



## Economy and Environment, Development Management

### Planning Committee

Report of Head of Planning, Engineering and Transportation on 31-Mar-2016

Plans List Item Number: 1.

#### Reason for bringing to committee: Major Application

**Location:** LAND ADJACENT TO CALDERFIELDS GOLF AND COUNTRY CLUB, ALDRIDGE ROAD, WALSALL, WS4 2JS

**Proposal:** GOLF ACADEMY CENTRE AND 9-HOLE ACADEMY GOLF COURSE AND ASSOCIATED FACILITIES.

**Application Number:** 15/0455/FL

**Applicant:** Calderfields Golf Club

**Agent:** Brownhill Hayward Brown Architects

**Application Type:** Full Application

**Case Officer:** Paul Hinton

**Ward:** St Matthews

**Expired Date:** 27-Aug-2015

**Time Extension Expiry:** 28-Feb-2016

**Recommendation Summary:** Grant permission subject to conditions and completion of a S106 agreement.



### **Current Status**

This planning application was due to be presented to the 3<sup>rd</sup> December 2015 Planning Committee with a recommendation to refuse on the grounds of:

- 1) Inappropriate development which would cause harm to the openness, visual amenities and rural character of the Green Belt
- 2) Visually prominent and harmful to the rural character of the Green Belt due to the earthworks, fencing, lighting and proposed materials
- 3) Failure to demonstrate the proposal would not have a detrimental impact on the natural environment, biodiversity and the character and appearance of the site.

As amended plans were submitted by the applicant on the eve of the Planning Committee, the report was withdrawn from the agenda for officers to consider these amendments and re-notify the community. In response to substantial changes to the proposal a new report is now presented.

### **Application details**

The applicants are seeking to establish a training academy to complement the existing 18 hole golf course. This will provide training facilities and provide an opening for new players to play golf. The physical works involve the change of use of agricultural land to a nine hole par three golf course and an academy building with associated landscaping and engineering works, including cycle storage.

The changes to the planning application are:

- Removal of driving range and associated earth works and replacement with a golf practice area to be used by golfers for the purposes of practicing their short game only, includes chipping and putting and up to 150m (short distance) shots.
- Omission of the driving range bays from the proposed building.
- Golf amenity building, a single storey ancillary building which includes storage area, seminar room, male and female toilets, an office, a ballroom, a shop and club/hire area and a golf simulator room. Building would be corrugated profiled metal wall cladding, aluminium framed windows and doors and corrugated profiled metal roof. This has reduced the physical development proposed from a 684 square metre single storey building, with a continual ridge height of 7.1m to 390 square metre building including the external entrance canopy measuring 32.5m x 12.6m. The building would have a split ridge height, most of the building being 5m high, with a small section 5.9m high to accommodate the proposed simulator.
- Reduction of the perimeter golf fencing of between 12m and 20m high around the driving range to 3m high around the practice area.
- Omission of the flood lighting sited inside the fencing and located around the driving range.
- Proposed seven short distance practice nets and eight driving practice nets around the practice area (typically 3m by 3m, with a height of 3.5m).
- The existing uneven surface with spoil mounds would be levelled out, reducing existing mound height by 2m and also raising the lower the ground levels by approximately 2m.

Planned landscaping and engineering works would form a series of sand bunkers and grassed mounds (the mounds being between 3m-4m higher than the existing ground) to create the nine hole golf course. Small culvert bridges would also be installed over the

existing watercourse. Proposed landscaping includes the fairway, green, rough mix, woodland mix, wildflower mix and planting with standard trees.

Users would access the nine hole golf course, golf practice area and golf academy building via the existing club house. The applicant anticipates 15 new jobs would be created in addition to the 50 existing jobs at the Golf Club. The applicant proposes opening times of 7am – 10pm (summer) and 8am – 10pm (winter) for the academy building with the practice area and nine hole course only open during daylight hours. Within the above time during hours of darkness, the building would be used for seminars and evening learning.

The application site includes the existing Calderfields Golf and Country Club on Aldridge Road, which incorporates an 18-hole golf course, restaurant and 20 hotel rooms. The planning application relates to almost 6 hectares of agricultural land immediately to the north-east of the Country Club, which has most recently been used for unauthorised tipping. The site has recently been acquired by the Golf Club and is positioned next to the access drive. The entire Golf Club including the application site covers some 44 hectares .

The development site has Calderfields Golf and Country Club land to the south-east and south-west, Calderfields Golf Academy to the north-east, The Dilke Arms Public House to the north, and some houses and agricultural/equine businesses to the north and north-east. The Badgers Yard site was last used for saddlery, but has been vacant since 2014.

The site lies within the West Midlands Green Belt. A watercourse runs through the site to ponds to the south, which form part of the existing 18 hole golf course, terminating in the Arboretum to the south. The historic remains of a moat are located at the north-east corner of the site, mostly outside the red line.

The following supporting documents have been submitted in support of the application:

#### *Supporting information*

- Existing club has no suitable practice facilities.
- Unable to appoint a professional and any professional appointed would struggle to get any grant aid without these essential training facilities.
- The club on the golfing side is currently in a state of decline, particularly the ladies and youth sections.
- No golf club can survive on the membership subs alone, further diversification is needed.
- The adjoining driving range is a totally separate business and nothing to do with Calderfields golf and country club.
- Use of practice area and nine hole golf course extension will be limited to the hours of usage of the main 18 hole golf course.
- No artificial lighting will be needed.
- Due to restrictive covenant unable to have golf lessons, golf shop or a golf professional within the boundaries of the existing golf course.
- None of the other golf clubs within Walsall have a separate nine hole course. The nearest nine hole course is Fishley Park between Brownhills and Cannock and the next nearest 18 and nine hole course is half an hour drive away near Lichfield.
- The use of indoor golf simulator is relatively new in the golf industry but its significant in the promotion of the sport is rapidly taking off.

- Provision of academy and education facilities including a small retail element are a pre-requisite to the appointment of a golf professional at the club. The introduction of a professional would attract PGA grants and similar sports grants and open up access for all ages and for all levels of abilities (and disabilities) in the Walsall district.
- Without these facilities there will be no club professional and no sustainable future for golf under the control of Calderfields Golf Club.
- No existing shop on site or club hire facility.
- Drivers/woods will not be allowed in the practice area, this will be limited to short irons under the supervision of the golf coach, which have a maximum range of 150m. All practice “drive/woods” shots would be carried out within the individual nets.
- 3m high green micro-mesh netting is proposed to the side of the practice range adjacent to the car park and road to retain and erroneously hit balls. Practice golf balls are of a different composition to the golf balls used on the course and therefore have a limited range.
- Design will require in the region of 10,000m<sup>3</sup> of imported inert fill material and a further 3500m<sup>3</sup> of topsoil, equating to 1350 loads. Based on a 12 month construction programme this equates to approximately five vehicle movements per day.
- In order for the future sustainability of Calderfields golf club, the business has to have full control in its future, hence the need for its own golf academy and associated nine-hole training facility and coaching area. Any failure to secure this permission will severely restrict the survival of this business to the point where redundancies will be inevitable. It is vital that this existing business is allowed to grow or face the prospect of further loss of members to other clubs out of the district. The only clubs prospering at the moment are those where the offer to the public is diverse enough to attract the whole family.

#### *Addendum to Planning Statement*

- Refers to recent case law regarding changes of use within the Green Belt.
- In *Fordent*, the judgement says that merely because development is inappropriate does not mean that it should be prohibited and categories of very special circumstances are not closed.
- In *Gedding* while the use of land for a cemetery was inappropriate development, no conclusions were reached on whether this was true for other changes of use to outdoor sport and recreation.
- The applicant has set out their case for very special circumstances as:
  - The proposals are essential to the long term future social, economic and environmental suitability of the club for the following reasons, memberships are declining, participation levels are lower and golf club closures are increasing which means that Calderfields needs to invest and grow in order to maintain their market position in the face of competition. The proposed development would allow for the development of a junior section, increased female membership and disabled members through a shorter golf course, diversify facilities to retain existing members and attract new members, provides facilities for lower handicapped golfers, continue in improving the image and reputation of the club, attract a recognised golf professional, compete with other golf break venue’s, create jobs and increase the income to the club.
  - Of the golf courses in Walsall, only Calderfields does not have a pro shop and coaching capability.
  - No other local club has a separate nine hole course.

- The nearest 18 hole golf course with an attached nine hole golf course and coaching facilities would require the golfer to drive to Elmhest near Lichfield, 17km away.
- The provision of the academy and education facilities including a small retail element are a pre-requisite to the appointment of a golf professional at the club.
- Site is in a highly sustainable location accessible from public transport and well located in respect of existing residential properties.
- Proposed facilities would deliver social benefits in the form of diversified recreation facilities, which would enable more people to enjoy the game and the associated social aspects of interacting with other players. Clear health benefits associated with opportunities for people to play sport.
- The quality of the land has been reduced following a long standing unauthorised use involving the processing of inert material, its current ability for agricultural purposes has been limited or sterilised and that the development of the golf course would provide a net environmental gain for the area.
- Economic benefits associated with protecting existing jobs and the creation of new jobs connected with the proposal.
- Ground works are minimal and would maintain the openness of the Green Belt.
- A S106 agreement to link together the two sites would be acceptable.
- Proposed building has been reduced considerably, with a stepped ridge, reducing from the original proposed volume of 2300m<sup>3</sup> to 1450m<sup>3</sup>.
- Additional considerations weighing in favour of development are that the proposals are in accordance with the scope of paragraph 81 of the NPPF which seeks to encourage the use of the Green Belt for Sport and recreation.

#### *Ecological appraisal addendum*

- Replacement of proposed driving range with practice area will mean that two key issues in regard to impact on local bat population, the high chain link fence and floodlighting have been removed.
- Proposed earthworks will include importing inert material, as this stage the nature of the substrate is unknown and consider that there would be a benefit in making a final determination of the species to be sown/planted when this detail is known and could be addressed by making detailed landscape design a condition of a planning approval.

#### *Tree Survey*

- Site has areas of extremely dense tree cover of self set trees
- Majority of the trees are of low quality and value.
- No A category trees and those few B category trees and groups are scattered around the perimeter of the site.

#### *Site investigation*

- No significant risks exist to future site users and no specific remedial action is required.
- Soil gas is not likely to be present in any significant concentration.

#### *Parking Assessment*

- Car park spot surveys demonstrate that the existing car park facility is significantly under-utilised at present, with considerable amount of space capacity available.
- Traffic generation will be low as a stand-alone facility; as an ancillary facility to the existing golf club would be negligible.

### *Business Plan*

- Prevent increasing loss of members experienced on an annual basis.
- Improve the number of tourists visiting Calderfields and Walsall.
- Employ a minimum of 15 more employees.
- Rebuild a diminished junior section.
- Have an alternative to the current 18 holes available to prevent senior golfers resigning.
- 40 members transferred to Aston Wood following their developments of practice range.
- 620 members in 2010, 355 in 2015.
- Junior section folded in 2013/14 due to junior novices requiring special tuition and coaching. It is a huge achievement for a junior to be able to hit the ball over 100 yards. Several of the holes are nearly 600 yards. Junior novices would take up to seven hours to play 18 holes; a competent golfer would take four hours. Junior novices and parents struggle to justify the initial investment in purchasing golf clubs and coaching costs.
- The short course could be completed within two hours where the safety of youngsters can be monitored. Whereas seven hours is a long time to go unsupervised.
- Junior golf sets start at £150, there would be the offer of equipment hire.
- Dress code would not be enforced in the main manner as the main club.
- The focus on the junior department and their development will have significant impact on their entire golf business.
- Reports indicate that 18 holes are one of the most contributing factors females are not attracted to golf. A par 3 course would resolve this problem.

### *Design and Access Statement*

- The Golf Academy Centre and associated services building is a bold, simple form which is set back from the site entrance and is partially shielded by mature trees. Large expanses of grass between the building and highway with further trees help break up the scale of elevation.
- Intention of the topography is to create a varied and challenging beginners course, prevent distractions to golfers through enclosures between holes and provide visual screening.
- Green travel is encouraged and an external covered secure cycle facility for 16 bikes is proposed.

