, lounge, kitchen/breakfast room, utility, and study and cloakroom facilities at ground floor. At first floor there would be 4 double bedrooms, 2 en-suites and a bathroom and within the roof void two double bedrooms with a bathroom and one en-suite. The proposed detached garage has been removed from the proposal along with a front dormer.

Certificate B has been completed and the requisite notice served on the relevant parties.

The roof would have a twin gable design with a roof light in the front roof slope and two dormer windows in the rear roof slope with gable hoods. Side facing utility room window is proposed.

Details have been provided about ground gas protection measures which would integrate with existing ground gas management of the estate. Amended plans have been received reducing the height of the proposed dwelling from 10.5 metres to 8.2 metres high to the ridge and revising the roof design from a gable to a hipped roof.

The removal of 5 protected trees to facilitate development (reference no's T10, T11, T12, T15 & T18) Pruning would be required to one tree to facilitate development (T17) and 3 trees removed on the grounds of condition (T3, T14 & T19). 8 trees in total would be removed.

The key dimensions of the proposed new dwelling are:

- Set back 6.1 metres from the footpath to the front
- Extend 2 metres further rear wards than 4 Field Maple Road
- Plot area of approximately 651 m²
- 8.2 metres high to the ridge
- Between 4.9 and 5.2 metres high to the eaves (*sloping land level*)
- 6 metres wide footprint
- 5.5 metres deep footprint
- Rear garden depth of 12 metres
- Proposed rear garden would be 5.8 metres deep and have an area of 58.6m²
- 7.5 metres wide gap between the proposed new dwelling and the side gable wall of 4 Field Maple Road
- 8.9 metres wide gap between the proposed new dwelling and the side gable wall of 24 Silverstone Drive

The application is supported by a number of documents which include;

Design and Access Statement

- Variety of house types in the area
- Site slopes down from north to south

- House would be sat down half in and half out of the ground
- Approx. 2 metre fall from the northern boundary to the southern boundary
- Ramped, flush thresholds into the house
- Well established residential area in a highly sustainable location
- Bus services to West Bromwich and Sutton Coldfield within a few hundred yards
- Number of trees at the lower level of the site covered by a blanket TPO and a number of self- seeded Sycamores
- Proposed planting a matching number of shade tolerant trees such as Holly, Hawthorn and Dogwood which will thrive under the canopy

Tree Report BS5837-2012 Arboricultural Impact Assessment by Braemar Arboriculture Ltd Revision B dated 10/11/20 which states:

- Tree removal to facilitate development - T10, T11, T12, T15 & T18
- Tree pruning requirements to facilitate development T17
- Tree removal on the grounds of condition - T3, T14 & T19
- The position of the proposed building conflicts with several trees - T10, T11, T12, T15 & T18
- Working within the Root Protection Zones of retained trees will be required and protective measures will be utilised
- Excavations can proceed using standard techniques other than for the rear corner of the dwelling where it enters the RPA of tree T20. This section will require excavation by hand.
- Implications of sloping ground & levels - The arboricultural implications of the proposed structures are based on an assumption that level changes will not occur within the RPA of trees that are shown to be retained.
- Services – All services can be routed into the dwelling via the existing drive way which does not encumber the RPA's of retained trees.
- Storage & mixing of materials – There is sufficient space in the front drive area for the storage of construction materials, if the garage is constructed first this would make a secure storage area for materials.
- Potential for direct damage by trees – There will be a requirement for periodic pruning to clear encroaching crown growth from the proposed dwelling. This is not detrimental to the trees and is within acceptable limits arboriculturally.
- Potential for indirect damage by trees – A desk top study has shown that the soils and geology typically associated with this site are free draining in nature. It is therefore assumed that there are no issues in relation to soil moisture deficit as a result of
- Shading – Shading will be experienced to the rear and front elevations on the early mornings but will have passed by midday.
- Seasonal nuisance – Some seasonal nuisance from leaf fall is inevitable but is not believed to be beyond tolerable levels. It is recommended that guards be fitted to gutters and downpipes to reduce the impact of leaves clogging them
- Removal of 8 trees and it is proposed to be replaced with inter-planting of Holly under existing retained trees to enhance screening between the proposal and neighbouring property. It is proposed that a number of replacement heavy standard trees be planted along the rear boundary of the proposal to enhance screening values and maintain stock density.

Habitat Survey Report, prepared by DJOGS Landscape Architect and Ecology Services, dated 2/8/19 which states:

- Property does not contain sensitive habitat or species other than nesting birds and potential for hedgehog which would need a management plan to ensure no potential harm
- Any tree or scrub clearance should be outside of the recognised nesting season (March-August inclusive) or under the supervision of a qualified ecologist
- Site contains a mosaic of habitats of negligible to low ecological value and the current tree cover is only low in diversity
- New tree planting should concentrate on providing small native trees or high-diversity value non-native species more suitable to residential garden to provide a net gain for biodiversity.

Tree Statement and photographs provided by the Planning Agent on 17/2/21 which states that mature trees in the protection zone would be retained and afforded protection. The application site is neither contained nor densely planted to be classed as a wood. They can offer to replace any removed, damaged or angled trees with new good quality straight trees.

Site and Surroundings

Field Maple Road is a modern cul-de-sac of detached houses predominantly with traditional features including gable front projections. The application site is within the southern corner of a larger 1990's housing redevelopment site of a former land fill site which incorporates ground gas protection measures. The wider housing site rises in a westerly direction.

2 and 4 Field Maple Road and 24 Silverstone Drive step down in height in a southerly direction.

4 Field Maple Road is accessed via a shared private driveway with 2 Field Maple Road which is parallel to the pedestrian footpath in front of the houses. Certificate B has been completed and confirmation that the requisite notice has been served on the occupier(s) of 2 Field Maple Close.

The proposed new dwelling would be separated from houses fronting Aldridge Road, to the south east of the application plot by a distance of 48 metres. These houses on Aldridge Road have garages and outbuildings to the rear.

The side elevation of 4 Field Maple Road would be separated from the new dwelling by a distance of 7.5metres.

There would be a separation distance of 8.9 metres to the neighbouring house 24 Silverstone Drive. Commercial units sit to the south of the application site and next to the rear boundary of no. 24.

The application site lies at the southern end of a tree belt which is subject to a Tree Preservation Order.

Relevant Planning History

02/0069/FL/E2 - Residential development & associated works at Land at, Aldridge Road, Streetly, Sutton Coldfield, West Midlands. Granted Subject to Conditions 01/10/02. As part of this permission permitted development rights were removed for Classes A, D and E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding/amending orders.

04/0502/FL/E2 - Pumping station to serve development. Granted Subject to Conditions 08/07/04

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

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- 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
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

EN1: Natural Environment Protection, Management and Enhancement

T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures

- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- 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

Transportation – no objections on highway grounds but have concerns regarding the distance that residents will need to drag their refuse bin.

Pollution Control – no objections subject to the inclusion of planning conditions in respect of landfill gas, air quality and the requirement for a construction management plan

Ecology – No objections subject to safeguarding conditions in respect of trees, bats and small mammals.

Fire Officer – No objections subject to the inclusion of an informative note in respect of building regulation requirements.

Severn Trent Water – No objections subject to the inclusion of an informative note in respect of public sewers.

Tree Officer – objects on the basis that there would be an unacceptable impact on protected trees due to removal and proximity to the proposed development

Representations

(Officers comments in italics)

Objections to the initial scheme have been received from seven residents on the following grounds;

- Proposed large house too close to their house adjoining the site and the extra height of the two and a half storey house together with the higher ground level will overpower and constrict their light and outlook
- Loss of trees will be detrimental to the outlook and provision of new trees to the rear boundary will block sunlight from garden and property (*the rear boundary of the site sits to the north of houses fronting Aldridge Road and any new planting would have a limited impact on light because of this orientation*)
- Too large and too intrusive
- Has a bat survey been done? (*Ecological survey has been provided and impacts of the development have been assessed*)
- Properties 2 and 4 Field Maple Road have a shared driveway and access would be by entering the driveway outside their property (*rights of way across driveways are a private legal matter and not a material planning consideration*)
- Already have issues and concerns with the amount of cars entering their driveway to gain access to no. 4 and this proposal will add to the problem considerably (*this is a private driveway rather than public highway and any additional vehicle movements to serve one dwelling would be limited*)
- Would not have purchased the property if they had known they would be sharing the drive with two other properties and it is unfair for this change to be allowed now they have already purchased their property. (*rights of way across driveways are a private legal matter and not a material planning consideration*)
- Future resale value of their property would be affected (*not a material planning consideration*)
- No's 2, 3 and 4 Field Maple Road are all bigger properties and are situated next to one another in a circle which was a design feature by Redrow Homes at the start of the estate to create a feature and by adding a smaller property in the garden of no. 4 would ruin the design/feature that Redrow was trying to create (*the Local Planning Authority are required to assess and determine the planning application before them and in current circumstances*).
- The 2005 plans for the Poets Wood Development appear to show the boundary of the plot of land used for the erection of 4 Field Maple Road as terminating at approximately 12.5 metres from the adjacent boundary of 24 Silverstone Drive. Are they legally entitled to submit plans relating to this proposal? (*the applicant has confirmed that this land is in their ownership and the requisite notice has been served on others sharing the driveway*)
- The 2.5 storeys + 1 metre in height at the end nearest to Silverstone Drive will loom over the existing infrastructure and be seriously detrimental to the appearance and ethos of the area (*amended plans have reduced the proposed height and changed the roof design to a hipped roof to limit the impacts of this development*).
- The garage adjacent to the pedestrian right of way would create a position of concealment and a potential safety hazard on dark mornings and evenings for pedestrians (*the proposed garage has been removed from the application*)
- Overlooking and trees provide little visual protection in winter and the high fencing will be rendered ineffectual by the extreme height of the proposed dwelling (*the separation distance of 48 metres to the rear exceeds the minimum recommended separation distance of 24 metres between facing habitable room windows as referred to in Appendix D of Designing Walsall SPD*).

- Garage would be situated over or adjacent to an important methane gas ventilation shaft (*the proposed garage has been removed from the application*)
- Trees were never planted in lieu of those lost by the Poets Wood Development and the trees that it is proposed to destroy are to be replaced by Holly (more bush than tree and more potential concealment areas close to the pedestrian right of way!) and trees along the boundary of the proposal that is furthest from the site originally deprived of the trees (*comments noted and the resident may provide further details to the Council's Planning Enforcement Officer*)
- Having difficulty collating the actual growing trees with those shown on the Tree Constraints Plan. Less trees are shown on the plans than is actually the case. (*comments noted and discrepancies had been raised by the Council's Tree Officer and are clarified in the body of the report*)
- Restricted building zone due to the contamination of the land and risk of subsidence (*There are restrictions in respect of the ground gas protection measures in place and these have been addressed by the planning agent. Safeguarding conditions would be required if approved*)
- The elevation of the plot and additional 2.5 storeys would overshadow several of the properties in our row and would lose privacy and request a Residential Visual Amenity Assessment to be conducted and a tree survey (*a tree survey has been provided and the case officer has made site visits to assess residential amenity impacts*)
- Concerns about extra parking required to facilitate a 6 bedroom house and the number of vehicles at no. 4 which is a HMO and rented out constantly (*a maximum of three parking spaces are required to serve the proposed new dwelling in accordance with saved UDP policy T13 Parking*)
- Foresee lots of complications due to the site and voids appearing in the ground (*Building Control approval will be required to secure appropriate construction, if approved*)
- Loss of light to rear garden
- Not enough room or the builder of the estate would have used it (*opinion noted*)

Objections to the amended scheme have been received from five residents on the following grounds;

- Invasion of privacy of houses on Aldridge Road because of the proposed height
- Overbearing impact
- Landfill site with a large amount of methane gas and unstable land
- May need to be pile driven which will disturb neighbours and cause damage to properties on Aldridge Road (*not a material planning consideration*)
- Tree preservation order (*noted*)
- Existing house is already metres higher than their rear garden fence on Aldridge Road
- Redrow could not build on this site originally (*no further information has been provided however this may be due to the Tree Preservation Order*)
- Gap was left originally to allow houses on the Hundred Acre Estate some privacy (*no evidence to support this comment*)
- Trees and 8ft high fencing were a requirement of the original planning consent for the estate (*safeguarding planning conditions in respect of boundary treatment can be included, if approved*)

- Community safety issue building another house close to the pathway to Hundred Acre Estate as issues with overshadowing and potential ASB (*no evidence has been provide to demonstrate that security is an issue for users of this public highway and natural surveillance from housing would provide overlooking and security for users*).
- Concern over potential methane gas issues causing safety issue Pile driving the already unstable ground is frightening (*method of construction is not a material planning consideration and ground gas measures have been addressed by the planning agents. Safeguarding conditions would be required if approved*)
- Interfere with Right of Light. Resident has lived there for 52 years so a Right of Light Easement would apply under Law of Tort (*this is private legislation and not a material planning consideration. Appendix D of Designing Walsall SPD provides standards to protect residents light and privacy*).
- Requires access via a shared driveway and will not allow future access to this or by any other properties (*this is a private legal matter and not a material planning consideration*)
- Current shared driveway is single width and a tight space in a very busy area which gives rise to existing problems and an additional house would worsen this (*The existing private driveway is deemed sufficient for vehicular access by existing residents*)
- Already too many cars in front of their house on Field Maple Road (*comment noted however the Local Highway authority has no objections in this regard*)
- Adding another house would exceed the maximum density levels (*the addition of a new house in an existing gap is considered would be in keeping with existing street densities*)
- Unfair to add another house to the shared access since they purchased their property (*this is a private legal matter and not a material planning consideration*)
- Access from a different point would mean they could live with everything else concerning the proposed dwelling. Council railings block access from Silverstone Drive (*the Council is required to determine the application before them*)

Determining Issues

- Principle of Development
- Design and Character of the Area
- Amenity of Neighbouring Residents
- Contaminated Land
- Air Quality
- Ecology
- Trees
- Parking and access
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The site is situated within a well-established residential area with regular bus services from Aldridge Road into Walsall and Birmingham. The site is considered to be in a

sustainable location consistent with guidance in the NPPF, BCCS and UDP.