### *Ecological Appraisal*

- The site is not afforded any nature conservation designation.
- Proposals involve the retention and enhancement of hedges.
- Banks to stream will be enhanced by allowing a 3-5m wide rough grass margin to develop
- Common bat species use the site as foraging and commuting habitat. Linear habitats will be retained which combined with proposed landscaping will ensure connectivity will be maintained
- Surveys have not recorded the presence of any other legally protected species.
- Varied topography and habitats are likely to be value for invertebrates, the nine hold course will provide compensation.
- No justification for retaining areas of willow woodland.
- Very unlikely that great crested newt would be present within the site
- No reptiles were recorded.

### *Reptile Survey Report*

- Reptiles are likely to be absent from the site and can therefore be reasonably discounted. As such, no reptile mitigation measures are required.

### *Bat Survey Report*

- Site was not found to support features suitable for roosting bats and as such there are no constraints to the proposals.
- Habitats within the site are considered to provide suitable foraging and community opportunities.
- Bat activity levels were not exceptional for the location; it is considered that the site does not form a significant resource for the local bat population.
- The retained and created habitats will encourage invertebrate and in turn create an enhanced foraging resource for local bat population. Retained and created hedgerows and tree lines will continue to provide commuting opportunities.

### *Flood Risk Assessment*

- Recommended that finished floor levels of the building be raised above the ground levels by 150mm.
- Recommended that ground levels be profiled to encourage runoff away from the proposed building.
- Runoff from the roof of the building be directed to soakaway, if soakaways are not appropriate the site should discharge to the ditch system running across the centre of the site.
- Layout and design of surface water network will be determined at the detailed design stage.

### *Heritage Statement*

- There are no schedule monuments within the site or the adjacent area.
- The proximity of Calderfields Moat and the earthwork outer enclosure (ditch running off the moat) should be taken into account as it substantially raises the archaeological potential of the site.
- The only excavation into the existing ground comprises foundations and services for a building in the southwest corner of the site; a watching brief is recommended on these works.
- The proposed works raising the ground levels will require no further mitigation.

The application has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and has been determined to not require an Environmental Statement.

### **Relevant Planning History**

Before this application was submitted, an EIA Screening was carried out under reference 14/1928/SCRE and the current application has also been screened.

### **Calderfields Golf and Country Club**

10/0342/FL – Proposed erection of chalet tourist accommodation (comprising 20 units), health and fitness suite (comprising swimming pool, gym, studio, treatment rooms, sauna and steam room), new staff offices, shop and revised reception and alterations to golf course layout together with landscaping works and associated plant facilities. Granted

subject to conditions 2/11/2010. Condition 3 requires retention of the chalet units and health and fitness facilities to remain in the same ownership and to operate as a single business unit with Calderfields Golf and Country Club. This permission has been implemented through the construction of the chalets.

Land at Calderfields Farm, Aldridge Road (to rear of Longwood Cottages)

12/1572/FL - Change of use of land to form cemetery with associated parking, paths, access roads, landscaping, nature conservation area and reception building following demolition of existing buildings. Refused 21/2/13. Dismissed at appeal 21/7/14.

Land at Whitby Riding Stables, Aldridge Road – part which includes the application site

BC24158P – Tipping of material to raise level of land where appropriate in forming all weather riding area. Granted subject to conditions 19/12/1988

BC27984P – Request for extension of time for tipping to raise level of land to form all weather riding areas pursuant to condition 4 of planning permission BC24158P. Granted subject to conditions 14/11/1990

Badgers Yard, Aldridge Road

15/1379 – Demolition of existing buildings and erection of 7 no. dwellings, landscaping and associated works. Currently under consideration.

**Relevant Planning Policy Summary**

Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions and sets out that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

**National Planning Policy Framework 2012 (NPPF) and associated guidance**

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*".

It is based on 12 core planning principles. Those particularly relevant in this case are:

- Be genuinely plan-led
- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and characters of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside
- Support the transition to a low-carbon future in a changing climate
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Encourage the effective reuse of land



- Conserve heritage assets
- Actively manage patterns of growth

### **Key provisions of the NPPF relevant in this case:**

1: Delivering sustainable development

11: Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

19. Planning should encourage sustainable growth.

2: Ensuring the vitality of town centres

24. Applications for main town centres uses to be located in town centres

4: Promoting Sustainable Transport

32 All development should have safe and suitable access to the site for all people.

Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

35. Developments should be located to create safe and secure layouts.

7: Requiring Good Design

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

58. Decisions should aim to ensure that developments:

- Will function well and add to the overall quality of an area
- Establish a strong sense of place
- Optimise the potential of the site to accommodate development
- Respond to local character and history and reflect the identity of local surroundings and materials

- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion

- Are visually attractive as a result of good architecture and appropriate landscaping

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

61. Decisions should address the integration of new development into the natural, built and historic environment.

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

8: Promoting healthy communities

70 Decisions should plan positively for the provision of community facilities (such as sports venues) to enhance the sustainability of communities...ensure that established facilities and services are able to develop and modernise in a way that is sustainable.

73. Access to opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

9: Protecting Green Belt land

79. Green Belt policy is to prevent urban sprawl by keeping land permanently open.

80. The Green Belt serves five purposes:

- Check the unrestricted sprawl of large built up areas
- Prevent neighbouring towns merging into one another
- Assist in safeguarding the countryside from encroachment
- Preserve the setting and special character of historic towns
- To assist urban regeneration, by encouraging the recycling of derelict and other urban land

81. Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide opportunities for outdoor sport and recreation; retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

87. Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

88 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89 Construction of new buildings are inappropriate development in Green Belt, with the exception of...provision of appropriate facilities for outdoor sport, outdoor recreation...as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

10. Meeting the challenge of climate change, flooding and coastal change

103 Local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment.

11. Conserving and enhancing the natural environment

109. The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity...prevent new and existing development from contributing or being put at unacceptable risk from, or being adversely affected by unacceptable levels of...air...or noise pollution...remediation and mitigation despoiled, degraded, derelict land.

111. Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided it is not of high environmental value.

118. Local planning authorities should aim to conserve and enhance biodiversity by....incorporate biodiversity in and around developments.

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts

12: Conserving and enhancing the historic environment

128. In determining planning applications LPAs should require the applicant to describe the significance of any heritage assets.

141. Require developers to record and advance understanding of the significance of any heritage assets to be lost.

On **planning conditions** the NPPF says:

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

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

## **The Development Plan**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material

considerations indicate otherwise.. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

### **Local**

#### **The Black Country Core Strategy (BCCS) (2011)**

[http://www.walsall.gov.uk/index/environment/planning/local\\_development\\_framework/ldf\\_core\\_strategy.htm](http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm)

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

This checklist has been published on the BCCS and Council websites. Cabinet on 24<sup>th</sup> July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy is consistent with the National Planning Policy Framework, so that the Core Strategy policies should be given full weight in planning decisions.

The key planning policies include:

CSP1: The Growth Network

CSP2: Development Outside the Growth Network

CSP3: Environmental Infrastructure

CSP4: Place Making

CSP5: Transport Strategy

CEN1: The Importance of the Black Country Centres for the Regeneration Strategy

CEN7: Controlling Out-of-Centre Development

DEL1: Infrastructure provision

TRAN1: Priorities for the Development of the Transport Network

TRAN2: Managing Transport Impacts of New Development

ENV1: Nature Conservation

ENV2: Historic Character and Local Distinctiveness

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

ENV6: Open Space, Sport and Recreation

These Policies are considered to be consistent with the NPPF.

#### **Walsall's Unitary Development Plan (UDP) (2005)**

[www.walsall.gov.uk/index/environment/planning/unitary\\_development\\_plan.htm](http://www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm)

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

The relevant policies are:

GP2: Environmental Protection

GP5: Equal Opportunities

GP6: Disabled People

3.3: Countryside and Green Belt

3.6 and 3.7: Environmental Improvement

3.9: Derelict Land Reclamation

ENV1: The Boundary of the Green Belt

ENV2: Control of Development in the Green Belt

ENV3: Detailed Evaluation of Proposals within the Green Belt

ENV6: Protection and encouragement of agriculture

ENV7: Countryside Character

ENV10: Pollution

ENV11: Light Pollution

ENV14: Development of derelict and previously developed sites

ENV17: New Planting

ENV18: Existing Woodlands, Trees and Hedgerows

ENV23: Nature Conservation and New Development

ENV25: Archaeology

ENV32: Design and Development Proposals

ENV33: Landscape Design

ENV40: Conservation, Protection and Use of Water Resources

S1: Definition of Town Centre Uses

S6: Meeting local needs

S7: Out-of-Centre and Edge-of Centre Developments

T1: Helping People to Get Around

T4: The Highway Network

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

8.5: Sport and Recreation

LC7: Indoor sport including health and fitness centres

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

### **Supplementary Planning Documents (SPD)**

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

## **Designing Walsall** (Feb 2008)

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies.

DW3 – all new development must be designed to respect and enhance local identity

DW6 – new development should contribute to creating a place that has a clear identity

DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;

DW10 – new development should make a positive contribution to creating a sustainable environment.

## **Conserving Walsall's Natural Environment SPD**

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

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

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

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

Raising Our Game: The Strategic Plan for England Golf 2014-2017 by England Golf 2014

## **Consultations**

**Canal and River Trust** – No objection.

**Coal Authority** – No objection. Not within a high risk area. Standing advice recommended.

**Environment Agency** – No objections.

**Environmental Health** – No objection.

**Flood Risk Planning and SuDs Officer** - No objection subject to use of recommended condition requiring the mitigation measures of the Flood Risk Assessment.

**Highway Authority** – No objection subject to use of recommended condition in regard to wheel cleansing during construction. Parking assessment demonstrates sufficient capacity to accommodate the proposal.

**Inland Waterways** – No objection.

**Natural and Built Environment Team (Ecology)** – No objection subject to use of recommended conditions in regard to full landscape details and maintenance plan.

**Natural and Built Environment Team (Landscape)** – No objection subject to securing landscaping details through condition.

**Natural and Built Environment Team (Trees)** – previously objected on grounds that more of the existing vegetation should be retained and the proposed landscaping needs more refinement. Re-consultation comments to be updated a Planning Committee

**Pollution Control** – No objection subject to the use of recommended conditions in regard to ground gas investigations, confirmation of clean imported materials, requirement of a construction management plan and controlling construction times.

**Severn Trent Water** – No objection subject to the use of recommended drainage condition.

**Sites and Monuments** –No objection subject to use of conditions requiring an archaeological evaluation and a watching brief. Archaeological work required prior to/during work.

**Sport England** – No objection.

**Strategic Planning Policy** - No objection.

**Structures and Geotechnics** – No objection.

### **Public Participation Responses**

Site notice displayed, notification published in the local newspaper and surrounding occupiers notified by letter

In response to the original submission, the following comments were received:

- Councillor Russell has objected to the application as there is already a driving range which could accommodate any increase in demand and would be harmed by the proposal; golf as a pastime is in decline; the proposal would cause a loss of Green Belt land; detrimental effect on wildlife, plants and birds; increased light pollution; increased traffic.
- The Residents Against Cemetery group commented on behalf of local residents stating that the site is sensitive, the consultation period should be extended due to public interest, that residents are against development in the Green Belt and that a senior planning officer should deal with the application due to previous concerns regarding an application for a cemetery on adjacent land.