Whilst the proposals will result in the development of a residential garden which is not defined as previously developed land in the NPPF, in this case, it is considered that the proposals in principle will not cause harm to the local area, will not adversely impact on the character and identity of the local area and will be consistent with advise in paragraph 53 of the NPPF and that the house is within a residential location. An appropriate level of private amenity space and parking will be retained for 4 Field Maple Road and the proposal would continue the residential street frontage this section of Field Maple Road.

The principle of an additional residential property fronting the street is considered appropriate in this location subject to safeguarding conditions which meet the 6 tests referred to in the NPPF.

Design and Character of the Area

The design reflects neighbouring houses with similar characteristics including roof design, forward gable projection and is of a similar scale and proportion to existing houses on the Poet's Wood Estate. The proposed house design is considered would integrate with the existing houses on Field Maple Road and Silverstone Drive since being reduced in height and would have a limited additional impact on the character of the area.

The reducing, stepped appearance of ridge heights between 2 and 4 Field Maple Road, the new dwelling and 24 Silverstone Drive is considered would maintain the existing rhythm and character of the street.

Side gaps of 7.5 and 8.9 metres would be retained between the proposed new dwelling and 4 Field Maple Road and 24 Silverstone Drive respectively which is considered would maintain the spacious appearance of this part of the street.

The proposed private amenity space provision of 12 metres in length would meet the requirements of Appendix D of Designing Walsall SPD.

To ensure the satisfactory appearance of the development is retained and to protect against future proposals affecting ground gas mitigation, permitted development rights for Householders can be removed, if approved.

Amenity of Neighbouring Residents

The proposed new dwelling would exceed 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 proposal would meet the Council's 45 degree guidance, as referred to in Appendix D, in relation to the adjacent houses 4 Field Maple Road and 24 Silverstone Drive. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

The proposed new dwelling would be separated from houses fronting Aldridge Road, by a distance of 48 metres. This would be double the recommended minimum separation distance of 24 metres between facing habitable room windows in

accordance with Appendix D of Designing Walsall SPD.

Whilst the proposed two rear dormer windows would face rear gardens serving houses fronting Aldridge Road it is considered that the small size of the dormers and separation distances would limit overlooking impacts and impact on light to neighbours rear gardens. Furthermore these neighbouring houses have outbuildings and garages separating these properties from the application site and there is already mutual overlooking at this distance.

The side facing window serving a non-habitable room could be conditioned to be obscurely glazed and any opening parts could be installed more than 1.7 metres above the floor of the room it serves, if approved.

Contaminated Land

The Poets Wood residential scheme, of which Field Maple Road is a part of, was constructed on a former landfill site known as Rawlins Tip, which continues to produce landfill gas. Consequently a ground gas management and ventilation scheme was installed as part of the remediation of the site prior to the residential development of this site. This ground gas and ventilation scheme comprises stone columns and a granular blanket with a ventilation system linked to ventilation points at the perimeter of the site. All buildings on the development have ground gas ingress protection measures incorporated into their structures.

Following consultation the Pollution Control Team have no objections to this development subject to the inclusion of planning conditions to ensure that existing landfill gas management installations are protected and suitable landfill gas protection measure are installed into the new dwelling, if approved. Had the proposed detached garage been retained as part of this planning application then ground gas protection measures would have been applicable to the garage as well as the dwelling. Removal of permitted development for outbuildings will ensure that an outbuilding cannot be constructed in future without first applying for planning permission.

There is a section 106 agreement in place requiring the setting up of a management company to oversee the annual review of onsite arrangements for details of the site and ground gas management arrangements as well as record the details of all additional built development. Further information is sought regarding the addition of a new dwelling on the estate in relation to the existing S106 requirements from the Council's Planning Solicitors and an update will be included on the supplementary paper.

If approved permitted development allowances should be removed, in line with the existing planning permission for the residential estate, to ensure future protection of existing ground gas and ventilation systems. This includes any engineering/building works within the curtilage of any dwelling forming part of the development involving excavation or disturbance of to any material at ground or floor level (including, although not limited to, the laying of a patio and the excavation of a swimming pool or pond and the installation of any free standing shed, hut, conservatory or greenhouse whether or not such installation involves any such excavation or disturbance) or the importation of any material or the raising of the

Air Quality

As a minimum, and in accordance with the Black Country Air Quality Supplementary Planning Document, new developments should include the provision of electric vehicle charging points, the installation of low NOx boilers. These can be secured by planning condition if the proposal is approved.

Ecology

The Council's Ecologist has advised that the submitted habitat survey report is considered to have accurately described the baseline and adequately and proportionately assessed the impacts of the proposals. It is considered the proposed development is unlikely to result in any significant ecological impacts. Safeguarding conditions can be included as recommended in respect of tree and shrub removal, creation of new wildlife features, measures to avoid impacts to any retained trees, nesting birds, hedgehogs and other mammals, if approved. Tree removal is considered does not pose a constraint from an ecological perspective.

Trees

The trees on the application site are covered by a Tree Preservation Order (TPO). The Arboricultural Impact Assessment proposes the removal of 5 protected trees to facilitate development (reference no's T10, T11, T12, T15 & T18) Pruning would be required to one tree to facilitate development (T17) and 3 trees removed on the grounds of condition (T3, T14 & T19). The Council's Tree Officer noted following their site visit that only 3 trees could be removed purely on arboricultural grounds.

All 21 trees are protected under Tree Preservation Order No. 32/2006, a woodland Order protecting all species of tree no matter when it started to grow and no matter what size. Woodlands are groups of trees growing in close proximity to each other and, as is typical with trees in this situation, some have dominated with reasonable shaped crowns, whilst others are suppressed with asymmetrical crowns. This is natural and does not devalue the woodland as a whole. Whilst the trees with asymmetrical crowns may not be worthy of individual protection, they form part of a collection of trees that forms the woodland, and their amenity value must be assessed as such.

The management of trees grown in close proximity to each other requires careful attention. Removing trees from a group that provides collective shade and shelter may increase the risk that any remaining trees will fail in adverse weather conditions. The proposed dwelling will result in the removal of several trees that not only provide the shelter and support they rely on but also have a detrimental effect on the visual amenity of the locality. In addition, given that the land is steeply graded downwards from the northwest to the southeast, there is potential for further tree removals due to the impact of regrading operations.

The Plan shows that tree reference no. T4 to be retained. This is a B class tree that will be affected by the ground level alterations associated with the construction of the turning head. The Council's Tree Officer considers that T4 cannot be retained. The sloping ground and the extended driveway all indicate that some form of retaining structure is required to support the driveway, regardless of whether it is of a no-dig construction or not. The closest point of the driveway is 1.5m from the base of the tree which is likely to have a significant impact on its retention. The removal of T4 will expose its immediate neighbours (of lesser value) to increased weather, which significantly increases the risk of failure in adverse weather conditions. Failure is

likely to lead to damage to person or property both within and outside the site.

The Tree Report shows an area of “ground protection” (blue shading) adjacent to the southern corner of the dwelling and the Council’s Tree Officer is unsure why this area is marked as such given the implication of hard standing unless the hard standing is to lead to the front of the dwelling only.

The applicants Tree Consultant has advised that surface water from the drive can be captured in part by a gutter drain across the drive and located outside of the root protection zone. Guttering around the roof will be arranged, if approved, so as downpipes are located at the furthest point possible from the root protection areas of retained trees. Details of the location of soakaways and drain runs has not been provided. Given the sloping nature of the site, the proximity of the dwelling to protected trees, and the tight margins between construction activities and the necessary tree protection, the potential impact on the existing trees is a concern of the Council’s Tree Officer.

The proposed building is located on the north side of the trees and given the prevailing winds emanate from the southwest the building is unlikely to provide shelter to the trees as suggested.

Tree reference no. T12 Pine (‘C’ class in the Arb Report although the Council’s Tree Officer classes it as ‘B’) is indicated for removal. Its removal will result in the removal of tree reference no. T13 also as the two trees form a small group and you cannot remove one without the other without significantly increasing the risk of the remaining tree failing in adverse weather conditions. Failure is likely to lead to damage to person or property both within and outside the site.

To conclude the removal of 6 trees (*excluding the 3 trees to be removed on purely arboricultural grounds plus the additional T4*) to facilitate development is considered will impact on the long-term health, condition and stability of the remaining trees. In addition, there are concerns that any remaining trees will be subject to repeated applications to either fell or severely prune them due to their juxtaposition with the proposed dwelling (on the south side). This is due to shading, their proximity to the dwelling raising concerns over their safety in adverse weather conditions, and general issues of leaves/twigs/ deposition and bird mess.

The refusal of this application is recommended due to the impact on, and the unjustified removal of, the existing protected trees that provide a useful amount of amenity value in the locality and the removal of trees is considered not compliant with NPPF paragraph 170, saved UDP Policy ENV18, BCCS Policy ENV1 and Policy NE8 of Conserving Walsall’s Natural Environment SPD.

Parking and Access

A total of three off street parking spaces are required to serve a 6 bedroom dwelling in accordance with the requirements of saved UDP Policy T13 Parking. There is considered to be sufficient space to the front of the proposed dwelling house to accommodate the required spaces.

Transportation Officers have commented that a resident should have to drag their waste bin no more than 30 metres but the proposed dwelling would see this drag distance from the edge of the application plot to the main carriageway of Field Maple

Road of approximately 33 metres.

Highways officers have expressed concerns regarding the distance that the new residents will need to drag their refuse bin, if this proposal is approved. Although there is a 3 metres shortfall it is not considered to be significant nor sufficient to warrant refusal of permission on this basis. Also any potential new occupiers will be aware of the need to drag bins to the nearest adopted highway, in the same way that the occupiers of no. 4 are required to.

Local Finance Considerations

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

This application proposes 1 new home.

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

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

Conclusions and Reasons for Decision

The proposed removal of 6 protected trees to facilitate development is considered would be detrimental to the wider amenity, aesthetic and landscape value of the area. Furthermore it is considered that the proposed tree removal will impact on the long-term health, condition and stability of the remaining trees. There are concerns that any remaining trees will be subject to repeated applications to either fell or severely prune them due to their juxtaposition with the proposed dwelling (on the south side). This is due to shading, their proximity to the dwelling raising concerns over their safety in adverse weather conditions, and general issues of leaves/twigs/ deposition and bird mess and contrary to NPPF para. 170, BCCS Policy ENV1, saved UDP Policy ENV18 and Policy NE8 of Conserving Walsall's Natural Environment SPD.

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Officers have liaised with the applicant's agent to address concerns raised and helpful changes have been made. However as objections in respect of the removal and impact on of protected trees remain and in this instance Officers are unable to support the proposal.

Recommendation

Refuse

1. The siting of the proposed new dwelling is considered would result in the removal of protected trees and impact on the long-term health, condition and stability of the remaining trees. Future pressure is also considered likely to remove or severely prune remaining protected trees due to their proximity to the proposed dwelling which would lead to further unacceptable impacts. The loss of these trees is considered would cause significant detriment to the landscape character of the site and visual amenity of the wider area. This proposal would be contrary to BCCS Policy ENV1, saved UDP Policy ENV18, NE8 of Conserving Walsall's Natural Environment SPD and NPPF Paragraph 170.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 04 March 2021

Plans List Item Number: 5

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 61, Manor Road, Streetly, B74 3NF

Proposal: ERECTION OF DETACHED DWELLING

Application Number: 20/0559

Case Officer: Rebecca Rowley

Applicant: LEE SUGDEN

Ward: Streetly

Agent: Richard Williams

Expired Date: 10-Jun-2020

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

Time Extension Expiry: 30-Oct-2020

Recommendation

Grant Planning Permission Subject to Conditions



Officers Report

The application seeks approval for the erection of one detached 3 bedroom two-storey house with hipped main roof and pitched front gable feature measuring:

- Depth: 10.6m
- Width: 6.1m
- Height to eaves: 5.3m
- Height to main roof ridge: 8.1m

The application site currently forms part of the curtilage of no. 61 Manor Road and this proposal includes the demolition of an existing single storey side extension to No.61 which incorporates a garage.

No. 61 is currently served by a vehicle access from Manor Road which serves an existing driveway for the house. The development looks to utilise this existing access point and driveway to serve both the existing dwelling and the new dwelling. The rear garden would be separated into two gardens to serve each dwelling independently. The retained garden area of No.61 would be 120m² and the garden serving the new dwelling would be 20.8m long with an overall area of 126m². Foliage along the rear boundary would be retained and the side boundary fence would be replaced with a new 1.8m high timber fence.

There would be a gap of 1m between No.61 and the proposed dwelling and a gap of 2.5m between the two storey side elevation of the proposed dwelling to the site boundary with Thorney Road. The new dwelling would be sited on ground level at 0.6m lower than the existing site dwelling and 0.8m higher than the highway on Thorney Road with a maximum roof height of 8.1m, 1.2m lower than No.61. Mature landscaping on the front driveway would be cut back to secure 2 retained parking spaces for the existing house and two parking spaces to serve the new dwelling.

Site and Surroundings

No.61 is a traditional right hand side semi-detached house with a hipped roof and bay windows on the ground and first floor. Facing materials are white rendering with brick quoining detailing on the corners of the building and a clay pantile roof. It has a single storey side extension which incorporates the garage and a single storey rear extension. The site is not an allocated site within the Site Allocation Document.