Objections were received from 15 local addresses with the following comments:

- Difficult to ascertain full extent of the proposals from the application documents
- The section drawings are insufficient to assess impacts on neighbours/character of the area. No details given of how the land re-profiling will be achieved, with what materials or the extent of the proposed changes in levels
- There is already a driving range operating below capacity, retail shop and teaching academy at Calderfields Golf Academy on the adjacent site so there is no need to duplicate them as the sites share a car park and many visitors use both facilities. Rather than increase employment, this could cause harm to Calderfields Golf Academy
- No evidence of need or demand for this development

- No additional benefit to existing users of the two golf facilities other than the short course
- Large building on Green Belt land – loss of openness
- Change of use of Green Belt land for this use is inappropriate development. Green Belt should not be lost for commercial gain
- Green Belt should be for everyone to enjoy and preserved for future generations
- Loss of/encroachment into/unnecessary development of Green Belt land
- Lack of evidence of viability or need, to establish very special circumstances
- The need to remove/treat waste on the site does not justify the proposed use or buildings
- Area is water logged, risk of flooding from watercourses on the site, impact on water course
- Likely contaminated land due to previous illegal dumping on site
- The proposed landscaping does not compensate for the natural landscapes and habitats that would be lost
- A cemetery was refused on adjacent the site and the appeal was dismissed, largely on the grounds of absence of need
- Is this an interim measure before the previously proposed cemetery?
- Function room is already noisy in the early hours which could become worse if the club expands
- No opening and closing times have been stated
- The existing driving range already causes light pollution and the new one would increase this
- Increased traffic and pollution
- Risk to walkers, children and horse riders
- The location of the driving range could lead to stray golf balls hitting passing pedestrians or motorists
- No evidence provided on required height of fencing and netting for safety
- It would be better to propose only the short golf course and provide additional car parking instead as this would fit in well with the existing golf course as the complex does not already have one and it would not impact on the Green Belt
- Additional car parking should be provided if the country club is expanding as parking is already difficult and the previously approved expansion of the country club is not yet complete
- Construction period could impact on residents and the adjacent golf business
- The previous EIA Screening does not relate to the full extent of this proposal
- Councillor Arif has written in support of the application as he considers it would have a positive impact on the environment, would bring into use an area which is a magnet for fly-tipping and looks unsightly, and he has received no representations against the development.

Two letters of support were received from local residents, with the following comments:

- The proposals would benefit existing and new members
- The site is currently unsightly wasteland and would be improved
- Additional employment
- The proposals would help sustain the Club

The applicant also submitted a petition of support for the 9 hole par 3 golf course and teaching facility, on the basis that it would *“return an area of current Brownfield site to a use more compatible with the rural environment and provide an essential facility to ensure the sustainability of the Golf Club and its members for future generations”*. It is described as being ‘signed by over 500 local residents and visiting customers’. Five letters of support from the General Manager, former Club Captain, Senior Captain and Junior Academy Secretary and the Staffordshire Union of Golf Clubs have also been included in the applicant’s submissions.

Following the December re-consultation removing the driving range and removal of high level netting. The following comments were received:

Ten letters objecting to the application on the following grounds:

- Golf academy building will remain obtrusive
- Loss of openness caused in particular by the new building
- Building, nets and perimeter nets/fencing would have a harmful visual impact and cause harm to the character of the area.
- Will adversely affect local bats
- Further manicured landscaped areas will destroy the habitat of wildlife and cause pollution to surface water with pesticides, fertilizers and worm treatment.
- No substantial weight can be given to the claimed ecological/environmental improved. The need to treat the existing site as a result of ecological/environmental harm is unevidenced.
- No justification. Development not essential and purely commercial
- No evidence produced as to the existing distribution of par 3 short course and the need for another.
- No evidence that the current facilities in the complex fail to meet the needs of ladies and juniors in particular or that current facilities could not be adapted.
- The effect on the existing golf-related businesses in the complex not run by the applicant have not been assessed.
- Still a driving range. Applicant’s aim is a driving range and retail store.
- Only reason to have separate facilities is if the intention was to have a driving range.
- Existing practice driving nets, bunker and putting green. No evidence has been produced to show the current facilities are inadequate.
- Existing academy has a flood light putting green and practice bunker
- Management of the proposed practice area would be easily managed from the existing reception area, showers and toilets if justified could be met by extending the existing facilities
- The existing Academy retail shop leased to Direct Golf UK, the second largest retailer in the UK is under administration. This alone should show do not need another shop on site. No evidence that the existing shop facilities on the wider site are over trading that that additional facilities are required.
- Existing shop premises meets the needs of patrons of the ‘complex’ requiring golfing equipment.
- Already adequate practice facilities within the existing driving range, will be little benefit to the community
- Viability arguments are not properly evidenced, no evidence that the current offer is at risk of closure. Site is popular for non-golfing activity.



- Original application driving range (now abandoned) was asserted to be key to the future viability of the business and no explanation as to why that is not now the case.
- Removal of high safety net is a serious safety hazard. Golfer will use woods regardless of rules. A good golfer can hit further than 150m with an iron.
- Use of irons to hit these distances would create a ball light with a much higher trajectory than longer clubs.
- No safety nets are provided
- Provision of perimeter nets is plainly needed as a result of the risk of golf balls causing damage to person or property outside the confines of the site.
- Proposal will have an adverse effect on the ability of the existing academy to stay afloat
- Retail shop shown will be made larger by incorporating other rooms
- Current driving range closes at 6pm, applicant has requested 7am-10pm in winter.
- No mention of how and with what material the re-profiling is to be achieved, or quantity
- Traffic and amenity impacts of the imported material have not been assessed
- Section drawings are not fit for purpose (in regard to level changes)
- Application does not include any detail of current and proposed ground levels. Other golf courses have been used as waste disposal enterprises
- Inspector in regard to appeal APP/V4630/A/13/2203811 concluded that there was a risk of flooding from watercourses that cross that site. There are similarly water courses on the current application site.

Further re-consultation was undertaken in February in regard to the reduction in the size of the academy building and the submission of further justification.

Four letters were received objecting to the application on the following grounds:

- No need for another driving range or the building
- Environmental issues remain unresolved
- The commercial demand for another facility has not suddenly materialised
- Lose members because more concerned about function and hotel bookings than its golf members
- Recommends investing money improving and maintaining the existing 18 hole golf course.
- Proposed par 3 course on a smaller area of land than that of The Grange par 3 Arboretum course the Walsall Council operated, which made an average loss of £40,000 per year; shows demand is not sufficient.
- Existing shop on site, the second largest golf retailer in the UK went into administration in November 2015. This should answer the question is there justification for the need for another retail shop.
- A substantial new building
- No safety nets proposed
- Existing on-site professional acting across both sites, no need for another
- The existing driving range / academy is effective and popular. There is no need to duplicate the facility. Juniors are adequately coached on site already.
- Failed to produce 'open book' evidence on financial viability and/or a business plan & financial information that can be subject to independent scrutiny.

- Failed to show that there is no suitable existing accommodation for any/come of the new uses (eg the simulator).
- Not produced any assessment of the likely economic impact on the other golf business at the complex.

One letter was received from the Academy Director (and PGA Professional) at Calderfields Academy Range:

- Despite restrictive contractual clause the Academy PGA professional has worked as the PGA professional for the Golf and Country Club.
- Initiatives and concessions have assisted with members of the golf club supportive members of the Academy and members of the Academy becoming members of the golf club.
- Believe the nine hole course facility is much needed in the area. At present par 3 courses are available at 3 Hammers (Wolverhampton), Lichfield and Lea Martson (Sutton Coldfield) which attract customers from Walsall and Aldridge. A facility on the site would be a tremendous addition to Calderfields.
- A short course would assist all beginners, but particularly juniors and ladies.
- No need for another practice area or driving range. Lessing the amount of space for the par 3 course, making it a pitch and put course similar to Fishley Park.
- Decline in junior membership was attributed to the subscription level
- Misunderstanding to the position of a PGA professional. The shop at a club with a PGA professional is his and his alone. Very rarely does a PGA club professional offer discount on lesions.
- Loss of members to Aston Wood was caused by the condition of the course at Calderfields.
- The clubs listed in the supporting letter are for the most part established members clubs, their focus is on members and not the green fee paying visitor.
- The Academy also has plans to install a golf simulator
- The PGA does not offer grants or other form of funding.
- Changing facilities at the club are adequate and suitable.
- Evidence shows 7 iron can hit 175m, 8 iron 167m, 9 iron 150m

### **Determining Issues**

- Suitability of proposed land use
- Natural and built environment
- Residential amenity
- Flood risk and drainage
- Ground conditions
- Highways and transport matters

### **Suitability of proposed land use**

As a leisure use, planning policy requires that the proposed use should be directed first to the town, district and then local centres. As the proposal is an extension to an existing use, rather than a new leisure use, it is accepted that the only place the applicant would wish to develop would be land immediately adjacent to the existing facility. It is further recognised that the nature of an outdoor sporting facility limits more centralised sites. On this basis the applicant has not been asked to demonstrate that there are no sequentially

preferable sites available. Consideration therefore moves to the suitability of the proposed development on this site.

The NPPF as qualified by recent case law establishes that the change of use of land in the Green Belt is inappropriate development and such development is harmful to the Green Belt and should not be approved except in very special circumstances. Associated buildings and structures will also be considered to be inappropriate development. Paragraph 81 the NPPF explains that LPAs should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide facilities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

The applicant's case for very special circumstances are centred around the need to secure the long term social, economic and environmental suitability of the club in the future. It is recognised by officers that participation in the game of golf nationally is declining as detailed in the document Raising Our Game published by England Golf and endorsed by Sport England. The applicants are therefore seeking to develop a junior section, increase female membership and disabled members through a shorter golf course, diversify facilities to retain existing members and attract new members, provide facilities for lower handicapped golfers, attract a recognised golf professional, complete with other golf break venues, create jobs and increase the income to the club.

Paragraph 81 of the NPPF seeks to identify how Green Belts can be enhanced. This includes use of the land for outdoor sport and recreation and the improvement of damaged or derelict land. This scheme would accord with these principles in that it would open the land up for a sporting use and ensure the removal of the land to the north used for the unlawful tipping. It is also recognised that parts of the site currently offer little in regard to visual amenity which could be addressed through new landscaping which would also enhance biodiversity.

Consideration has been given to the possibility of using enforcement powers to secure the restoration of the tipped land but it is recognised that the development of the land for golf use would in principle be in accordance with the aims of the NPPF and also address the damage to the land. In addition, whilst any enforcement action could secure the removal of the waste, it could not secure the delivery of the landscape enhancements being proposed as part of this application. Accordingly, positive weight is given to the proposal with regard to paragraph 81 of the NPPF.

UDP policy ENV6 seeks to protect the best and most versatile agricultural land from loss to inappropriate development. Under the Agricultural Land Classification mapping, this site is identified as Grade 3b land and therefore outside the classification of best and most versatile. Furthermore, it is recognised that the land has been tipped and because of this, it is uneven and of poor quality. Even if the quality of the land was improved, due to its size and segregation from any farm holdings, the land it is unlikely to become the best and most versatile agricultural land.

In assessing whether very special circumstances can be shown to support this development, consideration is given to the characteristics of this development and whether it provides any facilities for which a recognised need exists within the local area. Against the proposal is that there is an existing 18 hole golf course owned and operated by the applicant and neighbouring driving range both of which are in the Green Belt and provide

opportunities for outdoor sport. Furthermore, the unauthorised tipping may be open to enforcement action and the harm and the dereliction could be rectified by such action albeit without the associated landscaping improvements.

The proposed structures and associate paraphernalia associated with the use would by definition reduce to some degree the openness of the Green Belt. The applicant's very special circumstances include retaining market position and compete with other golf courses. There is no viability evidence that demonstrates the absence of the proposal would force the closure of this long established golf course, which has diversified through its 20 hotel rooms, restaurant, evening events, wedding venue and conference facilities. Accordingly officers place little weight on this argument.

Paragraph 70 of the NPPF explains decisions should plan positively for the provision of sports venues, and at paragraph 73 it is explained access to opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Officers are aware that nationally golf is in decline with participants falling. This is evidenced through the work of England Golf and Sport England. Research has been undertaken into why this has occurred and aside from the impacts of the recession which has affected leisure pursuits generally, the fall in people playing has been identified as being due to the time taken to play with 22% of those who have stopped playing citing the lack of time available to play being one of the main factors.

The existing golf course is 18 holes and for operational reasons could not logically be subdivided for users of differing abilities wanting to play fewer holes. Whilst a competent golfer may take around 4 hours to complete a round, for juniors, novices and casual players, 18 holes could take 7 hours to play. The combination of both groups on the course at the same time poses operational difficulties which in turn makes entry to the sport difficult.

Golf England recognise this and have recommended an expansion of nine hole facilities with more competitions on 9 hole courses. Research has also indicated 11% of golfers would play more if there were more nine hole green fees available.

For the people of Walsall there are no nine hole courses within the borough, so anybody wanting to learn the game or for those unable to play a full 18 hole course they would need to travel outside of the borough. The proposal provides an opportunity to enhance access to outdoor sport. This is a long established golf club with opportunity to access the site by sustainable means. The proposal would provide for a need not currently met within the borough, appearing as a natural extension to an existing use. A similar proposal within an alternative location would require further infrastructure compared to that proposed here. Taking this into account and the comments provided by Simon Leahy Golf (Franchisee of the John Letters Golf Academy based at Calderfields Academy) it is recognised that there is a need for increased provision of nine hole facilities. With the limited range of such facilities within Walsall and the surrounding area, it is considered substantial weight can be provided to this aspect of the proposal.

It is recognised that the existing club house does not provide facilities to hire golf clubs. The changing room facilities for non-members and females are constrained and for young people provides problems as they are not segregated from adults.

The existing course has a practice putting green, nets and practice bunkers which are for use of the golfers prior to starting their round of golf. It is traditional for golfers to warm up with swinging their clubs in this instant in the safety nets and practice putting prior to the start of their round. Due to the close proximity of these facilities to the 1<sup>st</sup> Tee it is not golfing etiquette to have coaching sessions being carried out in the bunkers and on the practice putting green at the same time as golfers are coming in as well as going out on the 1st tee. Officers therefore recognise there is a need to rearrange the facilities.

The proposed practice area would increase facilities and attraction for people unfamiliar with the sport and provide an increased opportunity for people to get into the game.

It is recognised that there are similarities with the existing driving range adjoining the site. Consideration has therefore been given by officers to whether this aspect of the development represents a duplication of existing facilities nearby for which it would not be possible to show very special circumstances or whether there are aspects of this part of the proposal which are unique to the traditional driving range and offer something unique.

The driving range does offer some training facilities but it is orientated to existing golfers who use a full range of equipment including drivers to knock balls up to 200m. The proposed facility is orientated to beginners and those learning to improve their technique. As part of this, the range of equipment is restricted to the use of irons and not clubs and special practice balls are used. This limits the distance balls can be shot and also the risk of slicing shots hence why lower fencing can be used. The use of appropriate clubs and balls can readily be controlled if a planning permission is granted.

It is considered therefore that this aspect of the scheme does provide a new format for new players to practice and thereby assist in widening opportunities for people to enter the game.

Due to a restrictive covenant the club is unable to provide golf lessons, golf shop or a golf professional within the boundaries of the existing golf course. These facilities though are available at the neighbouring driving range.

Objectors have commented that The Grange par 3 course operated by the Council closed, showing demand is not sufficient and demand has not suddenly materialised. The applicant explains that a shorter format is the long term future of the game to keep the participating youth and young adults being able to fit the game in with a balanced modern family/work life pattern.

Objectors also state that the decline in junior membership was attributed to the subscription level and the loss of members to Aston Wood was caused by the condition of the course at Calderfields. While these operational factors are for the viability considerations of a business, the planning merits here relate to provision of suitable facilities.

Attention is now given to the third element of the proposal that being the shop, changing facilities and training rooms.

Objectors feel that the existing shop (not in the ownership of the applicant, with a building footprint of 420sqm) meets the needs of patrons and that there is no evidence that the existing shop is over trading. The proposed shop has a floor area of approximately 47sqm

which includes a club hire area, refreshments area and sales area for ancillary golfing items.

There are no existing club hire opportunities and this is required to assist with increasing access to the sport. Currently customers cannot walk in from the street and play a round of golf, they need to arrive prepared with sufficient equipment which even for a junior golf sets start at £150. The provision of a small part of the building to provide rental facilities and a small sales area is not considered to be substantial and can be accepted. Also, the provision of small refreshment and small retail area is not considered to cause significant harm. The fact that the existing shop has gone into administration is not a reason to refuse the planning application.

Support is given to the training facilities and space for the simulator which again will provide an opportunity for beginners to enter the sport.

Concern has been raised that the shop would be made larger by incorporating other rooms. A planning condition could be used to define the size of the shop to that shown on the submitted plan.

It is therefore considered that the additional inclusive access provided by these additional facilities in a borough where this facility does not currently exist in association with an existing golf course would amount to very special circumstances in support of this inappropriate development of the Green Belt. The use of the land for outdoor sport is consistent with the function of the Green Belt and by its very nature would, in the main, keep the land permanently open and would assist with addressing the current poor condition of the land. The use would enhance the sustainability of communities.

Concern has been raised about the effect on the neighbouring driving range, academy and shop and its ability to stay afloat. It is well established that planning applications cannot be refused on grounds of competition. While the proposed practice area and driving range have similarities in regard to golfers practicing shots, there are differences with the proposed non-floodlit short practice area with seven bays, having centralised targets at 50m, 100m and 150m with a limitation on the type of clubs and use of practice balls to the established neighbouring 24 bay (approximately) covered and floodlit driving range which has a distance up to 200m across a much wider area with less limitations on the equipment used. Some objectors feel that the proposal is still a driving range and as per the recommendation of the withdrawn report of 3<sup>rd</sup> December, should be refused. The proposal is presented as a short distance practice area and is considered accordingly.

The aim of the proposal is to attract new people to the (outdoor) sport, which could have knock-on benefits to the driving range as people's abilities and draw to the sport increase. For any golfer wanting to use woods and practice their long shots, the driving range will remain to be the place to practice.

The applicant's case for very special circumstances include the proposal needing to 'feed' the next generation of members for the 18 hole course. Due to this integral link between the existing and proposed operations it is considered necessary that a S106 agreement is secured to ensure they remain in the same ownership and to operate as a single business unit for the purpose of retaining this connection. The S106 would also be used to secure the use of equipment on the practice range in regard to the type of clubs and practice balls to define the use as a short practice area.

Reference to the dismissed appeal for the cemetery at Calderfields Farm has been made. This was dismissed on mainly on the grounds of an absence of very special circumstances amounting to inappropriate development in the Green Belt. In the current application case officers are of the view that very special circumstances have been demonstrated to outweigh the harm on the Green Belt. Concern has been raised that this proposal is an interim measure before the previously proposed cemetery. The application is treated on its merits.

### **Natural and built environment**

The application no longer proposes the driving range and associated earthworks, fencing (12m-20m high) or flood lighting and has reduced the size of the ancillary structures. The proposal does change an agricultural field to a golf courses, introduces an academy building, practice nets, artificial bunds (up to 3m in height), 3m high boundary fence, path ways, planned landscaping and the daily activity with its use. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is commonly considered to be free from development. Most of the land would remain permanently open and free from built form. The academy building is single storey and has been designed to be of simple form similar to agricultural buildings. On the basis that the proposed use, in principle, is acceptable, the building would provide facilities that are necessary to support the purpose of land in the Green Belt as providing access to outdoor sport. The use of the existing clubhouse is maximised and offers no opportunity within its footprint to provide facilities required to manage and maintain the academy and nine hole course.

It is recognised by definition that the building would reduce openness due to its massing. But due to its size and positioning the building is considered not to impact upon the openness of the wider Green Belt and this is weighed alongside the increase in access to the Green Belt that would be provided as a result of the overall proposal. While the building would encroach the countryside, this part of the countryside is degraded and would take the opportunity to assist the recycling of this derelict land. There are examples of single buildings in the immediate area, the Dilke PH, the driving range building, the club house, maintenance shed, chalets and Thistle Dew House. The massing of the proposal would not be disproportionate and the site is well screened from distant views and this would be enhanced.

The facilities within the building are considered to serve the provision of encouraging access to outdoor sport. The golf simulator, while an indoor feature is part of the wider understanding of golf, assisting with teaching that would then transfer to increasing the use of the outdoors. This facility requires a 4m high head height which cannot be accommodated within the existing clubhouse building. The height of the building has been designed with a split ridge height to minimise the size of the building. The building is required to be located close to the practice area and nine hole course to enable appropriate management of this area. While the existing building could be extended, the net result would be the same massing of built form in the Green Belt.

A 3m high fence is proposed to the boundary with the access drive. This fence would be green netting. The height of the fence is lower than that located to the other side of the drive serving the driving range. The visual appearance of netting style fence at such a height alongside existing landscaping would not unduly impact upon the openness of the Green Belt or the visual amenities of the area. The rest of the site would be secured by 2m

high green finish steel fencing. Precise design of boundary treatment can be secured by condition. Concern has been raised about the suitability of the 3m high fence, with evidence that a golfer can hit distances and heights over and above the height of this safety net, the applicant explains that special practice balls would be used and a control over the type of clubs, these factors lead to a design requirement of a 3m high fence to protect the users of the car park and adjacent land..

One objector comments that a golfer will use woods regardless of rules and a good golfer can hit further than 150m with an iron. Three letters have been received in response, two from PGA professionals (based at two different golf clubs in Cornwall) and one from an experience Golf Course Architect, commenting that the figures of objectors must be based on professionals using 3-wood or drivers. It is stated that the use of 7 iron under normal conditions the average male golfer with a normal golf ball will carry the ball 138m, with compression balls reducing distance by 20%. Trethorn golf club has 3m high safety netting and in the six of coaching there has not witnessed a range ball travelling over the safety netting. Management of sites is outside of the control of the planning process, and applications must be considered that appropriate management and rules will be enforced. The short practice area is not for distance, should a 'good golfer' wish to hit distance shots then the existing driving range would continue to meet those requirements.

The application no longer proposes lighting to the external areas. A condition would be necessary to secure details of security/safety lighting around the building and to prevent any other lighting measures.

Existing areas of Willow Copse, shrub and brambles would need to be removed as would five trees (ash, gean and goat willow) and three tree groups. The tree survey confirms they are of low quality. The Council's Ecologist notes that the existing woodland and scrub may not be species diverse, but it is structurally diverse. It will be many years before the range of ecological niches will be reproduced if all vegetation is lost and it is disappointing that the site will be entirely cleared. Ecological reports confirm the site is not afforded any nature conservation designation, linear habitats will be retained which combined with proposed landscaping will ensure connectivity will be maintained for foraging and commuting bats. The surveys have not recorded the presence of any legally protected species.

While the removal of vegetation can have some impact, the vegetation has no statutory protection. The application includes a landscape plan including fairway, green, rough mix, woodland mix, wildflower mix and standard tree planting. Therefore there is the opportunity to mitigate against the short term loss of vegetation with a long term planned and maintained landscape to the benefit of visual amenity and ecological value. Full landscape and maintenance details can be secured by condition.

### **Residential amenity**

The nearest residential property is Thistle Dew House, 140m from the site and located between the driving range, the club house and the car park. This property was originally developed as part of the wider golf complex. There are also residential properties facing Aldridge Road. The distance between the proposal and residential use is sufficient to ensure no significantly adverse impacts from the proposal in terms of overlooking, overbearing, overshadowing or loss of light. The use of the land in terms of noise and disturbance is considered not to have any further detrimental impact compared to surrounding land uses. The opening times proposed are between 7am and 10pm; due to



the absence of any artificial light the opening times during hours of darkness are to provide internal teaching opportunities. It is noted that the public house and evening functions at the club house would be ongoing past this time. The prevention of any external lighting for outdoor play and opening hours are necessary to be controlled by condition.

It is considered necessary that a Construction Management Plan would be required to control and mitigate noise, dust impacts, and measures to ensure no site debris drags out onto the public highway and a control over working hours during construction. These can be controlled by condition.

Comments have been raised that the function room is already noisy in the early hours which could become worse if the club expands. The proposal is not for any additional non-golfing related activities and use of the building can be conditioned accordingly.

### **Flood risk and drainage**

The site is located within Flood Zone 1 and is not known to be adversely impacted by major surface water mapping flow routes. There is a minor watercourse through the centre of the site which may feed the ponds to the south west but records do not show whether it is a seasonally dry ditch or a minor field drain. Infiltration would not be a feasible option for surface water drainage given the ground conditions, therefore the proposal would need to discharge at Greenfield run-off rates to the ditch via a sustainable drainage system and flood storage volume provided. The submitted Flood Risk Assessment sets out how this could be achieved and if the proposal were otherwise acceptable, this could be secured by condition. It is not considered that the proposal would give rise to any risk if flooding. It is noted that the proposed bridges may require Land Drainage Consent to ensure that culvert flows are not affected.

### **Ground conditions**

The site is located outside the zone of consideration for limestone mine working.

The site is located within the Coal Authority Development Low Risk Area so a note to the applicant regarding the potential risk is recommended if planning permission is granted.