The property is a corner plot at the junction of Manor Road and Thorney Road. Due to the natural downward slope of Manor Road in a north westerly direction, the existing application site dwelling is sited on land which is 1.4m higher than the adjacent highway on Thorney Road. There is currently a 3.4m gap between the side elevation of the single storey side extension to the site boundary on Thorney Road. Along the rear and side boundary with Thorney Road is fencing and some mature trees and foliage. The front boundary on manor road is surrounded by a coniferous hedge with a gap for access onto the driveway which has sufficient space to park 4 vehicles.

The area is characterised with semi-detached residential properties of similar design which are built along Manor Road in a linear form. First floor side extensions above attached side garages and two storey rear extensions are a common feature.

The application site lies in between no.61 Manor road and no.59 Manor Road on the opposite side of Thorney Road. These corner houses are located on wide plots which has allowed room for development at the side of the original buildings. No. 59 Manor Road on the opposite corner of the junction with Thorney Road has a two storey side extension with a retained separation distance of 2.6m to the side boundary with Thorney Road.

Relevant Planning History

At Application Site

- BC11788 – Erection of Porch Verandah, kitchen extension & garage with 2 bedrooms over and dining room – granted permission – 24/05/1979
- BC17620P – Extension to kitchen and garage and erection of laundry – granted permission – 30/07/198

At 59 Manor Road (opposite corner of Thorney Road/Manor Road junction)

- BC19992P – extension to lounge – granted permission – 20/08/1987
- BC21671P – erection of utility room and first floor bedroom with bathroom – granted permission – 13/01/1988
- BC23832P – construction of pitched roof – granted permission – 13/10/1988
- 12/0481/FL - Single storey rear extension, roof raised over existing extension, new porch and bow window to front elevation, part conversion of garage – granted permission – 11/06/2012

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 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all

parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10 Pollution
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

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

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

It is considered in this case that the relevant provisions of the BCCS, Walsall's saved UDP policies, Walsall Site Allocation Document, Designing Walsall, Conserving Walsall's Natural Environment and Air Quality SPD's are consistent with the NPPF.

Consultation Replies

(Officer's comments in italics)

Local Highway Authority

No objections subject to conditions to consolidate the front driveway.

Planning Policy

The proposal would provide an additional dwelling and can be supported on strategic planning policy grounds by NPPF paragraph 59.

Pollution Control

No objections subject to conditions to secure measures be implemented to comply with the Black Country Air Quality SPD. The Applicant shall agree an Air Quality Low Emission Scheme in writing, with the Local Planning Authority, to install electric-vehicle charging points and Ultra-Low NOx boilers as well as a construction management plan.

The application does not state if a solid fuel burner will be installed within the proposed development, and this issue must be clarified with the applicant. Should the intention of the applicant be to fit such an appliance then the following condition must be included in the permission. *(The applicant has confirmed that there is no intention to include any type of solid fuel burner in the new dwelling).*

Notes for applicant included.

Severn Trent Water

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Note to Applicant provided.

West Midlands Fire Service

No Objection

Note to Applicant Provided

West Midlands Police – no comments received

Waste Management – no comments received

Tree Preservation Officer – no comments received

Representation

(Case Officer's Comments in Italics)

Following the initial consultation

7 representations were received from 7 separate addresses and a petition of 15 signatures (attached at end of this report), some of which were duplicates of the 7 other representations raising the following concerns:

Amenity

- The proposed construction will greatly disrupt the view and light to the even numbers side of Manor road.

Parking/ Highway Safety

- Insufficient parking spaces for the two houses would lead to on-street parking.
- Existing congestion and associated highway safety issues.
- The double yellow lines currently extend across the shared driveway.
- Works causing disruption or hazard to school children walking past on foot.
- The Site Plan shows 4 parking spaces shared between both the existing and the new property. Section 9 within the planning Application states 3 existing bays with a total proposed of 6 which is a contradiction to the proposed site plan and should be indicated within the proposed plans. *(Any permission granted would be in accordance with the plans provided with this application and a condition included to secure construction of the development in accordance with the plans)*
- One possible alternative suggestion is to have parking access to the rear garden from Thorney Road with a dropped kerb for access. This may be a possible solution. *(This application can only assess the plans that have been submitted)*

Character/Design

- Will disrupt the pattern of houses along the street. A detached property is out of character.
- Cramped/squashed appearance, looks odd and not in proportion. Especially compared to the space between most semi-detached properties.
- The scale, volume and mass of the building shoehorned into that corner is incongruous with the street scene and character of the area.
- One larger property/an extension would be in keeping *(Each application is judged on its own merits)*
- Terracing effect with the existing site dwelling
- Limited space between the proposed dwelling and the pavement on Thorney Road.
- The property adjacent, 59 Manor Road, has sympathetically added an extension above their garages with ample space to the side and in keeping with the road. *(each application is judged on its own merits)*
- This development will set a precedent on the road for other corner properties *(Each application is judged on its own merits)*
- The rear of the new dwelling will not be in line with the existing foot print of the other houses in this row. It will stick out and change the view, as well as reducing privacy to 63 Manor Road.

Trees

- Removal of trees has damaged/would damage the appearance/feel of the road.
- The plans state that there will be landscaping to the rear of the garden and also a 1.8m fence. I am assuming this fence will be on the property being developed and if the development was to be allowed in no way will interfere with the existing brick wall and fence already creating our perimeter boundary line and suitable planting will take place to replace all that has been removed. *(The proposed new fence is only shown along the side boundary with Thorney Road and planting is shown along the rear boundary in the same location as existing rear boundary foliage. There is no implication that the rear boundary wall would be affected in any way. If*

this wall were to be impacted this would be a civil matter between two neighbouring landowners)

Drainage

- The last few properties in this section of the road share a LINKED drainage system. Adding a '4' bedroomed property (with 3 WCs) may have an impact on the LINKED system. *(This is not a material planning concern in relation to this assessment and Severn Trent Water have expressed no objections to the proposal)*

Following amendments to reduce the dwelling from 4 to 3 bedrooms and reduce the height of the dwelling

8 representations were received from 5 separate addresses, 6 of which were original objectors, 2 of which were new objectors, raising the same concerns in relation to highway safety and parking, impact of the proposal on the character of the street, the squashed appearance and the impact of the removal of trees from the site, plus:

- Photographic evidence was submitted with one representation, demonstrating on-street parking.
- Should the proposed household have visitors, this would lead to further vehicles causing a hazard.
- The height looks somewhat lower even taking into account the gradient of the road.
- The amendments do not address any of my original comments
- Would cause neighbouring properties to have their views obscured.

Following amendments to increase the separation distance from the side elevation to the boundary with Thorney Road

A further 5 representations were received from 5 separate addresses, 3 of which were original objectors raising the following concerns:

- 4 x "My views remain the same"
- Fail to see the difference in the new amended plans from the original ones.
- No benefit to neighbours, will only benefit the owner
- Spoilt aspect

Determining Issues

- Principle of Development
- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Air Quality SPD
- Impact on Protected Trees
- Protected Species
- Parking and Highway Safety

Assessment of the Proposal

Principle of Development

The application is proposing a windfall development that would contribute towards the Council's aim to create 63,000 houses between 2006 and 2026.

In accordance with the requirements of Walsall Site Allocation Document Policy HC2, this site is not safeguarded or allocated for any other use and it is considered that a satisfactory residential environment can be achieved in this location.

The provision of housing within existing residential curtilage is considered acceptable. Planning Policy Officers have advised that the proposal would provide an additional dwelling and can be supported on strategic planning policy grounds by NPPF paragraph 59.

Design of Extension and Character of Area

The new dwelling would have a hipped roof, front gable feature and a ground and first floor front bay which is considered would reflect the design of houses along this stretch of Manor Road. The principal elevation would be rendered, with the characteristic brick quoining detail used on the corners of the front elevation that can be seen in many houses nearby, including No.61 and roof tiles would match the existing site dwelling. The plans submitted with this proposal demonstrate that the remainder of the elevations would be brickwork. The applicant has indicated verbally that he intends to render all elevations to reflect the appearance of the existing buildings on this corner and a condition will be included to secure this white rendering with retention of the brick quoining detail on the corners of each elevation.

Concerns have been raised regarding the addition of a narrow detached dwelling disrupting the pattern of the street which consists of wider pairs of semi-detached houses. However, as the dwelling would be located on a corner at the end of a row of semi-detached properties, the detached dwelling would provide an acceptable design which would integrate well with the locality, including a mix of detached properties along Thorney Road. It is considered that this would not warrant a reason for refusal.

Concerns have been raised that the addition of a new dwelling in this location would create a squashed appearance that would be out of character with the street scene as well as the creation of a terraced appearance between the new dwelling and the existing site dwelling. The separation distance of 1m between the existing and new site dwelling in conjunction with the hipped roof of each respective house sloping away from each other and the 1.8m difference in height between the two buildings is considered sufficient to limit the potential for a terraced effect between the two separate dwellings. The reduction in roof height compared to the site dwelling would reflect the gradient of the prevailing roofline which reduces with the natural downward slope of Manor Road in a north easterly direction.

The proposed new dwelling would be just 0.1m narrower than the original site dwelling prior to the addition of its side extension and the separation distance to the side boundary with Thorney Road would be similar to the separation distance of the two storey side elevation of no. 59 on the opposite corner of the junction with the highway. Concerns were raised regarding the separation distance from the two storey side elevation to the side boundary with Thorney Road. Amendments have been made to the original proposal

which increases the separation distance from the north east side elevation to the side boundary with Thorney Road to 2.5m which would create a similar appearance to the separation distance of 2.6m from the two storey side elevation of no. 59 on the opposite side of the junction.

The separation distance from the front of the new dwelling to the front boundary with the highway would be 11.8m and would reflect the prevailing building line along Manor Road. Concerns have been raised regarding the rear elevation being deeper than the rear building line along this section of Manor Road, which would be visible from Thorney Road. Whilst it is acknowledged that there are no two storey rear elevations of this depth visible from Thorney Road, it would be 0.8m shallower than the ground floor rear elevation at no. 61 Thorney Road and on balance, when taking account of the lower main roof height, the overall scale is considered acceptable and would not result in significant additional harm to the character of the area.

Windows have been included on the ground and first floor to punctuate the north east side elevation overlooking Thorney Road which helps to break up this.

It is considered that this proposal would not cause significant harm to the character of the application dwelling or the locality in accordance with the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall policy DW3 and Appendix D.

As it is acknowledged that this proposal has required reducing in size to meet the requirements to reflect the character of the area, a condition will be included to remove permitted development rights for extensions to the new dwelling to protect the character of the locality and also to protect the amenity of neighbouring occupants.

Amenity of Nearby Residents

The proposed new dwelling would not project beyond the front elevation of No.61 so is considered would have little impact on amenity in respect of the front rooms of this house. The two storey rear elevation would be in one alignment and would not project beyond the ground floor of No.61. It would project 2.4m deeper than the first floor of the rear of No.61 but would not breach the Council's adopted 45 degree code in respect of the nearest first floor habitable room rear window which is on the opposite side of the rear elevation (the nearest window serves a non-habitable room). There is one obscurely glazed non-habitable room side facing window in the north east side elevation of No.61 and one window is proposed in the south west side elevation of the proposed new dwelling to serve the stairway and landing room. It is considered that this proposal would have limited impact on the amenity of occupants of the existing site dwelling in terms of outlook, light availability or privacy.

Concerns have been raised that the proposed construction will greatly disrupt the view and light to the even numbered houses on Manor Road. These are the houses on the opposite side of the road to the application site. There would be a separation distance of 34.5m between habitable room windows facing onto Manor Road and habitable room windows of opposite dwellings on Manor road (no.s 58 and 60), which exceeds the separation distance requirement of 24m as set out in the SPD Designing Walsall Appendix D and is considered would reflect the relationship that could be expected between habitable room windows fronting a highway and would not cause sufficient harm to their visual amenity to warrant refusal. Considering the north westerly orientation of the front of the even

numbered houses on Manor Road, sunlight is directed at the opposite side of these houses throughout the day and as such it is considered that the construction of a new dwelling to the north west of these dwellings would not have any further significant impact on sunlight availability to the front of these houses.

The rear elevation would be sited in front of no 90 Thorney Road to the rear of the application site at an approximate 90 degree angle to the front elevation of no. 90. No. 90 is a bungalow with a separation distance of around 23.5m between any windows at the rear of the proposed new dwelling. It is considered that this distance and angle would offer limited potential for any overlooking or loss of privacy for occupants of no. 90 Thorney Road.

There would be a separation distance of 40m across the highway to the side elevation of no, 59 Manor Road which does not contain any windows.

Occupants of the proposed new dwelling would benefit from a 20m long rear garden with an area of 126m² which exceeds the requirements for amenity space outlined in the SPD Designing Walsall Appendix D. There is adequate rear garden space associated with the proposed house and retained by no.61 Manor Road. The overall area would have adequate space and sufficient to support these households.

The proposed 1.8m side boundary fence along the boundary with the public footpath on Thorney Road, which would appear higher from the highway due to natural changes in land levels would safeguard the amenity of occupants when using their private amenity space.

It is considered that the development would provide acceptable living conditions for the future occupiers of the application property and existing local occupants and would meet the amenity requirements of saved UDP policy GP2.

Air Quality SPD

The application does not include any details on how the Air Quality SPD will be complied with. However, a pre-commencement condition can be imposed, requiring the applicants to submit information that demonstrates that a low Nox boiler and Electric Car charging point will be installed, prior to commencement of development.

Impact on Protected Trees

The nearest protected trees are around 25m away from the application site on the opposite side of the highway. It is considered that this proposal would not impact on protected trees.

Multiple concerns were raised relating to the removal of trees on this site and the resultant impact on the appearance of the street. As there are no protected trees on site, the applicant can lawfully remove any/all trees within the curtilage of the boundary without the requirement for permission from the Local Authority. Amended site plans submitted demonstrate the retention of foliage along the rear boundary, which addresses one of the concerns raised by a neighbouring occupant.