The site is known to have been used as a landfill site in the past. The submitted site investigation confirms this but states that soil gas is unlikely to be present in any significant amount, and no testing has been undertaken. The submitted site investigation also states that the land is not likely to be significantly contaminated. The site is considered to be suitable for redevelopment as a golf course subject to suitable remediation as set out in the submitted site investigation, but there are concerns that ground gas measurements have not been taken and the neighbouring land is known to be gassing and nearby buildings include ground gas protection measures. If the application were to be approved, a condition would be required to ensure ground gas investigations are undertaken and remediation and mitigation measures agreed before any development takes place.

Any materials imported onto the site to achieve the required ground levels and landscaping would need to be inert and suitable for their purpose. If the application were to be approved, a condition would be required to ensure written confirmation that clean materials have been brought into the site.

Concern has been raised that the use would cause pollution to surface water with pesticides, fertilizers and worm treatment. Neither the Council's Ecologist nor Pollution Control raise any objection to the ongoing operation of the use of the land or raise any known issues with the existing course which presumably would currently need apply such techniques.

The site lies within a medieval/post-medieval landscape and a number of earthworks including a moated site have been discovered immediately adjacent to the development area. If the application were to be approved, a condition would be recommended requiring an archaeological strategy.

### **Highways and transport matters**

Access to the existing and proposed facilities is via the existing private access road off The Dilke roundabout on Aldridge Road.

206 parking spaces are available which has been demonstrated in the submitted Parking Assessment to have sufficient capacity to accommodate both the existing and proposed uses. 16 new cycle parking spaces would be provided at the new driving range building. The amount of material to be imported based on a 12 month construction programme is unlikely to have any significant detrimental impact on the operation of the highway network. The site is able to accommodate any increased vehicle movement without causing undue harm. Any additional emissions from vehicles are not considered severe, Pollution Control raise no objection. A condition is recommended to secure measures of wheel cleansing to prevent any associated debris getting onto the highway.

Concern has been raised about risk to walkers, children and horse riders. The site is a private drive and has no public footpaths running through it. The suitability of safety netting has been discussed and existing access arrangements are considered acceptable.

### **Conclusion**

The change of use of this agriculture land to a golf academy centre and nine hole academy golf course and associated facilities is inappropriate development in the Green Belt. The applicant's case of very special circumstances include securing the long term future social economic and environmental suitability of the club where memberships are declining and a need to invest and grow in order to maintain market position through the development of a junior section, increased female membership and disabled members through a shorter golf course, diversify facilities to retain existing members and attract new members, provide facilities for lower handicapped golfers, attract a recognised golf professional, complete with other golf break venues, create jobs and increase the income to the club.

Inclusive access would be provided by this additional facility in a borough where this facility does not currently exist in association with an existing golf course would, in these circumstances, amount to very special circumstances in support of this inappropriate development of the Green Belt. The use of the land for outdoor sport is consistent with the function of the Green Belt and by its very nature would, in the main, keep the land permanently open and would assist with addressing the current poor condition of the land. The use would enhance the sustainability of communities.

The academy building would provide facilities that are necessary to support access to outdoor sport and would not unduly impact upon the openness of the wider Green Belt.

The proposal would not have an adverse impact upon ecology and loss of existing landscape features can be compensated for by appropriate replacement planting. The use would not have any further impacts upon nearby residential users and would not give rise to any risk of flooding. Further work is required in regard to ground gas and the requirement of mitigation measures where necessary. Sufficient parking and access arrangements are available.

Conditions and completion of a S106 agreement can ensure the proposal sits as an integral part of the golfing offer without having adverse impact.

Accordingly the proposal would provide opportunities for outdoor sport and recreation, enhance landscapes, visual amenity and biodiversity and improve damaged and derelict land.

### **Positive and proactive working with the applicant**

Officers have liaised with the applicant's agent raising concerns about the design of the proposal as originally submitted and the absence of very special circumstances. Amended drawings and justification have been received which addresses these concerns and enabled support to be given to the scheme.

### **Recommendation: Grant permission subject to conditions and completion of a S106 agreement.**

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

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

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

- Site location plan (3027 004 Rev D) received 24/4/15
- Existing site plan/survey (3027 005 Rev A) received 24/4/15
- Proposed site plan (3027 002 Rev L) received 11/2/16
- Proposed plan (3027 001 Rev E) received 10/2/16
- Proposed/existing site sections (3027 006 Rev H) received 10/2/16
- Proposed sections and elevations (3027 003 Rev E) received 10/2/16
- Culvert detail (CL/132200/A) received 17/12/15
- Concept hard and soft landscaping plan (CL/132/100/E) received 17/12/15
- Tree survey and constrains advice received 27/5/15
- Addendum to Planning Statement received 11/2/16
- Phase I and Phase II Site Investigation received 27/3/15
- Ecological Appraisal received 26/10/15
- Ecological Appraisal-Addendum received 17/12/15
- Parking Assessment received 27/5/15
- Design and Access Statement received 14/12/15
- Reptile Survey Report received 26/10/15
- Bat Survey Report received 26/10/15
- Flood Risk Assessment received 29/5/15
- Heritage Statement received 27/3/15

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

3a. Before the commencement of any development or site clearance details of landscaping including the matters set out below shall be submitted for written approval of the Local Planning Authority:

- Preparation of land for planting.
- Specification and depths of topsoil/ subsoil/ growing medium and any mulches. The growing medium must be suitable for the growth of wildflower areas.
- Locations of all planting.
- Specifications for all planting and seeding to include: full Latin plant names to include genus and cultivar.
- Quantities, planting distances and sowing rates for all planting.
- Tree planting and staking details which should be ideally shown as standard detail(s)
- Locations and full specifications of all hard landscaping and drainage. (Drainage must be carried out to sustainable urban drainage systems principles.)
- Any phasing.
- Boundary treatments: height, size, type and specifications to any fencing, gates walls or barriers along perimeter or which are designed to protect interior areas on the site.
- Existing and proposed levels including those of ecological features.
- The landscape scheme shall follow the indicative layout drawing CL/132/100/E.

3b. The landscape scheme shall be constructed in accordance with the approved landscape plan unless otherwise approved in writing by the Local Planning Authority.

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

4a. Before any part of the development is brought into use a 5 year management plan shall be submitted for written approval of the Local Planning Authority. The management plan shall be carried out to an accepted methodology and provide full details of:

- How all planting will be maintained through the establishment period and managed thereafter.
- Provision for the replacement of any plant which dies, becomes diseased or damaged or seeding areas which fail.
- Details of routine maintenance such as pruning/ litter picking/ cutting/ mowing and removing cuttings, watering in dry period/ weeding.
- Provision for monitoring of implementation of ecological aspects of landscape scheme and remedial action to be taken if all or part of the landscape plan fails to flourish. Monitoring and review shall be at least annual and be carried out by a suitably qualified and experienced ecologist

4b. The landscape scheme shall be managed in accordance with the approved management plan.

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

5a. Prior to engineering and construction activities commencing a Construction Management Plan setting out how the works will be undertaken and giving details of arrangements for the control of noise, dust and debris shall be first submitted for written approval of the Local Planning Authority.

5b. The development shall be undertaken in accordance with the approved details.

*Reason:* To ensure neighbouring sensitive receptors are not unduly affected by noise, dust, and debris.

6a. No built development shall commence until details of the practice nets have been submitted for written approval of the Local Planning Authority.

6b. Only the approved details shall be installed.

*Reason:* To maintain the openness of the Green Belt and in the interests of visual amenity.

7a. No built development shall commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

7b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

8a. Prior to built development commencing an assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

8b. Prior to built development commencing a copy of the findings of the ground gas assessment, together with an assessment of the hazards arising from ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

8c. Prior to built development commencing a "Mitigation Report" setting out details of remedial measures to deal with ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority.

8d. The remedial measures as set out in the "Mitigation Report" required by part c) of this condition shall be implemented in accordance with the agreed timetable.

8e. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered, then the development shall cease and remedial or mitigation works shall be agreed in writing with the Local Planning Authority.

8f. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

9a. Prior to the commencement of any works on site, full details of a wheel cleansing methodology to prevent mud and debris from being deposited on the public highway during the construction period, shall be submitted to and approved in writing by the Local Planning Authority.

9b. The methodology shall be fully implemented during the period of construction in accordance with the approved details.

*Reason:* In the interests of highway safety.

10a. Prior to the commencement of development a programme of archaeological works and a strategy for dealing with any archaeological remains found on the site, shall be submitted to and approved in writing by the local planning authority.

10b. The programme and strategy shall be carried out only in accordance with the approved details and a report on the findings shall be submitted to the local planning authority prior to the occupation of the development.

*Reason:* To ensure that any archaeological remains within the site are adequately investigated and recorded in the interest of protecting the archaeological heritage of the borough.

11a. No built development shall commence until a schedule of facing materials to be used within the building hereby approved has been submitted to and approved in writing by the Local Planning Authority.

11b. The development shall be completed in accordance with the approved details.

*Reason:* To ensure the satisfactory appearance of the development.

12a. No built development shall commence until full details of the proposed boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority.

12b. The development shall not be brought into use until the approved details have been fully installed.

12c. The approved boundaries shall thereafter be retained and maintained.

*Reason:* To ensure the satisfactory appearance and functioning of the development.

13. Prior to top soil being laid on top of any imported material, confirmation of "clean" imported materials shall first be submitted for written approval of the Local Planning Authority in accordance with any previously approved locational phasing of imported material across the site.

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

14. The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated May 2015, Ref no. BMW/2427/FRA/REV1 undertaken by BWB Consulting and the following mitigation measures detailed within the FRA:

1. A scheme for the provision and implementation of surface water run-off limitation to existing greenfield run-off rates;
2. Provision, implementation and maintenance of a Sustainable Drainage (SuDs) system with storage provided up to the 100 year plus 20% climate change allowance;
3. Finished floor levels are set no lower than 150mm above existing ground levels
4. Ground levels to be profiled to encourage pluvial runoff and overland flows away from the built development and towards the nearest drainage point;

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

15. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall only take place between the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.  
(\* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

*Reason:* To ensure neighbouring sensitive receptors are not unduly affected by noise, dust, and debris.

16a. Prior to the development first coming into use secure bicycle parking areas shown on the approved plan shall be installed and available for use.

16b. Secure bicycle parking areas shall be retain thereafter.

*Reason:* To encourage sustainable modes of travel.

17. The building hereby approved shall only be used for purposes ancillary to the use of the site for the provision of playing golf. At no time shall the building be used for any other purposes, including a function room.

*Reason:* To ensure that the development remains a facility for golfer and functions only for the immediate local need.

18. The retail shop hereby approved shall only be for the sale of ancillary goods related to the golfing activities. The retail shop shall be defined to the area as shown on approved drawing proposed plan (3027 001 Rev E) at all times.

*Reason:* To ensure that the shop remains ancillary, serves local need and does not compromise existing local needs.

19. Notwithstanding the provision of the Town and Country (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no additional gates, fences or means of enclosures other than those expressly authorised by this permission shall be erected on the site.

*Reason:* To maintain the openness of the Green Belt.

20. Public access to the development hereby permitted shall be through the existing golf course club house only.

*Reason:* To maintain the integral link between the existing golf course and the development.

21. The development shall not be available for use other than between 07.00 and 22.00 hours.

*Reason:* In the interests of residential amenity.

22. No external lighting shall be erected or installed for the purposes of illuminating the practice areas or nine hole golf course.

*Reason:* To maintain the openness of the Green Belt and in the interests of local bat populations.

23a. Notwithstanding the requirements of condition 21 there shall be no means external illumination until details have first been submitted to and approved in writing by the Local Planning Authority.

23b. Only the approved details shall be installed.

*Reason:* To maintain the openness of the Green Belt and in the interests of local bat populations.

## **Notes for Applicant**

### *Pollution Control*

CL1 Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in the National Planning Policy Framework (2012); British Standard BS10175: 2011+A1:2013

"Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same

CL3 Validation and/or Mitigation Reports will need to contain details of the "as installed" remediation or mitigation works agreed with the Local Planning Authority. For example



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

### *Flood Risk Management*

For the bridge crossing adjacent proposed Hole 8, any proposed or modification to a structure that is deemed to impede flow (i.e. Culvert bridge) would arguably require Land Drainage Consent under section 23 of the Land Drainage Act 1991.