Protected Species

The application site does not fall within buffer zones for any protected species. No alterations are proposed to the roof space of the existing site dwelling. It is considered that this proposal would not cause harm to any protected species.

Parking and Highway Safety

Multiple concerns have been raised regarding insufficient parking on this site to accommodate the vehicle requirements of two dwellings and the resultant impact of on street parking. The original proposal for a 4-bed dwelling has been reduced to a 3-bed dwelling. The proposal demonstrates the provision of 2 off-road vehicle parking spaces for each of the existing and the proposed new 3-bed dwellings, which accords with the requirements of saved UDP policy T13.

The application looks to construct a new dwelling adjacent to the existing dwelling. Frontage parking for both the new and existing dwelling is proposed based around the single existing access which is to be shared.

Concerns raised relating to existing on street parking and the hazards that this may cause are not material planning concerns in relation to this proposal. But concerns that works may cause disruption or a hazard to school children walking past on foot may be alleviated by a condition that will be included to secure the provision of a construction management plan to protect the amenity of the area and neighbouring occupants.

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 paragraph 109 and have expressed their support for this proposal subject to the front driveway being fully consolidated and drained prior to use.

Conclusions and Reasons for Decision

When assessing the material planning considerations and taking into account the local and national planning guidance and representations received, it is considered that the principle of the development and the resulting amenities of the local area is compliant with the provisions of policy HC2 of Walsall's Site Allocation Document.

The design is considered appropriate in relation to the wider street scene and does not harm the visual amenities of the area. Therefore, it is in accordance with saved UDP policies: H1, GP2 and ENV32 and SPD Designing Walsall.

The proposed development is considered to not have a detrimental effect on the outlook, daylight or privacy to neighbouring habitable rooms. Therefore, the residential amenities will remain protected and the proposed development is in accordance with saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

For a three bedroom house, adequate space for two off-road parking spaces within the curtilage of the dwellinghouse have been demonstrated. Therefore the proposal is in accordance with saved UDP policy T13.

Compliance with the Air Quality SPD can be secured through pre-commencement conditions.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the height and width of the original proposal and the relationship of a blank two storey elevation to the side boundary with Thorney Road, plus the number of bedrooms in relation to the parking requirements amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Grant Planning Permission Subject to Conditions

Conditions and Reasons

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

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

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

- Proposed Site Plan and Details, drawing no. WAD1079-02 Rev C, submitted 20/01/2021
- Proposed Plans and Elevations, drawing no. WAD1079-01 Rev C, submitted 20/01/2021
- Existing and Proposed Street Scene, drawing no. WAD1079-03 Rev C, submitted 20/01/2021

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

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

- Construction working hours
- Parking and turning facilities for vehicles of site operatives and visitors

- Loading and unloading of materials
- Storage of plant and materials used in constructing the development
- A scheme for recycling/disposing of waste resulting from construction works
- Temporary portacabins and welfare facilities for site operatives
- Site security arrangements including hoardings
- Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- Measures to prevent flying debris
- Dust mitigation measures
- Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
- ADD re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc

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

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

4a: Prior to the commencement of the development hereby permitted an Air Quality Low Emission Scheme shall be submitted to and approved in writing, with the Local Planning Authority, to install an electric-vehicle charging points and Ultra-Low NOx boiler.

4b: 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.

4c: Prior to the first occupation of the development hereby permitted, a written Low Emission Scheme Validation Statement shall be submitted to and approved in writing with the Local Planning Authority that demonstrates the agreed scheme has been installed.

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

5a: Notwithstanding the details as submitted, the hereby permitted development shall be finished externally in a white render to all external walls, with the exception of the quoining details as shown on Plan WAD1079-01 Rev C, submitted 20/01/2021.

5b: Notwithstanding the details as submitted, 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, roof tiles, rainwater products and soffits, shall be submitted in writing to and approved in writing by the Local Planning Authority.

5c. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be maintained and 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.

6a) Prior to the first occupation of the new dwelling, the parking area shall be fully consolidated, hard surfaced and drained so that surface water run-off from this area does not discharge onto the highway or into any highway drain.

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

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

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

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

8: Notwithstanding the details as submitted, the development shall not be carried out otherwise than in accordance with the proposed ground floor front W.C and first floor front en-suite bathroom windows and the 2no. first floor north east side facing bathroom windows, as shown on the following plans: (Drawing No. WAD1079-01 Rev C, submitted on 20/01/2021) hereby permitted, shall be non-opening below 1.7m and obscurely glazed to meet Pilkington level 4 or equivalent and shall thereafter be retained for the lifetime of the development.

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

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 A (enlargement, improvement or other alterations)
- 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 F (hard surfaces incidental to the enjoyment of a dwelling house)
- Class G (chimneys, flues)

shall be installed in any part of this development, unless with the prior consent of the Local Planning Authority.

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.

Notes for Applicant

1. 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.

2. Severn Trent Water

Severn Trent Water advise that there is a public sewer located within this 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 the proposals. Severn Trent will seek to assist in 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. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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 to this please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 0345 266 7930.

3. Pollution Control

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)

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

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

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

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

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

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

Ultra-low NOx boilers discharge NOx at or below 40mg/kWh. The latest models are future-proofed to the European Union's Energy-related Products Directive 2018 NOx levels. At the same time, they meet the EU standard EN15502 Pt 1 2015 Class 6 for NOx, and may be eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.

4. West Midlands Fire Service

Approved Document B Volume 1 2019, Dwelling Houses

Access and facilities for the fire service B5.

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.

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 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

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)

Petition Extract

PAGE 1

June 2020



Petition

We the undersigned residents of Manor and Thorney Roads wish to object to the proposed erection of one, two storey detached dwelling house, to the side of 61 Manor Road: planning application 20/0559 refers.

Planning Reasons:

The restricted width of the plot and the form and scale of the proposed dwelling house, particularly when viewed in relation to the wide semi- detached dwellings located in Manor Road, would be at odds with those properties. The introduction of a detached dwelling to the side of 61 Manor Road would disrupt the existing pattern of the roads development and would appear as an incongruous, cramped addition which would be detrimental/ harmful to the character and appearance of the area.

Highway:

Manor Road is a busy through fare road. There are double yellow lines outside the application property and also because of the heavy school traffic there are parking restrictions on both Manor Road and Thorney Road. Moreover, staff working at both Nissan Car Showroom and also Newgate House (Schoen Eating Disorder Clinic) both located on Chester Road, park all day in Manor Road which makes reversing off the drives very hazardous. The removal of the existing garages at 61 Manor Road to facilitate this development, together no provision of a garage at proposed new dwelling, would lead to a restricted provision for vehicle parking on frontage of both properties, with an negative impact on street parking and hazardous reversing

Tree loss

The application form states that the development does not lead to any tree loss at the site. However on 8/6/2020 a number of trees were removed from property including Cypress and a Monkey trees, together with several others species, all which did contributed to visual amenity of the locality



Address	Date
69 Manor Road	23/6/2020
71 " "	"
67 " "	"
65 " "	23/6/2020
64 " "	"
62 " "	"
63 " "	23/6/2020

PAGE 2 CONT

SIGNATURE

ADDRESS

DATE

90 THORNEY RD.

23/6/2020

73 THORNEY RD.

25/6/2020

77 Thorney Rd

25/6/2020

88 Thorney Row

25-6-2020

58 Manor Rd

25/06/2020

56 Manor Rd

25/6/2020

59 MANOR ROAD

25/6/2020

60 Manor Road

24/6/2020

ATTACHED 3. PHOTOS

SHOWING SITE VEGETATION
BEFORE REMOVAL

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 04 March 2021

Plans List Item Number: 6

Reason for bringing to committee

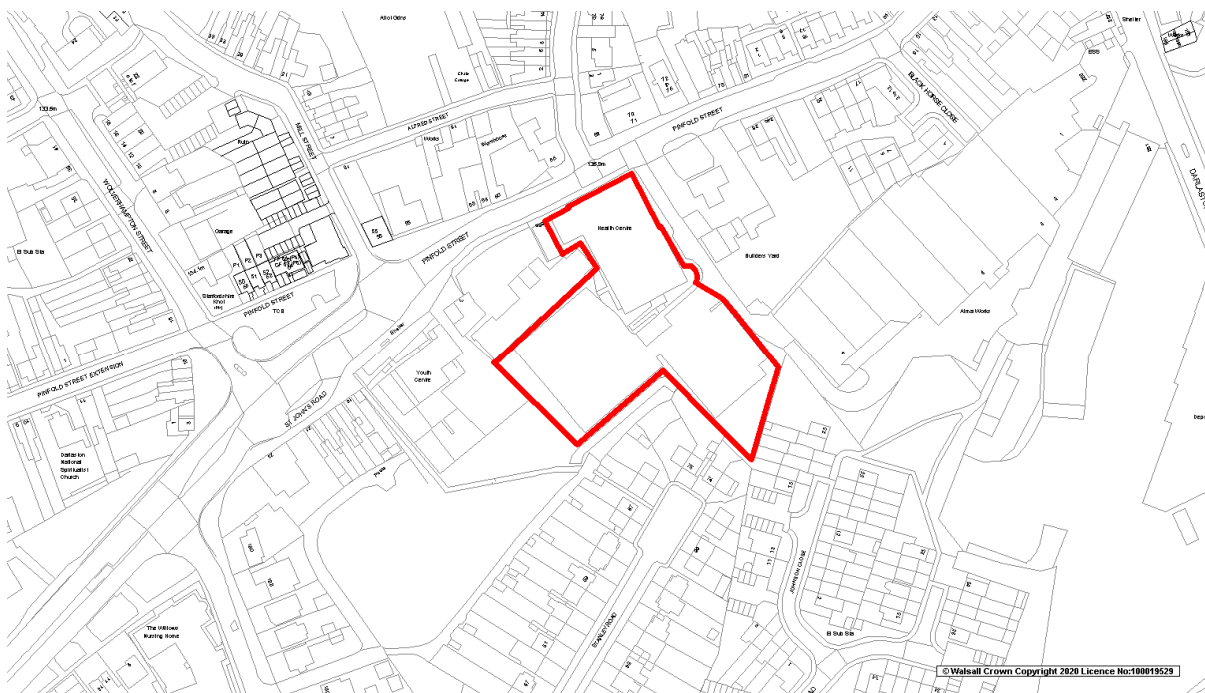
Significant Community Interest

Application Details

Location: Darlaston Health Centre, Pinfold Street, DARLASTON, WEDNESBURY, WS10 8SY

Proposal: ERECTION OF SECURE BIN STORE IN EXISTING CAR PARK, AND WIDENING OF EXISTING RAMP TO MAIN ENTRANCE. PROPOSED BIN STORE TO CONTAIN CLINICAL AND NON-CLINICAL WASTE, INCLUDING COVID-19 RELATED WASTE.

Application Number: 20/1526	Case Officer: Sally Wagstaff
Applicant: NHS Property Services	Ward: Darlaston South
Agent: Matt Sheffield	Expired Date: 15-Feb-2021
Application Type: Full Application: Minor Use Class E(e) (Medical or Health Services)	Time Extension Expiry:



Recommendation

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; and
- Finalising of planning conditions

Proposal

This application relates to the erection of a secure bin store within the existing car park of Darlaston Health Centre for clinical and non-clinical waste including covid related waste.

The health centre is currently being used as a vaccination centre as part of the Covid-19 vaccination programme.

The proposed bin store will be wooden with a steel frame and roof with two separate compartments for up to 9 bins. 6 bins for general waste and 3 bins for clinical waste. The bin store will have two separate digipad door locks for both compartments. Internal and external bulkhead lights will be fixed above the doors.

The bin store will be located behind the entrance gates to the car park within 2 bays currently used for disabled parking.

The bin store measures:

- 6 metres in width
- 4.65 metres in depth
- 2.7 metres in total height

There are currently a number of bins close to the existing access ramp to the entrance, non-clinical waste bins are on the pavement and clinical waste bins locked behind a palisade fencing enclosure. The proposal would allow for the existing waste to be kept within a secure area.

The proposal also includes widening of the existing ramp to the main entrance of the health centre. The ramp will be increased to 1.68 metres in width at the widest point enclosed by a wall approx. 700 mm in height with a handrail. Lighting will be added on the ramp to ensure the safety of the customers after dark. The existing security fencing and gates around the entrance to the ramp will be replaced with new ones to match the existing.

Site and Surroundings

The application site hosts a two storey modern pitched roof health centre at the back of the footpath along Pinfold Street, Darlaston. There is a large car parking relating to the centre to the rear of the site accessed via a driveway along the eastern side of the building.

The main entrance to the health centre to the rear of the building, there is an accessibility ramp and cycle storage to the front of this. There is also an entrance on Pinfold Street which currently not in use.

To the east of the site is a car dealership, caravan storage facility and beyond this a trailer parts manufacturing business.

To the south of the site are residential properties of Johnson Close, the nearest property no. 25 has a triangular garden with one corner close to the boundary of the application site, the garden is approximately 30 metres away the location of the bin store.

There are also residential properties to the south east of the site on Stanley Road, no. 75 has a back garden which adjoins the boundary of the site, the garden is approximately 35 metres from the location of the bin store.

To the west of the site is Shi Guru Ravidass Temple and Jhoots pharmacy both facing Pinfold Street.

Relevant Planning History

None

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T4 - The Highway Network
- **Black Country Core Strategy**
- Vision, Sustainability Principles and Spatial Objective

- ENV3: Design Quality

Supplementary Planning Document

Designing Walsall

- DW3 Character

Consultation Replies (*Officer comments in italics*)

Highway Authority – Support, the ramp alterations shall meet DfT Inclusive Mobility guidance standards.

Public Health – (*verbal comments*) The contents of the bins would be managed by a clinical waste company in line with their set requirements. If members of the public have specific concerns regarding this management of the waste they are able to contact the Environment Agency for further advice.

Pollution Control – No requirements or recommendations

Police Architectural Liaison Officer – No objections

Representations

Objections have been received from 4 nearby neighbours with concerns relating to:

- Covid waste stored close to residents and users of health centre
- Health safety risks are unknown as they are not described in application
- Bin store is within close proximity to neighbouring gardens
- How will the health centre ensure bin store is secure
- How will the bin collections be managed
- Increased heavy duty vehicular movements next to residential properties
- Fear of rodents

Determining Issues

- **Design and Character of the Area**
- **Amenity of neighbouring residents**
- **Health and safety of local residents**

Assessment of the Proposal

Design and Character of the Area

The size, height and design of the bin store is appropriate for the needs of the health centre and would not have a detrimental impact upon the character of the area.

Widening the existing ramp and associated changes would be an improvement for the users of the health centre and would not have a detrimental impact upon the character of the area.

Amenity of neighbouring residents

The proposed bin store would be sited approximately 30 metres from the nearest property no. 25 Johnson Close and 35 metres from no. 75 the nearest property on Stanley Road with the health centre car park between the properties and the bin store. The bin store would not result in a loss of light or outlook to residential properties on Johnson Close and Stanley Road.

Health and safety of local residents

The site currently has clinical and non-clinical waste bins which will be moved into the secure bin store. Planning permission is required for the physical bin store and not its contents, nevertheless the safety of local residents is a material consideration. Public Health have been consulted and have verbally advised that the contents of the bins would be managed by a clinical waste company in line with their set requirements. The applicant has confirmed that all of the covid waste will be handled in line with government guidance. It is understood there will be no change to the existing collection routine.

It is considered that the location of the bin store and the security provided will be an enhancement to the current facilities in place at the health centre. The bins have lids and would be securely locked away with a digipad security system to enable access only to those who manage the waste. The proposed bin store would be sited approximately 30 metres from the nearest property no. 25 Johnson Close and 35 metres from no. 75 the nearest property on Stanley Road with the health centre car park between the properties. It is considered the contents of the secure bin store and the collection of the waste would have not have an effect upon the quality of life enjoyed by the occupiers of properties on both Johnson Close and Stanley Road. Public health have advised if members of the public have specific concerns regarding this management of the waste they are able to contact the Environment Agency for further advice.

On balance it is considered the proposal would result in a scheme which is no more harmful to the health of local residents than the current waste facilities provided onsite.

Access and Parking

The proposal would not result in a change to the access onto the car park. No changes are proposed to the collection routine on site.

The proposed bin store would be located in two disabled parking spaces resulting the loss of two spaces. Disabled parking facilities remain on site to meet the needs of the users of the health centre.

No objections received by the Highway Authority in relation to highway and pedestrian safety. A note to the applicant is recommended in relation to the ramp complying with DfT Inclusive Mobility guidance standards.

Conclusions and Reasons for Decision

The design of proposal is considered to be acceptable in terms of size, height and materials and on balance would not harm the character of the area. The proposal complies with saved polices GP2 and ENV32 of Walsall's UDP and Designing Walsall SPD.

The development has a limited impact upon the amenity of neighbouring properties in terms of light, outlook and privacy. The proposal complies with saved polices GP2 and ENV32 of Walsall's UDP.

The proposal does not warrant refusal on the basis of the contents of the bin store.

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 by local residents in terms of the management of the waste, additional information has been submitted which enable full support to be given to the scheme.

Recommendation

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; and
- Finalising of planning conditions

Conditions and Reasons

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

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

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

- Proposed Bin Store, drawing no. UJ085-1532-DB-RE-ZZ-DR-A-0803 rev 04, submitted 22/12/20
- Proposed Ramp Adjustments, drawing no. UJ085-1532-DB-RE-ZZ-DR-A-0803, rev 03, submitted 22/12/20

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).

Notes for Applicant

1. The ramp alterations shall meet DfT Inclusive Mobility guidance standards.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 04 March 2021

Plans List Item Number: 7

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 75, LINCOLN ROAD, WALSALL, WS1 2DW

Proposal: FIRST FLOOR SIDE EXTENSION WITH FRONT DORMER AND ADDITION OF NEW PITCHED CANOPY OVER GROUND FLOOR BAY WINDOW

Application Number: 20/1541

Case Officer: Rebecca Rowley

Applicant: N Iqbal

Ward: Paddock

Agent: PAUL CLIFTON ASSOCIATES

Expired Date: 29-Jan-2021

Application Type: Full Application:
Householder

Time Extension Expiry: 11-Mar-2021

Recommendation

Grant Planning Permission Subject to Conditions



Officers Report

This application requests permission for the following extensions:

First Floor Side Extension with front gable dormer

The side facing gable roof would extend upwards following the slope of the existing front roof above the single storey part of the house. A new first floor bedroom would be created in the extended roof space.

- Depth: 4.6m
- Width: 3.6m
- Height to Eaves at rear: 2.7m
- Height: 6.6m

A dormer window is proposed on the front and 2 roof lights on the rear

- Dormer Height: 2.5m
- Dormer Width: 2m
- Dormer Depth: 2.3m

There are no changes proposed to the ground floor plan but a new hipped roof would be added above the existing ground floor bay window on the single storey side of the building.

- Height to eaves: 2.7m (to match existing eaves)
- Height from ground level at centre point: 3.5m

Site and Surroundings

The application property is a semi-detached house with a two storey front gable feature with an original cat-slide roof to the side. A dormer window has been added to the original catslide along with a single storey side and rear extension with an asymmetric side gable has been added onto the eastern side of the building. Facing materials are off-white rendering and dark grey roof tiles.

The street has a residential character consisting of pairs of similar semi-detached properties a number of which have two storey side extensions. The street level rises in a westerly direction and houses along Lincoln Road and Princes Avenue converge towards the corner house, no 83 Princes Avenue where the depth of residents' rear gardens reduce. The rear gardens of 73 and 75 Lincoln Road and 83 and 85 Princes Avenue are angled and short in length.

The rear garden of 75 Lincoln Road is between 1m (when measured from the existing single storey side extension) at its shallowest point and 10.5 metres deep. The rear garden of 85 Princes Avenue is between 4 and 11 metres deep. No 83 Princes Avenue has a rear garden depth of 6.4 metres. The garden of the application house reduces in ground level to the east.

The neighbouring properties include;

73 Lincoln Road

This adjoining property is a two-storey house located to the left-hand side of no. 75 Lincoln Road. There are habitable windows located to the ground and first floor of the rear elevation. There were four previous planning applications which includes:

[Page 109 of 145](#)

proposed two and single storey side extensions and two storey rear extension refused in 2016 (16/0410), proposed two storey side and rear extensions and 2m high wall to side of house refused in 2016 (16/1708), proposed two storey side & rear extension refused in 2018 (17/1502) and two storey side extension, single storey rear extension and front porch granted in 2018 (18/1077). Facing materials of 73 are identical to the application dwelling and the boundary between these two attached houses is not explicitly clear from the highway without closer inspection

83 Princes Avenue

This neighbouring two-storey house is situated in a corner position between Lincoln Road and Princes Avenue. It is located to the right-hand side of the application property facing towards Lincoln Road. There are habitable windows located to the ground and first floor of the rear elevation of the property. The separation distance from the first floor gable side elevation of the application dwelling to the rear of no. 83 Princes Avenue is 15 metres.

85 Princes Avenue

This two-storey house is located to the rear of no. 75 Lincoln Road. There are habitable windows located to the ground and first floor of the rear elevation. The separation distance from the first floor side gable of the application dwelling to the ground floor rear of no 85 is 8m (although there are no habitable windows in this part of the rear elevation) and to the first floor is 12.5m and from the roof ridge of the single storey side extension to the nearest ground floor habitable rear room window is a minimum of 11m.

87 Princes Avenue

This neighbouring two-storey house is located to the rear of no. 75 Lincoln Road. There are habitable windows located to the ground and first floor of the rear elevation. The separation distance from the front of the application dwelling to the rear of no. 85 Princes Avenue is 13 metres.

56 and 58 Lincoln Road

These neighbouring two-storey properties are located directly opposite no. 75 Lincoln Road. There are habitable windows located to the ground and first floor of the front elevations. The separation distance is 27 metres from the front of the application property to the front elevations of 56 and 58 Lincoln Road.

60 Lincoln Road

This two-storey house is located to the south east of no. 75 Lincoln Road. There are habitable windows located to the ground and first floor of the front elevations. The separation distance is 35 metres from the front of the application property to the front elevations of no. 60 Lincoln Road.

62 Lincoln Road

This neighbouring two-storey house is situated in a corner position between Lincoln Road and Princes Avenue. There are habitable windows located to the ground and first floor elevation. The separation distance from the front of the application dwelling to the front of no. 62 Lincoln Road is 45 metres.

Relevant Planning History

BC60063P - New double garage, laundry and bedroom with en-suite and installation of dormer window to front elevation of existing dwelling. Refused 30/11/1999 on the following grounds:

1. The development proposed, if approved, would have an overbearing effect on No.s 83 and 85 Princes Avenue and would give rise to a loss of privacy by reason of:
 - a) Its size
 - b) Its proximity to the site boundary and adjacent dwellings
 - c) The difference in levels between the properties
 - d) The orientation of the dwellings

The proposal would have an adverse impact on amenities currently enjoyed by these properties and the approval of this application would therefore be contrary to policy H4 of the Development Plan.

2. The development proposed would constitute a disproportionately wide extension to the dwelling which would adversely affect its appearance in the street scene and that of the adjoining dwelling. The proposal would constitute an overdevelopment of the site which would be out of character with the surrounding area. The approval of this application would therefore be contrary to policy H4 of the Development Plan.

17/0024 - Proposed two storey side extension and single storey rear extension
Refused 16/06/2017 on the following grounds:

1. The proposed one and a half storey side extension would constitute a disproportionately wide extension in relation to both the host dwelling and the the pair of semis, being almost as wide as the existing house, which is considered would adversely and detrimentally affect its appearance within the street scene, would be out of character with the surrounding area and adjoining dwelling. The proposal would be contrary to the National Planning Policy Framework including paragraph no.s 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 plus Appendix D of Designing Walsall SPD.
2. The design of the proposed one and a half storey side extension relates poorly to the design of the host dwelling appearing contrived by introducing a hipped roof without limiting the impacts of this development on neighbouring properties at lower ground levels in close proximity to the application house. The appearance of the proposed one and a half storey side extension is considered fails to integrate with the design and form of the existing house, creating an incongruous addition to the property, detrimental to the neighbours' amenity, the street scene and the character of the area. The proposal would be contrary to the National Planning Policy Framework including paragraph no.s 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development plan, particularly policies GP2 and ENV32 plus Appendix D of the Designing Walsall SPD.

3. The proposed one and a half storey side extension at 75 Lincoln Road is considered would have an overbearing, overshadowing and unacceptable detrimental impact on occupiers of no. 85's existing privacy. Light, amenity and their enjoyment of their private amenity space, due to the proposed scale, close proximity, proposed rear facing roof lights and limited 6m separation distance between the proposed extension and 85 Princes Avenue, compounded by no. 85s lower ground levels compared to no. 75. The proposal would be contrary to the National Planning Policy Framework including paragraph no.s 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development plan, particularly policies GP2 and ENV32 and Designing Walsall SPD.
4. The proposed one and a half storey side extension at 75 Lincoln Road is considered would have an overbearing and unacceptable impact on occupiers' amenity at 83 Princes Avenue because of the close proximity of the extension to habitable room windows in no. 83, exacerbated by the difference in ground levels, to the detriment of their outlook and enjoyment of their private amenity space. The proposal would be contrary to the National Planning Policy Framework including paragraph no.s 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development plan, particularly policies GP2 and ENV32 and Designing Walsall SPD.

17/1200 - Single storey side and rear extensions – permission granted – 21/12/2017

18/1124 - Non-Material Amendment replacing patio door with single door and window to kitchen and internal layout amendment. Permission granted – 20/09/2018

19/0413 – front dormer extension – permission granted – 17/05/2019

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

Consultation Replies

Pollution Control

The property is located in an area previously utilised for the manufacture of clay, brick and tiles with subsequent infilling. This may have resulted in hotspots of contaminated soils that could present Health and Safety implications for persons undertaking ground works. An advisory note has been included.

Representations

3 representations were received from 3 separate neighbouring occupants raising the following concerns (*case officer's comments in italics*):

- 2no. references to previously refused planning applications at this site (*reasons for refusal of previous applications have been considered in weighing the planning balance of this assessment. Each application is judged on its own merits*)
- As long as the building is still single storey and no plans to make it a duplex - it should be ok.
- The proposed extension would be a disproportionate and excessive further addition to a modest sized property
- Overlooking and detriment to privacy and enjoyment of private amenity space
- Reduced outlook
- Enclosing/dominating neighbouring gardens
- The existing single story side extension leaves a gap of less than 1.0m between the side wall and the boundary and so effectively fills the space between the existing property and the boundary. The plans for the first floor

Page 114 of 145

extension would reduce the upper space by more than 3.0m, but the differences in level and the angle of the Lincoln Road property would dominate my rear garden

- The plans fail to show the significant level differences between the properties. The property in Lincoln Road is elevated about 1.5m above our property in Princes Avenue and is set at an angle (*the case officer has observed the differences in land level during the site visit*)

Determining Issues

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

Assessment of the Proposal

Design of Extension and Character of Area

Concerns have been raised regarding the disproportionate and excessive nature of this proposed addition to the dwelling. There would be no increase in the footprint of the existing building. One neighbour expressed no concerns as long as the building is still single storey. The proposed first floor bedroom would be created in the extended roof space of the half storey extension above an existing single storey side extension at the application dwelling. Therefore this section of the house would become 1.5 storey. The increased roof height would be added as a continuation of the existing front roof slope above the single storey side extension, which has a steeper gradient than the rear roof slope. Therefore the highest point of the roof would be closer to the front elevation of the dwelling. Although the gable would be asymmetrical due to the difference in the gradient of the front and rear roof slopes, the design incorporates a side gable feature and a front cat slide which reflects the original design of this house. It also includes a dormer in the front catslide, which is considered would complement the dormer that has been added to the original front catslide. The extended roof height would be 2.2m higher than the roof of the single storey extension but 2.5m lower than the roof ridge of the main dwelling and the roof would be stepped back from the principal elevation and front catslide of the original dwelling, so this extension would clearly demonstrate subservience to the existing building.