# Calderfields Golf Club - New 9 Hole Golf Course and Teaching Facility



Please confirm your support for the planning application submitted by Calderfields Golf & Country Club to provide a 9 Hole Par 3 Golf Course and Teaching Facility. This will return an area of current brownfield site to a use more compatible with the rural environment, and provide an essential facility to ensure the sustainability of the Golf Club and its members for future generations.

Name	Post Code	Signature
	WS12 1QR	
	B74 4JL	
	861 94Z	
	WS3 2PR	
	B375 5EX	
	843 7DP	
	WS10 0TD	
	DE65 5PR	
	DE65 5PN	
	WS9 9AP	
	WS9 9AP	
	WS9 8RY	
	WS9 8RY	
	WS9 9JE	
	WS9 9JT	
	CW2 8QE	
	CW2 8AW	
	CW2 5HA	
	CW2 8AE	
	CW2 8LN	

BROWN HILL HAYWARD BROWN



## Economy and Environment, Development Management

### Planning Committee

Report of Head of Planning, Engineering and Transportation on 31-Mar-2016

**Plans List Item Number: 2.**

#### Reason for bringing to committee: Major Application

**Location:** LAND OFF LONGACRES, WILLENHALL, WEST MIDLANDS

**Proposal:** ERECTION OF A NEW WAREHOUSE BUILDING (CLASS B8 USE).

**Application Number:** 15/1541

**Case Officer:** Alison Ives

**Applicant:** Middleton Group

**Ward:** Willenhall South

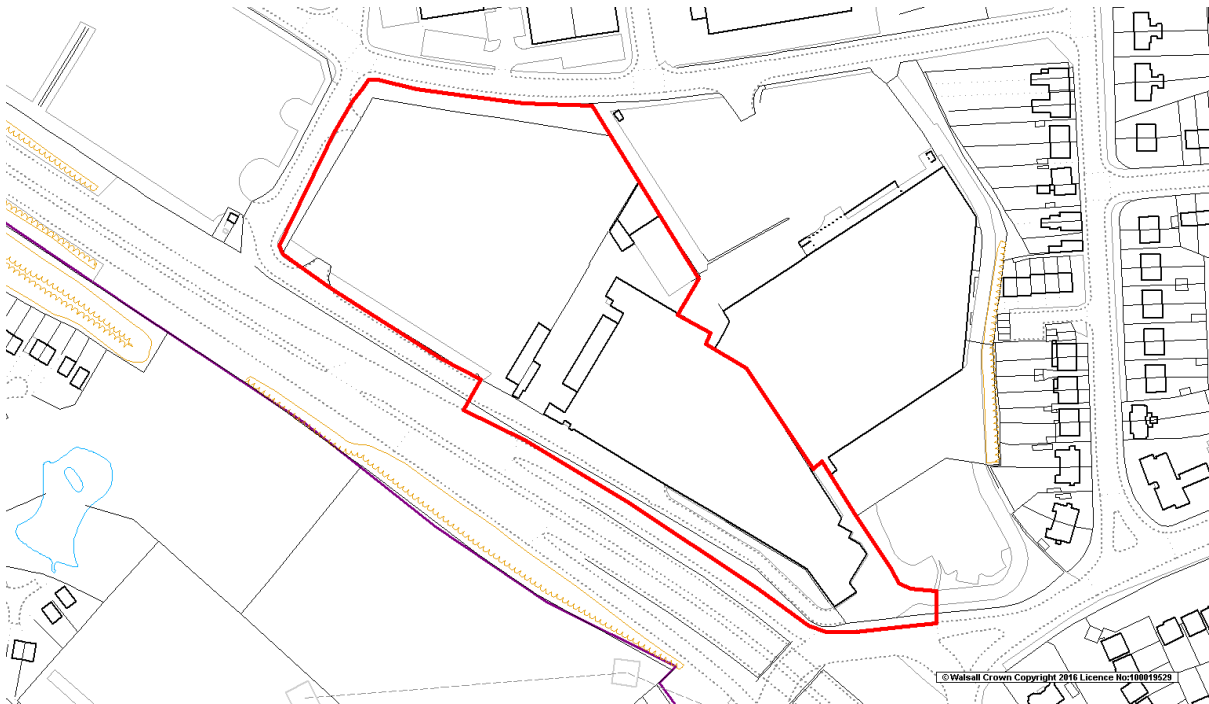
**Agent:** HG Design Ltd

**Expired Date:** 17-Mar-2016

**Application Type:** Full Application (Major)

**Time Extension Expiry:**

**Recommendation Summary:** Grant permission subject to conditions and subject to resolving the highway objection and subject to no further representations raising new material issues.



## **Application and Site Details**

The application relates to a vacant site within an established industrial area and core employment site off Longacres, Willenhall. The estate is accessed off Rose Hill. The proposal is to erect two industrial Class B8 warehouse units. The estate lies between the A454 Keyway to the south and railway line to the north. The nearest housing is in Rose Hill to the east with further housing beyond the Keyway to the south and beyond the railway to the north. The adjacent unit is occupied by The Range retail store, there are industrial units opposite on Longacres and Spar distribution centre opposite the access.

The existing boundary treatment includes palisade fencing and brick wall with railings. There is a wide highway verge along Longacres which slopes down towards the site and along the west boundary. The highway wraps around the site running parallel to the Keyway in the south.

The proposed industrial units are located on the western half of the site with the eastern half reserved for a phase 2 development. The proposed units are adjoined and have a combined width of 71m and length of 108m with shallow pitch roofs 14.5m to the ridge and 12m to the eaves. There is a sales office and reception on the front elevation 7m deep and 19m long over two floors with a 9m high flat roof. There is also a canopy proposed above service doors at both ends of unit 2 (5m deep by 10m wide). The drawings indicate unit 2 will comprise storage area, packaged goods area and finished goods area and unit 1 as core division. The total floor space of the warehouse buildings is 7550 square metres. The proposed units are to be clad in typical industrial horizontal and vertical cladding.

The layout utilises the existing access arrangements which are segregated for staff and delivery vehicles with 25 staff parking spaces to the north of the buildings. A weighbridge and attenuation drainage tanks (the drainage tanks are below ground) are included on the outskirts of the buildings plus three compactors.

The applicant is Middleton Group who operates several businesses in the locality. The proposal is to relocate part of the business from premises in Willenhall Road to this site.

The application is supported by the following documents:

The Design & Access Statement – Describes the site, policy context, design and appearance of the proposals.

The Geo-Environmental Investigation Report – Describes the site and surrounding location and carries out a desk study of the site history, geology, hydrogeology and hydrology, environmental considerations, radon and mining. The report highlights potential sources of contamination, migration and receptors and highlights methods of testing, sampling and monitoring. It identifies the results of the investigations including environmental and geotechnical assessments. It recommends soils sampling for contamination, highlights no risks to controlled waters, monitoring for ground gas given there is a historic landfill site 118m to the west of the site, low to medium risk from made ground, recommends health and safety measures, methods of waste disposal, liaison with regulators, new water supply pipes and methods of environmental protection.

The Transport Assessment – Describes the site and surrounding location, planning history and current planning practice guidance. It discusses the former land use, local road

network and local amenities and proposed redevelopment including estimated traffic generation, trip rates for the former and proposed land use and estimated traffic generation for the former and proposed land use. It concludes that the site benefits from being located in an established industrial area with easier access to the strategic highway network than the developers existing site, a more sustainable site close to Willenhall centre, and there is little difference in the comparison traffic generation. A Workplace Travel Plan has been prepared.

### **Relevant Planning History**

BC57574P – Erection of overhead conveyor close to gate 3 adjacent to A454 (PSM International) – GSC 28/06/01

BC58582P - New security lodge and automatic barriers (PSM International) – GSC 20/03/02.

### **Relevant Planning Policy Summary**

#### **National Planning Policy Framework (NPPF)**

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

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

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

#### **Key provisions** of the NPPF relevant in this case:

The NPPF confirms that a plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate.

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

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

Paragraph 58 states planning policies and decision should aim to ensure that development meet criteria including:

- Function well and add to the overall quality of the area
- Are visually attractive as a result of good architecture and appropriate landscaping

Paragraph 61 considers planning decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 103 when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a Flood Risk Assessment.

Paragraph 110 aims to minimise pollution and other adverse effects on the local and natural environment.

Paragraph 111 encourages effective use of land by re-using land that has been previously developed (brownfield land) provided it is not of high environmental value.

Paragraph 120 seeks to prevent unacceptable risks from pollution and land stability.

Paragraph 121 Development sites should be suitable for new uses taking account of ground conditions and land instability, including from natural hazards or former activities such as mining and pollution.

Paragraph 123 aims to mitigate and minimise adverse impacts on health and quality of life from noise.

On **planning conditions** the NPPF says:

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

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

### **The Development Plan**

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

### **The Black Country Core Strategy (BCCS) (2011)**

[http://www.walsall.gov.uk/index/environment/planning/local\\_development\\_framework/ldf\\_core\\_strategy.htm](http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm)

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework decision-takers may continue to give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that ... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the

plan to the policies in the Framework, the greater the weight that may be given). To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

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

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

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

**The Spatial Objectives** include

6. A high quality environment enhancing the unique biodiversity and geodiversity of the Black Country and making the most of its assets whilst valuing its local character and industrial legacy.

The above are supported by the following policies:

CSP2: Outside strategic centres and regeneration corridors free-standing employment sites to provide local employment opportunities to serve communities outside the corridors will be supported.

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

EMP1: Aims to provide industrial land and warehouse jobs in the Black Country and to protect jobs and support economic growth.

EMP2: Encourages development of high quality employment land and safeguards it for B1(b), B1(c), B2 & B8 purposes.

EMP5: Seeks to improve access to the labour market by securing recruitment and training.

DEL1: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

TRAN5: Identifies priorities for traffic management including maximum parking standards and promoting measures to reduce the need to travel and facilitate a shift towards using sustainable modes of transport such as walking, cycling, public transport etc.

ENV1: Seeks to safeguard nature conservation.

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

ENV5: Seeks to minimise the probability and consequences of flood risk.

### **Walsall's Unitary Development Plan (UDP)**

[http://cms.walsall.gov.uk/annotated\\_2011\\_udp\\_-\\_february\\_2011.pdf](http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf)

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

The relevant policies are:

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

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies. Where previous uses have affected the stability of the site the application must be accompanied by a site investigation report.

ENV32: Proposals should take in to account the surrounding context including consideration of the effect on the local character of the area, vehicular and pedestrian patterns and visual relationship to surrounding areas.

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

ENV35: refers to the appearance of commercial buildings.

JP5: Seeks to protect core employment areas for core employment uses.

JP8: Bad neighbour industries will be given careful consideration and should be capable of providing satisfactory screening and landscaping and must be subject to stringent operational control to minimise disturbance.

T1: All development should conform to the accessibility standards set out in policies T10-T13.

T4: Classifies the highway network and specifies that residential streets and minor roads are those where traffic volumes and speeds should be quite low. Sometimes traffic calming measures will be required.

T5: Seeks to implement selective improvements to highway infrastructure and states highway improvement schemes should be designed to minimise any adverse impact on the environment or the amenity of residents.

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

T8: Seeks to improve pedestrian access.

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



## **Supplementary Planning Documents (SPD)**

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

The relevant SPD's are:

### **Designing Walsall SPD**

DW1-Sustainability - New development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2 - Safe and Welcoming Places

DW3 - Character

DW9 - High Quality Public Realm

DW10 - New development should make a positive contribution to creating a sustainable environment.

### **Consultations**

**Coal Authority** – No objection. A condition is recommended to secure intrusive site investigations and remediation to address the coal mining legacy. The site falls within a defined Development High Risk Area where there are coal mining features and hazards that should be considered.

**Community Safety Team** – No objection provided the access will serve phase two also.

**Environmental Health** – No objection.

**Landscape** – Objects. The exterior proposals and perimeter treatment is poor. The narrow strip of grass provides little ecological, visual amenity or landscape value and would be difficult to maintain. There is an excessive amount of hard standing and lack of landscaping on this key site is poor.

**Police** – No objection. Recommends that the developer be made aware of Secure By Design for Commercial premises. A note for applicant is recommended to advise the same.

**Pollution Control** – No objection. The site investigation has identified that some contamination is present (in proximity to sample location WS10) and has also identified that remedial action will be required to address elevated levels of ground gas (carbon dioxide). A planning condition is recommended to ensure that the additional investigation is undertaken and remediation measures are agreed beforehand. Given the location of the site, the previous permitted activities at the site, and neighbouring activities there are no recommendations on noise and air quality.

**Severn Trent Water** – No objections subject to securing drainage details.

**Strategic Planning Policy** - Welcome and support the proposals in principle as they are consistent with Core Strategy policies EMP1 & 2, and with UDP policy JP5.

**Transportation** – Objects. The applicant has failed to demonstrate through the submission of a Transport Assessment (TA) and Travel Plan the impact on the highway network, and therefore the Highway Authority has insufficient information to determine the application at this stage.

The proposal is to construct two new B8 Distribution warehouses totalling about 7500m<sup>2</sup> GFA on the site of former factory (assumed B2 use) of a similar GFA. The development seeks to accommodate one of the applicant's existing operations to be relocated from a site about 1.3 miles away on Willenhall Road.

In terms of vehicle trip generation for robustness the applicant's TA has made a comparison between the previous B2 use and the proposed B8 use using TRICS data. The Applicant has made an assumption on the previous use of the site which has not operated for the last 15 years, and compared this with predicted trips for the new development. What have not been taken into account is the current traffic flows and movements along Longacre, and the capacity issues of the junction of Longacre and Rose Hill. Although the existing site will have a predicted number of vehicle trips, due to the time that has elapsed since the site was last used, the trips are considered new trips in the context of the industrial estate, and has not been assessed or factored into the current traffic flows and movements as part of the TA. This may affect the safe operation and efficient use of the junction, but in the absence of any assessment it is not possible to the Highway Authority to determine the application until this information is provided.

In terms of UDP T13 parking policy, the proposed B8 used based upon a GFA of about 7500m<sup>2</sup> requires 44 spaces inclusive or 4 disabled spaces. The proposal provides 25 spaces in total which is based upon the current demand at the applicant's existing premises in Willenhall Road. Whilst this is below the maximum requirement, there is scope to provide additional parking within the site if necessary.

**Wolverhampton City Council** – No comments to make.

### **Public Participation Response**

Four letters of objection have been received from neighbours and an adjacent business (AF Blakemore's) as a result of initial consultation. The objections are summarised as follows:

- No further development on Longacres should be allowed unless access from the Keyway is installed
- Residents have petitioned Councillors previously about an access off the Keyway instead of Rose Hill.
- Rose Hill would be safer for pedestrians and traffic if Longacres accessed off the Keyway
- Increased traffic on Rose Hill (worse at Bilston Lane end)
- Concern whether the proposals will adversely affect HGV movements into and out of the Longacres estate as Blakemore's Distribution Depot and Head office are opposite
- A junction assessment and traffic assessment is required
- Increased noise and pollution worsening air quality
- Noise, vibration and pollution from HGV's at all hours including night time
- Unable to leave windows open
- Waste and discarded paper will have an adverse environmental impact attracting vermin
- Negative impact on residents
- Clarification on what a B8 use is
- Insufficient information to determine highway and parking issues (e.g. no Transport Assessment)

- Discrepancies and inaccuracies in the submitted details

Consultation on the amended plans and additional Transport Assessment expires on 30<sup>th</sup> March 2016. Any further representations will be reported at committee.

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

### **Determining Issues**

- Principle of development
- Layout and Design
- Relationship to surrounding properties
- Means of access and parking
- Impact on highway network

### **Observations**

#### **Principle of Development**

The premises are located in a core employment area where there are established industrial uses adjacent. In accordance with policies EMP1 and EMP2 of the BCCS and JP5 of the UDP these types of sites are safeguarded for employment uses including classes B1, B2 and B8. As the proposal is for Class B8 warehousing it accords with the adopted policies.

The site is currently vacant as the former buildings have been demolished so the proposals also offer the opportunity of bringing a vacant derelict site back into positive economic use in accordance with saved UDP policy ENV14.

One resident asks for clarification on what a Class B8 use is but the description of development does explain the proposal as erection of a warehouse building which complies with Council policies as explained above.

The principle of the proposed development and intended use is acceptable.

#### **Layout and Design**

The proposed drawings have been amended as they originally included the highway verge around the perimeter of the site. The applicant has confirmed that it is intended to retain the existing palisade fencing, wall and railings with highway verge in front so no change to the site boundaries are proposed.

The two units are positioned on the western half of the site and maximise the space available as the units are large. This allows for a margin around the perimeter of the site for access and circulation purpose. The buildings although of a significant size and height are viewed amongst other large industrial units on an established industrial site so are not out of keeping. In addition the ground levels are generally lower than that of the adjacent highway in Longacre and the Keyway so reducing the overall impact of the scale of the buildings. Retention of the verges will also give a visual break.

The design of the buildings is typical of industrial buildings on the estate and is acceptable.

One objector is concerned about inaccuracies and discrepancies in the submitted details including the forms, plans and drawings. The applicant has confirmed the proposed floor space as 7550 m<sup>2</sup>, has provided an amended site layout and Transport Assessment and the drawings are considered of sufficient detail to make full assessment of the proposals.

A condition to secure drainage details is recommended to address Severn Trent matters and conditions to secure investigation and remediation of contamination to address pollution control matters.

Despite the landscape objection there is little scope for incorporation of landscaping on site although the grass highway verge will remain around the perimeter to at least set some context to enhance visual amenity. No landscape condition is recommended given the limited scope for incorporation of landscaping.

The layout and design of the proposal are acceptable.

### **Relationship to surrounding properties**

The proposed warehouse units are 60m away from the nearest residential properties on Rose Hill and will be partially masked by the adjacent premises of The Range. Given this distance and the fact that the site has previously been occupied for industrial purposes it is considered that the relationship in terms of visual amenity is not significantly harmed. The relationship to The Range and Blakemore's is one between commercial operators and not expected to cause significant harm in terms of visual amenity.

Residents of Rose Hill consider the proposals will result in increased noise, vibration and pollution and worsening of air quality, particularly given the potential increase in HGV's attending the site at all hours including night time. They are also concerned about potential for discarded paper to attract vermin or have an adverse environmental impact. Pollution control officers have taken into account the location of the site in an established industrial area, albeit accessed from Rose Hill, and the fact that there was an established industrial use on the site previously and the nature of neighbouring occupiers are predominantly industrial uses. Bearing this in mind there are no recommended restrictions relating to air quality or noise. There is also a significant distance between the proposed site and residential occupiers with intervening commercial uses, the Keyway a strategic highway and railway.

On this basis it is considered that there is no significant adverse impact on surrounding occupiers as a consequence of the proposals.

### **Means of access and parking**

Means of access to Longacre is from Rose Hill with roads within the estate comprising a wide industrial carriageway (over 7m) with 2m wide footways on each side. The site is accessed off Longacre and the proposal is to maintain the existing access into the site which includes a staff vehicle entrance on the western boundary and deliveries via the access alongside the Keyway on the southern boundary.

The Community Safety officer queried whether the access would serve a phase two development. It can be confirmed the access will serve phase two.

Residents in Rose Hill consider that a new access to the Longacre Industrial Estate should be formed off the Keyway rather than relying on access from Rose Hill as any increase in HGV's or traffic on Rose Hill has an adverse impact on the residents, general traffic and pedestrians. This is not part of the proposals as the access arrangements are existing and would have been the same for the former premises at the site.

The parking level is lower than the maximum policy requirement at 25 spaces rather than 44 spaces but the applicant is moving their business from an existing site so the level of parking is based on current demand at the alternative site. There is also scope to provide additional spaces throughout the site if necessary. On the basis that the highway objection discussed below can be addressed a condition is recommended to restrict use of the premises for Class B8 purposes as this has a lower parking threshold than other industrial uses and allows the Council to make full consideration of any changes through the assessment of a planning application to widen the allowed activity to B1 or B2 use.

The means of access and parking arrangements are acceptable.

### **Impact on highway network**

In regard to the objection from Blakemore's about lack of supporting information including any Transport Assessment, a TA has now been provided and further comments sought. The consultation period expires on 30th March 2016. The objection from Blakemore's considers whether the proposals will adversely affect HGV movements into and out of the Longacres estate and the potential need for a junction assessment.

The Transportation officer also objects to the proposals on the basis of insufficient information within the TA to determine the impact on the highway network. The site has been vacant for 15 years and it is accepted that a certain amount of new traffic will be generated from the proposed development. Over the 15 year period the traffic on the industrial estate has increased but the proposed development traffic will not have been factored in to any junction assessment. In the circumstances junction capacity testing is required to determine whether the proposals enable the safe operation and efficient use of the junction.

The applicant has been advised to provide this further information. It is recommended that the application is granted subject to conditions and subject to resolving this outstanding objection from highways officers in respect of providing further information to assess the impact on the surrounding highway network. Following submission of this additional information this would also address the objections raised by Blakemore's.

### **Positive and Proactive working with the applicant**

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice amended plans and supporting information including a Transport Assessment has been submitted. Subject to an amended Transport Assessment officers are able to support the scheme.

**Recommendation: Grant permission subject to conditions and subject to resolving the highway objection and subject to no further representations raising new material issues.**

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

*Reason;* Pursuant to the requirements of Section 92 of the Town and Country Planning Act, 1990.

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

- Proposed Site Plan (HGD15-72-1.3 Rev F) received 14/03/16
- Proposed Floor Plan (HGD15-72-1.1 Rev C) received 11/12/15
- Proposed Elevations & Location Plan (HGD15-72-1.2 Rev C) received 11/12/15
- Proposed Soft & Hard Landscaping (HGD15-72-1.4) received 11/12/15
- Design & Access Statement prepared by HG Design receive 11/12/15
- Geo-Environmental Investigation Report prepared by Opus (CC/J-B0933.00R01) received 11/12/15
- Transport Assessment prepared by Phil Jones Associates (02086) received 10/03/16

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

3. In order to address potential impact from land contamination the following matters shall be addressed:

i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1). The scheme of intrusive investigations shall include mine and ground gas monitoring.

ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, including mining, together with an assessment of the hazards arising from any land contamination and/or ground gas and mining shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

iii) Prior to built development commencing a Remediation Statement setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present or mines on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

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

v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the

Remediation Statement required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

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

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

*Reason:* To ensure safe development of the site and to protect human health and the environment and address the coal mining legacy on site.

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

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

*Reason:* To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution. As drainage is below ground infrastructure it needs to be addressed prior to commencement of the development.

5a. Prior to the commencement of the development, a construction methodology statement shall be submitted to and approved by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

5b. This provision shall be retained during construction in accordance with the approved details.

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

6a. Prior to the development first coming into use, all vehicle hard standing, manoeuvring and parking areas shall be fully consolidated, hard surfaced, drained so that surface water run-off from these areas does not discharge onto the adoptable or existing highway or any highway drain and brought into use, full details of which shall be submitted to and approved in writing with the Local Planning Authority. Additionally all parking bays shall be clearly demarcated on the ground. At least one parking space shall be allocated for disabled users and marked out accordingly.

6b. These areas shall be thereafter retained, kept free of any externally stored goods, materials or equipment and used for no other purpose.

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

7a. Prior to the development first coming into use, full details a cycle shelter for the use of staff and visitors and which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

7b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

*Reason:* To encourage sustainable modes of travel and in accordance with UDP policy T9, T13 and Black Country Core Strategy TRAN4.

8a. Prior to the development first coming into use, full engineering details of the following highway infrastructure improvements shall be submitted to and approved in writing by the Local Planning Authority;-

- i) the upgrading of the two retained bellmouth access points on Longacres to include Tactile pedestrian crossings facilities,
- ii) the kerbed radius at terminus of the highway footway at the site boundary to be upgraded to include a pedestrian dropped kerb with Corduroy hazard paving.

8b. Prior to the development first coming into use, the highway infrastructure works detailed above shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

*Reason:* To improve accessibility to the site in accordance with DfT Inclusive Mobility guidance, in accordance with UDP Policy GP2 and T1, T8, T11 and in the interests of highway safety.

9. Upon the development first coming into operation, the measures contained within the submitted Workplace Travel Plan Statement shall be fully implemented and thereafter regularly monitored and reviewed in accordance with the approved details for the lifetime of the development.