The attached semi, no. 73 has a 2 storey side extension with 2 storey front gable feature, on the opposite side of the pair of buildings. Both houses have used the same facing materials when constructing their extensions, specifically off white rendering, dark grey roof tiles and black window and door frames which creates the appearance of one large detached dwelling. It is considered that the addition of the proposed half storey extension would help to provide a balance to the pair of semi-detached houses. It is not considered sufficient to warrant a refusal.

It is acknowledged that the existing single storey side extension at the application site was constructed following a refusal for a two storey side extension in the same location. One of the reasons for refusal was it being disproportionately wide in relation to both the host dwelling and to the pair of semis. Whilst this proposal does seek to add a first floor element to the side of the original house, this scheme is considerably reduced compared to the refused proposal, 1.5m lower in height and spanning only half the width of the previously refused 7m wide two storey side extension.

Furthermore, a reason for refusal of the previous scheme was the inclusion of a

hipped roof which was considered would relate poorly to the design of the host dwelling and incongruous addition to the existing house; this proposal retains a side gable elevation which is consistent with the existing building.

The addition of a hipped roof over the existing front bay window is considered would be a modest addition to this elevation and would reflect the adjoining semi.

It is considered that this proposal would not cause significant harm to the character of the application dwelling or the locality in accordance with the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall policy DW3 and Appendix D.

Amenity of Nearby Residents

The roof of the existing single storey side extension was intentionally designed to limit any impacts on neighbours at the rear and side of the application site. The proposed half storey side extension would follow this intentional design which increases the bulk and the height of the roof by a greater amount at the front of the building facing Lincoln Road than the rear of the roof which faces or is visible from the rear gardens of nos 83, 85 and 87 Princes Avenue. The front dormer extension would be obscured from the view of occupants of adjoining semi, no. 73 by the original front gable of the application dwelling and is considered has no potential to cause harm to the amenity occupants of this house. It would not be visible for neighbouring occupants at no. 83 Princes Avenue. The separation distance across the highway from the proposed dormer window to the nearest first floor habitable room windows would exceed the required separation distance set out in the SPD Designing Walsall Appendix D and the relationship is considered what could be expected for first floor windows facing opposite houses across a highway.

A number of neighbouring concerns have been raised from occupants to the rear of the application site regarding the impact of this proposal on their outlook, privacy and light availability as well as enjoyment of their private amenity space.

A previous reason for refusal of the 2017 two storey scheme was the proximity of the extension to habitable room windows at no. 83 causing detriment to their amenity. At neighbouring dwelling no. 83, there are no windows which directly face the proposed extension as all elevations at no. 83 are angled away from the application site. Furthermore, there are no windows in the section of the rear elevation that could have views towards the application site. Windows in the opposite side of this rear elevation would not have a natural line of view towards the proposed extension and it is considered that this proposal, at a lower height and half the width of a previously refused two storey scheme, would have limited impact on the outlook for occupants of no. 83 from within their house.

Another reason for refusal of the 2017 two storey scheme was an overbearing, overshadowing and unacceptable detrimental impact on occupiers of no. 85's existing privacy, light, amenity and their enjoyment of their private amenity space, due to the proposed scale, close proximity, proposed rear facing roof lights and limited 6 metre separation distance, between the proposed extension and 85 Princes Avenue, compounded by no. 85's lower ground levels compared to no. 75. The separation distance from the nearest first floor habitable room window at no. 85 to the extended roof ridge would be 13.7m and from the ground floor would be approximately 11m. Whilst it is acknowledged that the extended roof above the single storey side

extension at the application site would be visible from rear windows at no. 85, it would not be in the direct line of sight, it would be viewed at an angle of approximately 30 degrees to the left from the forward view from the nearest windows. It was clear during the officers' site visit that the existing eaves and roof ridge are of limited visibility from the ground floor of No.85.

There would be no increase in the height of the existing eaves and the slope of the roof ridge, which would only be extended across half of the roof that can be observed in the photograph, would not project outside of the area of the two storey side gable wall which is already visible from these windows. In terms of outlook, it is considered that there would be no significant further impact above and beyond the existing view sufficient to warrant refusal.

For occupants of no 87. Which is further away from the application site, it is considered that any impact on their visual amenity would be significantly less than that for occupants of no. 85 which would be acceptable.

Considering light availability, the garden of no. 83 is triangular shaped, narrowing to the rear end. It is flanked on all sides by the dwelling at no. 83 and the elevations of both the application site and no. 85 Princes Avenue. It is considered that the addition of the proposed first floor side extension would have no further impact on light availability to the rear or side of no. 83 than the existing building at the application site, as the extended roof would not project beyond the area of the existing two storey side elevations. The rear gardens of no.s 85 and 87 are westerly facing. Light to the relatively shallow 9m deep garden at no. 85 is partially obscured by the dwelling at no. 85 during the morning and the application dwelling which is sited on higher ground than the garden of no. 85, during the late afternoon, as well as the presence of mature trees in the surrounding gardens. It is considered that due to existing site constraints, this garden does not benefit from the level of light amenity that would be expected for a modern constructed dwelling and that the addition of the proposed extension would not cause significant further obscuring of sunlight above and beyond that which may be caused by the existing dwelling, as an area to the side and above the proposal would be retained which sunlight from the south could pass towards the rear gardens of no.s 85 and 87. In any case, no. 87 has a much larger rear garden and any limited impact from the proposed extension would be across a relatively small section of the garden which is not immediately behind the rear elevation on their patio area.

Considering privacy and overlooking; there are two rooflights proposed in the rear roof slope facing towards the gardens of no.s 85 and 87. There would be minimal potential for views towards no. 83 from these windows. The presence of rear facing rooflights was a reason for refusal of the previous 2 storey scheme, although those rooflights would have had a smaller separation distance to the rear of no.s 85 and 87. The applicant confirmed that they would remove these rooflights if it would affect the outcome of this assessment, although to limit any potential for overlooking towards no.s 85 and 87 whilst still allowing the applicant the benefit of additional natural light to this room, it is considered sufficient as a compromise to request obscured glazing for these rooflights to protect the privacy of neighbouring occupants

It is considered that this proposal would not cause sufficient harm to the amenity of neighbouring occupants to warrant refusal and on balance, objections received would not outweigh the material planning considerations in support of this proposal. In accordance with the amenity requirements of saved UDP policy GP2.

Parking

In accordance with the requirements of saved UDP policy T13, a 5 bedroom dwelling requires a minimum of 3 off road vehicular parking spaces. There is sufficient space on the hard surfaced front driveway to park 3 vehicles which meets this requirement.

Conclusions and Reasons for Decision

When assessing the material planning considerations and taking into account the local and national planning guidance and representations received, it is considered that the proposal, according to the plans submitted, would not cause significant further harm to the character of the house or the local area and would not harm the amenity of neighbouring occupants sufficient to warrant refusal of this proposal, nor would it cause any further harm to highway safety in accordance with the requirements of the NPPF, policies CSP4 and ENV2 of the Black Country Core Strategy and saved policies GP2, ENV32 and T13 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall policy DW3 and Appendix D.

The use of safeguarding conditions in respect of the materials and plans to maintain its appearance and obscured glazing to maintain privacy 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.

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

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested. Officers have advised the applicant that a condition would be required to secure the use of obscured glazing in the proposed rear rooflights.

Recommendation

Grant Planning Permission subject to conditions

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

[Page 118 of 145](#)

Existing and Proposed First Floor Plan and Roof Plan, drawing no 1786.3, submitted 04/12/2020

- Proposed Ground Floor Plan and Proposed Elevations, drawing no. 1786.2A, submitted 12/04/2020

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

3: The walls and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing building and the facing materials shall thereafter be retained for the lifetime of the development.

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

4: 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 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.

5: Notwithstanding the details as submitted, the development shall not be carried out otherwise than in accordance with the:

- east side facing ground floor wet room window
- 2no. rooflights in the north facing roof slope of the proposed first floor side extension

hereby permitted, shall be non-opening below 1.7m and obscurely glazed to meet Pilkington level 4 or equivalent and shall thereafter be retained for the lifetime of the development.

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

Notes for Applicant

The area of this proposed development has been utilised for the manufacture of clay, brick and tiles with subsequent infilling, which may have resulted in contaminated soil which could present Health and Safety implications. No specific details of ground conditions in the area are available other than those obtained from previous land use data and historic mapping. This information shall be brought to the attention of the builder(s) or contractor(s) undertaking the development in order that they may implement any Health and Safety at Work precautions appropriate when undertaking work at the site of the proposed development.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 04 March 2021

Plans List Item Number: 8

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 95, PARK HALL ROAD, WALSALL, WS5 3HS

Proposal: FIRST FLOOR REAR AND SIDE EXTENSION AND CONSERVATORY.

Application Number: 20/0927

Case Officer: Rebecca Rowley

Applicant: Mr & Mrs Kaylan

Ward: Paddock

Agent: Adam Design

Expired Date: 05-Oct-2020

Application Type: Full Application:
Householder

Time Extension Expiry: 08-Mar-2021

Recommendation

Grant Planning Permission Subject to Conditions



Officers Report

This application requests permission for the following extensions to a 3 bedroom house:

First Floor Side Extension:

To create 4th bedroom

- Depth: 4.4m
- Width: 2.5m
- Height to eaves: 5.1m (as existing)
- Height: 5m

One rear facing bedroom window is proposed

One side facing en-suite bathroom window is proposed

Ground floor rear Conservatory

- Depth: 2.4m
- Width: 6.4m
- Height to eaves: 2.5m
- Max height: 3.4m

The existing side facing kitchen window will require relocation along the side elevation to accommodate the conservatory extension.

Site and Surroundings

The application dwelling is a 3 bedroom detached house with a main front gable roof and original side garage with first floor extension over. There is also a single storey rear/side extension and detached outbuilding that have been constructed using permitted development rights. Facing materials are brickwork and tiles. There is a driveway in front of the dwelling with sufficient space to park 3 vehicles.

Houses in the street are a mixture of detached and semi-detached houses of similar design. There are many examples of extensions at ground floor and first floor to the side and rear in the locality.

The adjacent dwelling to the west side is no. 93 with a gap of 0.9m. The rear elevation is in alignment with the rear of the application dwelling apart from the rear side extension on the opposite side of the application house to the shared boundary with no. 93, which projects 3m deep.

The adjacent dwelling to the east side is no. 97 with a gap of 1m. No. 97 has a 2m deep rear conservatory which sits 1m back from the rear elevation of the application dwelling adjacent to the shared boundary.

The original rear gardens of houses on this part of the estate are notably shallow with the original rear garden at the application dwelling being only 8.8m deep. The rear window to window separation distance with houses on Falmouth Road is 18m. At the rear boundary is a coniferous hedge which is just over 2m in height.

Relevant Planning History

BC14725P – erection of bedroom with en-suite shower/toilet over garage – granted permission – 17/09/1985

BC33033P – single storey rear extension and alterations – granted permission – 15/07/1991

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

- age
- disability
- gender reassignment

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

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

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

Consultee Comments

Park Hall Residents Association – no response

Representations

3 representations were received from 3 separate neighbouring households raising the following concerns:

- Invasion/loss of privacy
- Rear windows overlooking the rear of houses
- Trees have been chopped down at rear leaving the garden open
- It would bring their first floor closer to our property

Determining Issues

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

Assessment of the Proposal

Design of Extension and Character of Area

Single storey rear and side extensions are a common feature in this area and are considered to reflect the evolving character of the locality. The proposed first floor extension would be located behind an existing first floor side extension and so would be obscured from view from the main public vantage point. The gap between the application dwelling and neighbouring no. 97 would be retained as existing. The single storey rear extension would also have no impact on the appearance of the dwelling within the street scene. Facing materials would match the existing building.

It is considered that this proposal would not cause significant harm to the character of the application dwelling or the locality in accordance with the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall policy DW3 and Appendix D.

Amenity of Nearby Residents

Concerns were raised by neighbouring occupants to the rear of the application site regarding the impact of this proposal on their visual amenity and privacy. The original proposal could not be supported because the proposed first floor rear window would not meet the required 24m separation distance between first floor habitable room windows as outlined in the SPD Designing Walsall, Appendix D. The first floor window separation distance between the original proposal and the nearest rear window at no 11 Falmouth road would have been 16.3m. The original layout of this estate provides many examples where the separation distance between first floor rear habitable room windows is less than what would be required for new development. In the case of the application dwelling and no. 11 Falmouth Road, the first floor rear habitable room window separation distance is 18m. The proposal has been amended to reduce the rear depth of the first floor side extension into alignment with the existing rear elevation. Therefore the rear window separation distance would now reflect the

existing situation and is considered would cause no further harm to the amenity of occupants from mutual overlooking than the existing situation.

As the first floor rear extension would now be in alignment with the rear of the property it would not be visible for occupants of no. 93 to the western side and is considered would not impact on their amenity. It would also project to the same alignment as the first floor rear elevation at no 97 to the eastern side, and is considered would have limited impact on their amenity.

The ground floor rear conservatory extension would be 2.4m in depth. It does not meet the requirements to be constructed using permitted development rights as it would attach to an existing rear side extension on the eastern side and the total extension would not meet PD requirements. The depth does however meet the requirements of the Council's 45 degree code for assessing the impact of development on neighbouring amenity, does not breach the 45 degree code in respect of ground floor habitable room windows at neighbouring no. 93 and would be obscured from view for occupants of no. 97 by the existing rear/side kitchen extension. It is considered that it would not cause significant harm to the amenity of either adjacent neighbouring occupant. Again, the rear separation distance would be less than 24m but this standard is specified for first floor and above developments so would hold less weighting for a ground floor window. The rear windows of the conservatory would look onto the applicant's own rear garden and there is a rear boundary fence. After the pruning that was referred to in one neighbour representation, 2m high conifers have been retained along the rear boundary. This would obscure views towards dwellings to the rear of the application site.

The addition of the rear conservatory would require removal of the existing west side facing kitchen window which looks onto the applicant's garden. The only window that would be retained in the kitchen would be a rear elevation window which faces the blank south side elevation of the rear outbuilding at a separation distance of approximately 1.5m. It is considered that this would result in an unacceptable outlook from this room and insufficient light availability to this habitable room. Amendments have been secured to include a rooflight in this room to address the reduced light concern and relocate the side facing window along this elevation looking into the rear garden area to give an additional outlook from this room.

Internal rearrangements would create a first floor side facing en-suite bathroom window. A condition will be included to secure obscured glazing in this room to protect the privacy of occupants.

It is considered that this proposal would accord with saved UDP policy GP2, subject to conditions as outlined in the conclusion.

Parking

In accordance with the requirements of saved UDP policy T13, a 4 bedroom dwelling requires a minimum of 3 off road vehicular parking spaces. There is sufficient space on the hard surfaced driveway to park 3 vehicles which accords with this policy.

Conclusions and Reasons for Decision

When assessing the material planning considerations and taking into account the local and national planning guidance and representations received, it is considered that the proposal, according to the plans submitted, would not cause harm to the character of the house or the local area and would not harm the amenity of neighbouring occupants nor cause harm to highway safety in accordance with the requirements of the NPPF, policies CSP4 and ENV2 of the Black Country Core Strategy and saved policies GP2, ENV32 and T13 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall policy DW3 and Appendix D.

The use of safeguarding conditions in respect of the materials and plans to maintain its appearance and obscured glazing to maintain privacy 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.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding rear window separation distances, and visual amenity for the existing kitchen, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Grant Planning Permission Subject to Conditions

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

- Proposed Plans and Elevations, drawing no. 2 of 2, 2nd amendment, submitted 05/02/2021

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

require).

3: The walls and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing building and the facing materials shall thereafter be retained for the lifetime of the development.

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

4: 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 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.

5: Notwithstanding the details as submitted, the development shall not be carried out otherwise than in accordance with the east side facing first floor en-suite bathroom window hereby permitted, shall be obscurely glazed to meet Pilkington level 4 or equivalent and shall thereafter be retained for the lifetime of the development.

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

Notes for Applicant

None

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 04 March 2021

Plans List Item Number: 9

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 57 , Dickinson Drive, Walsall, WS2 9DL

Proposal: TWO STOREY AND SINGLE STOREY REAR EXTENSIONS

Application Number: 20/1294

Case Officer: Rebecca Rowley

Applicant: Jaz Kang

Ward: Pleck

Agent: David Gavril

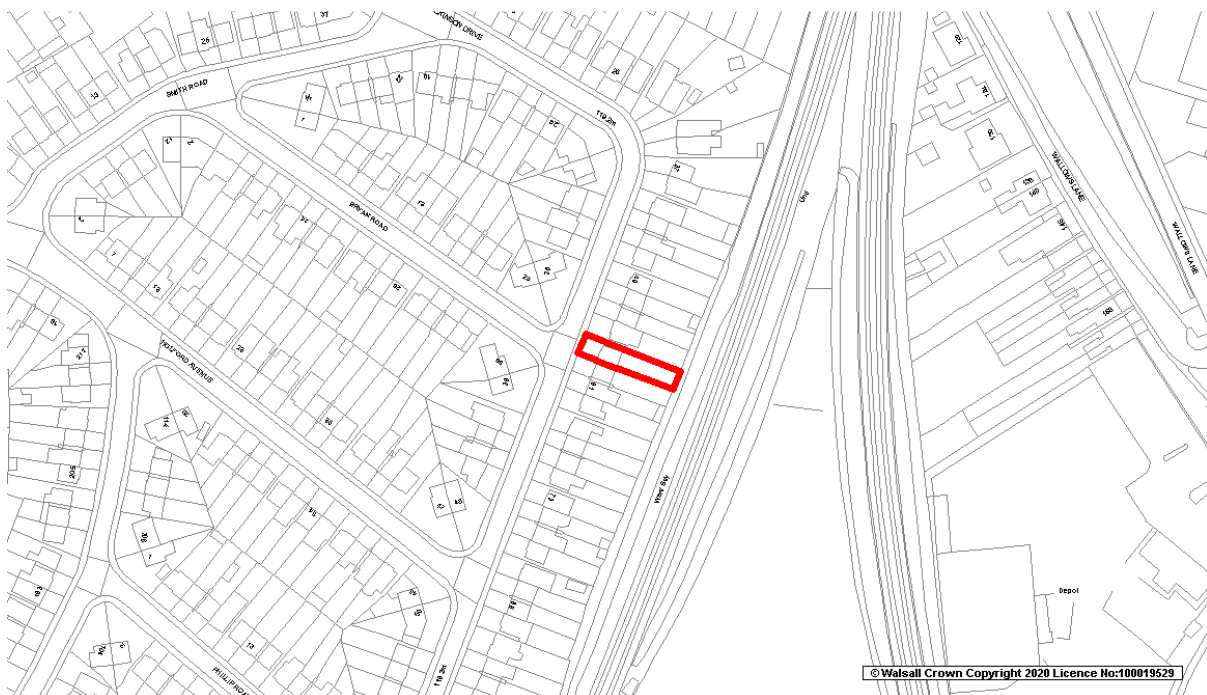
Expired Date: 21-Dec-2020

Application Type: Full Application:
Householder

Time Extension Expiry: 10-Mar-2021

Recommendation

Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to finalising conditions



Officers Report

This application requests permission for the following extensions to a 3 bedroom house:

Two storey rear gable extension

To create dining room on ground floor and 4th bedroom at the first floor.

- Depth: 3m
- Width: 3.3m
- Height to eaves: 4.9m
- Height: 5.9m

One first floor rear bedroom window is proposed

Rear patio doors are proposed in the centre of the ground floor spanning part of the adjoining single storey extension.

Single Storey Rear Extension with Flat Roof

To create dining room

- Depth: 3m
- Width: 2.2m
- Height: 2.8m

Site and Surroundings

The application dwelling is a 3 bedroom house on the left hand end of a 4 terraced house block. It has a hipped roof with front gable feature. Facing materials are red brown brickwork and grey slate effect roof tiles. There is a driveway in front of the dwelling with sufficient space to park 1 vehicle on the hard surfaced area adjacent to the front lawn.

Houses in the street are terraced houses of similar original design. Single storey rear extensions are a common feature and some two storey rear extensions, or side extensions where space allows, have been permitted as outlined in the planning history.

The adjacent dwelling to the north side is no. 55, with a separation distance of 2.6m between the buildings. The original two storey rear elevation of no. 55 is 1m deeper than the rear of the application dwelling and it has a 3m deep ground floor rear conservatory extension.

The adjacent dwelling to the south side is attached terraced house no. 61. The rear elevation is aligned with the existing rear elevation of the application dwelling.

To the rear of the dwelling is a 19m long garden which borders the railway line to the east. Existing mature trees obscure any view of the railway. Beyond the railway line is the Bescot Triangle SLINC, which is a site comprising a matrix of grassland, tall herb, scrub and woodland that have developed upon a disused sewage works located between railway lines and is considered a valuable invertebrate site.

Relevant Planning History

None at application site

At 37 Dickinson Drive

BC49198P – two storey rear extension – granted permission – 28/07/1997

At 97 Dickinson Drive

08/1180/FL – two storey rear lounge and bedroom extension – granted permission – 05/09/2008

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall’s Natural Environment

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

- NE1 – 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

Designing Walsall

- DW3 Character
- Appendix D

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

Consultation Replies

Local Highway Authority

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

No objections, subject to conditions to secure a secondary parking space on the front driveway, widening of the existing vehicle footway crossing and repositioning of the existing street nameplate.

Representations

Three representations were received from 3 separate neighbouring addresses raising the following concerns (*Case Officer's comments in italics*):

- Living next door the property it is already on raised ground by approx. 20cm. A two story extension it will stop natural light getting into our house on that side. (*Considered in this assessment*)
- The planned extension is out of character with the houses in the area (*Considered in this assessment*)
- Being a 4 bed property will increase the numbers of occupants and increasing the amount of possible cars to the house (*Considered in this assessment*)
- Parking issues and congestion (*Considered in this assessment*)
- Concerns that the owner will turn the property into flats (*There is no indication from this proposal that the property would be converted into flats. If the owner wishes to do this in the future it would require consideration by a separate planning application*)

Determining Issues

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

- Parking

Assessment of the Proposal

Design of Extension and Character of Area

A concern was raised regarding the proposed extensions being out of character with the area. Single storey rear extensions and conservatories are common in the locality, some constructed using permitted development rights and other larger extensions following previous planning permissions. Some two storey developments have also been constructed at the rear and sides of these properties of similar original design. Therefore this proposal is considered to be consistent with the evolving character of the area. Being sited at the rear of the dwelling the extensions are considered would have limited impact on the appearance of the application dwelling from the public vantage point. Facing materials would match the existing dwelling and would be secured by condition.

It is considered that this proposal would not cause significant harm to the character of the application dwelling or the locality in accordance with the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall policy DW3 and Appendix D.

Amenity of Nearby Residents

A neighbouring concern has been raised regarding the impact of this development on light availability to the rear of their house.

The proposed two storey rear extension would be 1m shallower than the ground floor rear elevation at neighbouring no. 55 and 2m deeper than the first floor rear elevation at no. 55. It is considered it would not impact on the ground floor at the rear of this neighbouring dwelling and given the separation distance between the buildings, would have limited impact on visual amenity or light availability for the first floor of the rear of this house. The 45 degree code, which is a tool for assessing the impact of development on neighbouring amenity, as outlined in the SPD Designing Walsall Appendix D, would not be breached by the two storey extension in respect of rear windows at no. 55.

There is one side facing window in the original dwelling at no. 55 which faces towards the side elevation of the proposed two storey extension. However, this is an obscurely glazed window to a non-habitable room, so does not hold the same weight in consideration of the impact on amenity for the purpose of this assessment. There are also side facing windows in the conservatory extension at no. 55 which would look towards the two storey extension. The extension would project across approximately half of this glazed elevation of the conservatory. The existing view from these windows is onto a boundary fence with a separation distance of 1.8m. As these windows are considered secondary to the main outlook from this room, which is onto the neighbours' rear garden, it is considered that this proposal would not cause significant harm to visual amenity from this room to warrant refusal. The slight south eastern orientation of the rear gardens of this row of dwellings, with the application site located to the south of no. 55 would ensure that the proposed extensions would have limited impact on sunlight availability to the rear windows of this house and when the sun moves round to the south of the house, would not cause sufficient further loss of sunlight, above and beyond what would be obscured by the existing boundary fence to warrant refusal.

Whilst it is acknowledged that the 45 degree line of sight would be breached by the proposed single storey extension when measured from the midpoint of the nearest rear ground floor habitable room window at neighbouring no. 59, and this part of the proposal would impact on the view from this rear window, a 3m deep extension could have been lawfully been constructed in this location using permitted development rights, and rear extensions up to 3.5m deep are also supported as set out in the Designing Walsall SPD. The two storey element of the proposal would be inset from the shared boundary with no. 59 by 2.2m and the 45 degree code would not be breached by the two storey extension when measured from the nearest rear first floor habitable room window at no. 59. It is considered that the two storey extension would have limited impact on visual amenity from first floor rear windows at no. 59, and limited impact on sunlight availability when considered in conjunction with the slight south eastern orientation of the rear of the house.

There are no neighbouring occupants to the rear of the application dwelling that could be impacted by this proposal and mature trees would protect the occupants of the application site from overlooking from users of the railway at the rear.

Internal rearrangements would create a shower room on the ground floor and a relocated bathroom on the first floor that would introduce new north east side facing windows. A condition will be included to secure obscured glazing in these windows to protect the amenity of occupants. The existing front bathroom window would be replaced with a front facing bedroom window. The separation distance of this window to opposite habitable room windows would exceed the required 24m separation distance outlined in the SPD Designing Walsall in respect of first floor habitable room windows and reflects the situation for the existing first floor bedroom window. It is considered that this first floor bedroom window would have no greater impact on the privacy of opposite neighbours than the existing situation.

It is considered that this proposal meets the amenity requirements of saved UDP policy GP2.

Protected Species

The site falls within the Bescot Triangle SLINC 50m bat buffer and there are lines of mature trees along the rear boundary and neighbouring rear boundaries, which raises the risk of bat presence. In this case, as the application proposes alterations to the roof, if bats are present in the house disturbance and destruction to their roost would occur.

The roof of the application dwelling appears to have been recently replaced with no apparent cracks / holes that would allow access for bats. Consequently, on this occasion it is considered that it will not be necessary to request a bat survey report in support of this proposal in accordance with NPPF 15 and Conserving Walsall's Natural Environment SPD.

Parking

Concerns have been raised by neighbouring occupants regarding the potential increase in occupancy of the application dwelling and the potential for an increase in cars visiting the property or parking at the site. In accordance with the requirements of saved UDP policy T13, a 4 bedroom dwelling requires a minimum of 3 off road

vehicular parking spaces. The existing 3 bedroom dwelling has 1 off-street parking space which is one less than the 2 spaces which would be required in accordance with policy T13. The local highway authority support this proposal subject to the creation of 1 additional parking space on the frontage of the dwelling which would reflect the existing shortfall of 1 vehicle parking space. The additional parking space would require widening of the existing vehicle entrance and relocation of a street name sign. Conditions will be included to secure these requirements.

Conclusions and Reasons for Decision

When assessing the material planning considerations and taking into account the local and national planning guidance and representations received, it is considered that the proposal, according to the plans submitted, would not cause harm to the character of the house or the local area and would not cause sufficient harm the amenity of neighbouring occupants or highway safety in accordance with the requirements of the NPPF, policies CSP4 and ENV2 of the Black Country Core Strategy and saved policies GP2, ENV32 and T13 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall policy DW3 and Appendix D.

The use of safeguarding conditions in respect of the materials and plans 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.

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

Positive and Proactive Working with the Applicant

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

Recommendation

Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to finalising conditions

Conditions and Reasons

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

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

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

Page 135 of 145

- Proposed Floor Plans, drawing no. N3 09/20 A200 rev. 1, submitted 19/10/2020
- Proposed Elevations, drawing no. N3 09/20 A201 rev 1, submitted 19/10/2020

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

3a) Notwithstanding the details as submitted, no part of the development hereby permitted shall be carried out until two off road parking spaces each measuring 4.8m by 2.4m have been created to the front of the application property. The parking area shall be consolidated, hard surfaced and drained so that surface water run-off from the parking area does not discharge onto the highway or into any highway drain.

3b. The parking area shall thereafter be retained for the purposes of parking motor vehicles for the lifetime of the development hereby approved and shall thereafter be retained used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development with the increase from 3 to 4 bedrooms, in accordance with saved UDP policies GP2, T7 and T13.

4. Prior to the extended parking area first coming into use, the existing vehicle footway crossing shall be widened to align with the extended parking area, including the repositioning of the existing street nameplate. The works shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. The vehicle footway crossing shall not exceed five 900mm flat kerbs and two 900mm taper kerbs in total. All works within the public highway shall be in accordance with all statutory requirements.

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

5: The walls and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing building and the facing materials shall thereafter be retained for the lifetime of the development.

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

6: 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 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.

7: Notwithstanding the details as submitted, the development shall not be carried out otherwise than in accordance with the north east side facing ground floor shower room windows and the north east side facing first floor bathroom window hereby permitted, shall be non-opening below 1.7m and obscurely glazed to meet Pilkington level 4 or equivalent and shall thereafter be retained for the lifetime of the development.

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

Notes for Applicant

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be required to obtain the necessary Road Opening Permit from the Highway Authority for the extension of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team at Traffic.Management@walsall.gov.uk or visit the Council's Webpage under Transport and Streets.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 04 March 2021

Plans List Item Number: 10

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 5, YARE GROVE, WILLENHALL, WV13 2SH

Proposal: SINGLE STOREY REAR EXTENSION.

Application Number: 20/0767

Case Officer: Claire Woodcock

Applicant: Mr Joga S. Gill

Ward: Willenhall South

Agent: Building Designs & Technical Services

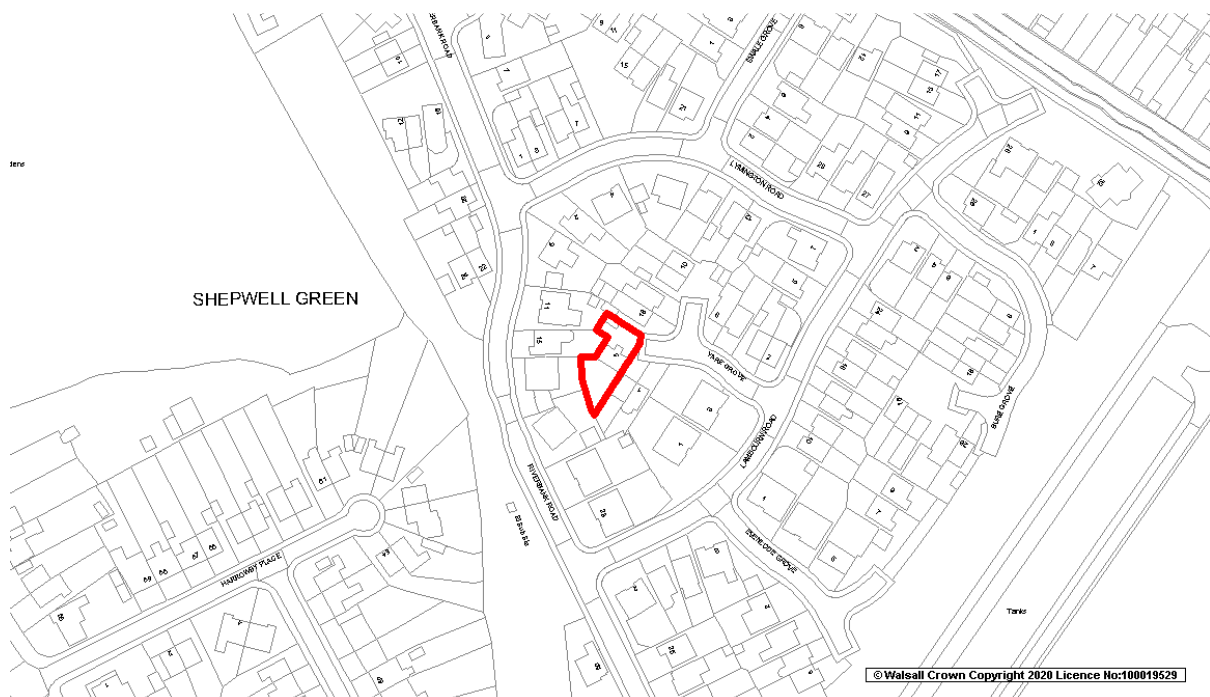
Expired Date: 04-Sep-2020

Application Type: Full Application: Householder

Time Extension Expiry: 10-Mar-2021

Recommendation

Grant Planning Permission Subject to Conditions



Officers Report

Proposal

The proposal is for a rear single storey extension, which would provide a kitchen and dining area.

The dimensions are:

4 metres deep

8 metres wide

Having patio doors and window leading into the applicant rear garden.

Having a tiled mono roof the dimensions are:

2.4 metres to the eaves

3.6 metres overall

The plans have been amended since submission to omit a shower room and utility at the side.

Site and Surroundings

The property is a two storey detached dwelling, set on a residential estate, where there are mainly semi-detached and detached properties of varying styles and sizes, a number of which have side, rear and front extensions.

Relevant Planning History

BCW533- Original estate planning permission removed permitted development rights-no development contained within Part 1, Class A, B, C, D, E, F. or G, or within Part 2, Class A or of Schedule 2.

3 Yare Grove:

12/0240/FL Retrospective application to retain boundary fence (0.95m) in front garden
GSC 17-May-2012

16 Yare Grove:

04/0741/FL/H1 Conservatory GSC 24-May-2004

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 12 – Achieving well-designed places**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon

those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

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

Black Country Core Strategy

- CSP4: Place Making
- ENV3: Design Quality

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

Consultation Replies

Pollution control: Concerns raised initially as the site is located on a former sewage works that has elevated levels of ground gas and will require the measures within the existing property to be carried through to the extension. Design and specification of such measures have been received and a condition recommended in regard to this.

Representations

A collective 8 objections have been received from 4 adjoining neighbours to the rear relating to both the original plans and the revised plans which have removed the shower room and utility. (Officers comments in italics).

- The close proximity of the proposed extension to the neighbours at the rear
- Views will be impeded by the proposed extensions due to close proximity
- Loss of privacy
- Smell and pollution from bathroom and kitchen
- Increased noise pollution
- Loss of impermeable land and no run off for surface water, which could lead to flooding to the surrounding properties
- Changes the configuration and landscape of the original build
- Part of the extension would be built up to boundary fence and lead to devaluing

of surrounding properties. *(Not a material planning matter).*

Determining Issues

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

Assessment of the Proposal

Design of Extension and Character of Area

The proposed single storey rear extension would provide a kitchen and dining area. A side extension for shower room and utility has been removed which improves the design. The amended design is considered to reflect the character of the original dwelling, providing the facing materials will be consistent with those used for the existing house.

It is considered that as it is a rear extension and is not visible within the street scene so causes no harm to the character of the dwelling nor the street scene.

Amenity of Nearby Residents

The application property is positioned in front of no 3 Yare Grove resulting in the rear elevation of no 5 drawing level with the front elevation of no 3 which lies to the south. As such the proposed extension at no 5 will project at the rear parallel to the gable wall of no 3 thereby creating no breach of the 45-degree code in relation to this property. Whilst there is a window on the side gable elevation of no 3 facing no 5, this serves a non-habitable room and there is a tall boundary fence between the two therefore ensuring privacy for the neighbour is protected.

No 16 Yare Grove is a semi-detached property which is set in front of and at right angles to no 5 with garages of each property in between. As the proposed extension is at the rear this will not be visible from no 16 so no impact to the privacy or amenity of this neighbouring property from the proposed extensions.

The side and rear boundary of no 5 adjoins the boundaries of no's 11, 15, 17 and 19 Riverbank Road which are set to the west. These neighbours are concerned about the proximity of the proposed extension and potential loss of privacy and outlook from their rear facing windows.

No's 11 and 15 Riverbank Road are almost at right angles to no 5 and face the existing gable wall of this property. It is considered that as there is only a kitchen door in the side elevation facing these properties the proposals would have limited impact on the outlook and privacy of these neighbours.

No's 17 and 19 Riverbank Road have shorter rear gardens and it is apparent that they have both benefitted from single storey rear extensions. Whilst the proposed single storey extension draws the buildings closer, the proposed facing elevation of the extension is not directly facing that of the extension at no 17. In effect the extension at no 17 will be looking at an angled view of the proposed extension at no 5 Yare Grove with the boundary fencing interrupting views. In regard to the relationship to no 19 Riverbank Road the ground floor extension is more directly facing the proposed

extension at no 5 and reduces the current separation distance from 22m to 18m. Again, this is interrupted by boundary fencing and ancillary garden buildings. Given that the pattern of surrounding housing already has shorter distances between dwellings, this shortfall is considered to be appropriate and in keeping with the character of the area and given the presence of boundary treatment will have no significant adverse impact on outlook or privacy for these neighbours.

As the proposed extension would be set against the back drop of the existing property, it is considered that the proposal would not significantly worsen the existing situation with regards to view, overlooking, loss of daylight and sunlight, to these rear facing neighbouring properties.

Also of note is that ordinarily an extension of this depth would not require planning permission, but permitted development has been removed from the application site which allows the LPA to make this assessment in respect of the neighbouring properties. In terms of the orientation between dwellings the proposal will cause no significant impact on daylight as it is located to the north of no 19.

Further concerns have also been raised by these rear neighbouring properties, in regard to increased noise, pollution and flooding. It is considered that the noise impact of the proposed extensions would not go beyond that of a normal residential setting sufficient to warrant refusal of the application.

Concerns raised with regard to surface flooding, the area does not fall within a flood zone, however any building work conducted would be subject to building regulations.

Further concerns have been raised by these rear neighbouring properties due to the size of the extension. The remaining rear garden space will be approximately 72m², which is above the 68m² minimum requirements set out in the Designing Walsall SPD.

Pollution Control have advised that this development is located upon a site known to be producing elevated levels of ground gas. The property is located on a former sewage works that has elevated levels of ground gas and will require the measures within the existing property to be carried through the extension. Details have now been received regarding this concern and a condition will be added regarding this.

Parking

The proposals would not alter the number of bedrooms to the dwelling, so under the terms of the saved UDP policy T13 require 3 off-street parking spaces. The front curtilage has ample parking to accommodate three vehicles. Therefore, the proposals comply with parking policy T13.

Conclusions

The proposal when weighing the concerns of the neighbours, against the national/local policies and guidance, is considered accords with the aims and objectives of relevant Council policy and guidance, and on balance is considered to be acceptable for the reasons specified above. There are no objections from significant consultees and the community interest that has been expressed is considered to not outweigh the recommendation to approve.

Conclusions and Reasons for Decision

The proposed single storey rear extension is considered in keeping with the design of the original dwelling. The design is acceptable in relation to the original dwelling and is considered appropriate within the street scene and does not harm the visual amenities of the area and accords with saved policies BCCS ENV2, Walsall SAD EN5, UDP Policies GP2, ENV3 and ENV32 and Designing Walsall SPD DW3 Character.

The proposed extension does not have any significant adverse impact on neighbour's amenity and complies with saved UDP policies GP2 and ENV32 and SPD Designing in Walsall.

There are no changes in the number of bedrooms and there is adequate off-street parking to accommodate at least 3 vehicles in compliance with saved UDP policy T13.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding size of the proposed side and rear extension, amended plans have been submitted which enable the recommendation to support to the scheme.

Recommendation

Grant Planning Permission Subject to Conditions

Conditions and Reasons

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

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

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

- Existing plans and elevations received 04-01-2021
- Methane Protection detail drawing number: 34/20-3 received 09-12-2020
- Proposed elevations received drawing number: 34/20 04-01-2021
- Proposed plan sheet 2 received 04-01-2021

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

require).

3: The walls and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing building and the facing materials shall thereafter be retained for the lifetime of the development.

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

4a: Prior to the commencement of development hereby permitted, the extensions shall be constructed as per the "Methane Protection Detail" submitted 9th December 2020.

4b: A validation report confirming the details of the ground gas ingress protection measures approved under part (a) of this condition have been implemented in accordance with the agreed measures shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being brought into use.

4c: The development hereby permitted shall not be occupied otherwise than in accordance with the ground gas ingress protection measures approved under parts (a) and (b) of this condition.

Reason: In the interest of the safety of current and future occupants in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

5: 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 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

Notes for Applicant

None

END OF OFFICERS REPORT