*Reason:* To encourage sustainable modes of travel and to reduce the reliance on the motor car, in accordance with UDP Policy T10 and BCCS Policy TRAN2.

10a. Prior to the commencement of any built development above damp proof level on any structure full details of all external facing materials shall be submitted to and agreed in writing by the local planning authority.

10b. The development shall be implemented in accordance with the agreed facing materials.

*Reason:* To ensure the materials throughout the development harmonise with those in the surrounding vicinity.

11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the proposed units shall be occupied for Class B8 (storage and distribution/warehousing) purposes only.



*Reason:* To define the use of the site on the basis that the potential traffic impact of the development has been assessed on the proposed B8 use only, in the interests of the free flow of traffic on the public highway and to highway safety.

### **Note for applicant – Police**

You are advised to review Secure By Design for Commercial premises using the following link:

[http://www.securedbydesign.com/wpcontent/uploads/2015/05/SBD\\_Commercial\\_2015\\_V2.pdf](http://www.securedbydesign.com/wpcontent/uploads/2015/05/SBD_Commercial_2015_V2.pdf)

### **Notes for Applicant – Contaminated Land**

#### **CL1**

*Ground investigation surveys should have regard to current Best Practice and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 Investigation of potentially contaminated sites – Code of Practice; British Standard BS5930: 1999 Code of practice for site investigations; Construction Industry Research and Information Association Assessing risks posed by hazardous ground gasses to buildings (Revised) (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.*

#### **CL2**

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

#### **CL3**

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

### **Note for applicant – Severn Trent**

There may be a public sewer located within the application site and the developer is encouraged to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the developer is advised to

contact Severn Trent Water to discuss the proposals who will seek to assist with obtaining a solution which protects both the public sewer and the building.

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

**Note for applicant – Highways**

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.



## Economy and Environment, Development Management

### Planning Committee

Report of Head of Planning, Engineering and Transportation on 31-Mar-2016

**Plans List Item Number: 3.**

**Reason for bringing to committee: Significant community interest**

**Location:** 1, MOB LANE, PELSALL, WALSALL, WS4 1BB

**Proposal:** ERECTION OF 1 BED BUNGALOW FRONTING ASHTON DRIVE.

**Application Number:** 15/1501

**Case Officer:** Barbara Toy

**Applicant:** Mr & Mrs C Dagmore

**Ward:** Rushall-Shelfield

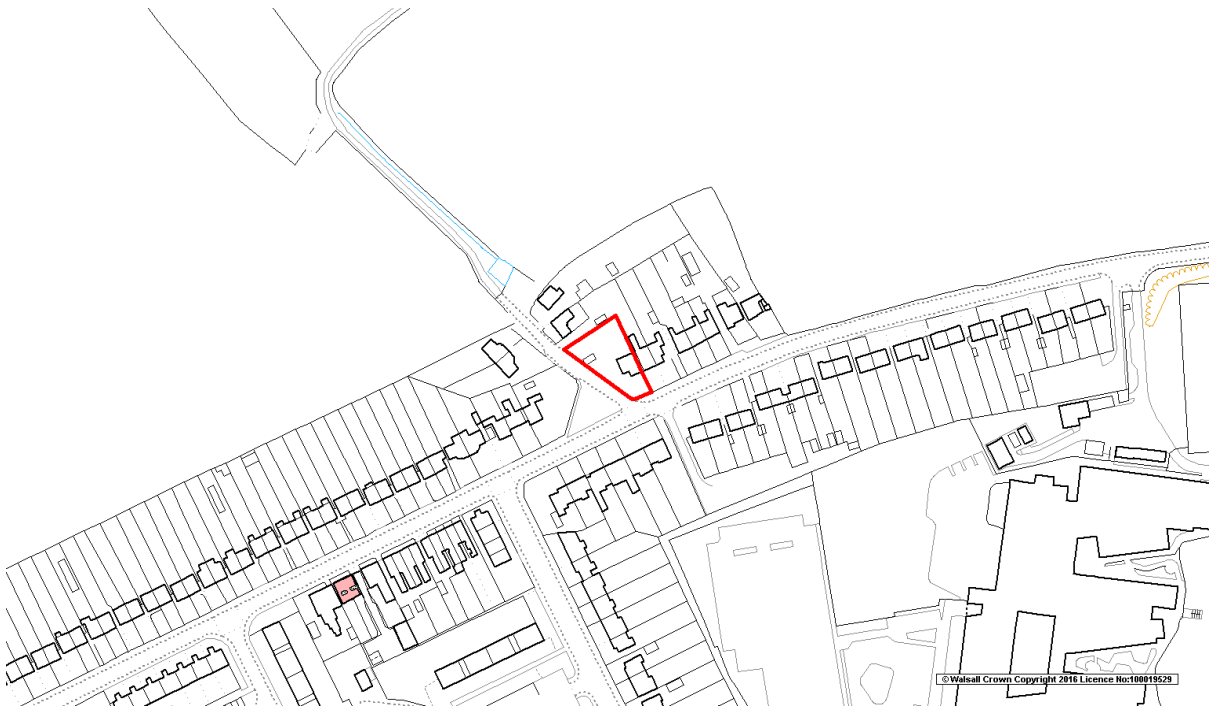
**Agent:** G & G Building Consultancy Ltd

**Expired Date:** 02-Dec-2015

**Application Type:** Full Application

**Time Extension Expiry:** 08-Apr-2016

**Recommendation Summary:** Grant Permission Subject to Conditions



## **Status**

This planning application was reported to committee on 7<sup>th</sup> January 2016 when members resolved:

*That Planning Application number 15/1501 be deferred to enable Officers to consult with the Applicant and then consult with the neighbours; and that the siting and design of the dwelling be reconsidered in light of this consultation.*

In response a revised scheme has been submitted which amends the design and layout of the proposed bungalow.

The building has been amended from a 2 bed dormer bungalow to a 1 bed bungalow with an increased footprint of 13.2sqm (lower single storey element to the rear, 3.3m in depth and 4m in width) with removal of the dormer. The building would be in the same position as the previous scheme but the overall maximum height has been reduced by 0.3m to 5.3m with the new element to the rear (closest to the existing house at 1 Mob Lane) would have a gable roof with maximum height of 4.3m. The eaves height on the frontage would be reduced by 0.2m to 3.4m and the eaves height to the rear has been reduced by to 2.7m. Due to the increase in the footprint the amenity space would be reduced to 135sqm with the access and parking arrangements remaining as previous. The existing hedging and boundary treatment would remain in situ.

## **Public Participation Responses**

One further letter of objection has been submitted following re-consultation on the amended plans from the occupier of 1 Ashton Drive.

Whilst they welcome the removal of the dormer window and no objection in principle to the development of a bungalow, they are concerned the amended plans do not reflect all the concerns raised at Planning Committee on 7<sup>th</sup> January 2016. The outstanding concerns are as follows:

- The height of the building should be reduced to prevent an impact on 1 Ashton Drive and loss of light
- The building could be moved closer to Mob Lane
- The plans allow for the inclusion of roof lights and development of the roof space in the future

## **Observations**

The dormer window has been removed and the overall height of the building reduced by 0.3m and the rear elevation has a reduced eaves level reducing the overall height, bulk and massing of the roof of the building. The new bedroom to the rear would have a significantly reduced height (4.3m) and would be situated 6.1m from the northern boundary with the access drive.

The position of the building within the site has remained as the previous scheme in order to provide satisfactory off street parking and access and to allow an appropriate separation distance to the neighbouring properties. Sufficient amenity space for the existing dwelling at 1 Mob Lane is retained.

An additional condition is recommended to remove permitted development rights for both extensions and roof alterations for the new dwelling.

Whilst the proposals increase the overall footprint of the building by 13.2sqm, the increase would be situated away from the northern boundary and the overall height, bulk and massing of the building would be reduced. The building would no longer have any first floor windows and the amended design would therefore remove any overlooking issues.

### **Recommendation**

The recommendation remains the same as the original report (below), that planning consent be granted subject to conditions with condition 8 relating to the windows in the former dormer window deleted and replaced by a condition to remove permitted development rights for any extensions to the dwelling and/or extensions or alterations to the roof of the dwelling. Condition 2 has been amended to include the amended plans.

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

Site Location Plan submitted 8<sup>th</sup> October 2015

Existing Layout Drawing G002153/01a submitted 8<sup>th</sup> October 2015

Proposed Ground and First Floor Layout Drawing G002153/02e submitted 3<sup>rd</sup> February 2016

Proposed Elevations and Section Drawing G002153/03c submitted 3<sup>rd</sup> February 2016

Proposed Block Plan Drawing G002153/04d submitted 24<sup>th</sup> February 2016

Design and Access Statement submitted 8<sup>th</sup> October 2015

*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).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no development within Schedule 2, Part 1, A, B, C, and E shall be carried out to the bungalow hereby approved, without the prior approval of a planning application.

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

### **Original Report**

#### **Application and Site Details**

The site is situated on the corner of Mob Lane and Ashton Drive and comprises the side garden area of No 1 Mob Lane, a two storey end terraced house with a two storey flat roofed extension to the side set back from the frontage and single storey rear extension. The house currently has a number of detached outbuildings in the rear garden adjacent to the boundary with No 3 Mob Lane and vehicle access and driveway parking off Mob Lane. The side/rear garden is enclosed by fencing to the frontage and a high hedge (approx 3m high) to the boundary with Ashton Drive and the access drive adjacent to No 1 Ashton Drive.

Ashton Drive is a narrow cul de sac which provides access to four houses, 1 and 3 are detached houses, 2 and 4 are semi detached houses. No 1 sits to the rear (north) of the site with a vehicle access drive to the side immediately adjacent to the site boundary which is owned and provides rear access to 3 Mob Lane. No 2 Ashton Drive sits opposite the site.

Mob Lane is a continuation of Coronation Road, with Ashton Drive being the transition between the two. 157 Coronation Road is an end terraced house that sits on the opposite corner of Ashton Drive with vehicle access onto Ashton Drive opposite the site. There is a triangular area of grass on the corner. The northern end of Ashton Drive comprises open fields that form part of the Green Belt.

This application proposes the erection of a two bedroomed dormer bungalow fronting Ashton Drive, with two off street parking spaces to the south of the building and pedestrian access to the front door. The building would measure 9.1m x 6.1m with an eaves height of 3.4m and maximum height of 5.6m. The accommodation would provide kitchen, bathroom and bedsit at ground floor with a guest bedroom and shower room within the roof space with a dormer window 6.1m wide to the rear. The gable roof would have a dormer window to the rear and would have a flat roof with tile hanging to the side elevation to match the main roof. An amenity area of approx 149sqm would be provided to the rear of the building. The existing boundary hedge to Ashton Drive would be retained as far as possible between the new pedestrian and vehicle access points.

The bungalow would provide accommodation for a disabled occupant of the existing house and the main house would be retained by the family.

An amenity area of approx 128sqm would be retained for the existing house at No 1 to the side of the house, screened from Ashton Drive by the existing high hedge and 2m fencing to the frontage. Three off street parking spaces for No 1 would be retained the front driveway.

The plans have been amended since submission to ensure two off street parking spaces would be provided for the new dwelling with appropriate visibility splay and to reduce the size of the dormer window.

The application is supported by a Design & Access Statement which discusses the site, the proposals, the proposed brickwork, roof, windows, parking, amenity space and access arrangements.

### **Relevant Planning History**

BC42939P, outline for construction of dwelling and single storey detached garage, refused 09-01-95.

BC43893P, After Local Appeal, outline for construction of dwelling and single storey detached garage, granted subject to conditions 16-05-95.

## **Relevant Planning Policy Summary**

### **National Planning Policy**

#### **National Planning Policy Framework (NPPF)**

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

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

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

**Key provisions** of the NPPF relevant in this case:

1. Delivering sustainable development
- 4: Promoting Sustainable Transport
- 6: Delivering a Wide Choice of High Quality Homes
- 7: Requiring Good Design
11. Conserving and enhancing the natural environment

On **planning conditions** the NPPF says:

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

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

### **The Development Plan**

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

### **Local Policy**

#### **Black Country Core Strategy**

- CSP4: Place Making
- CSP5: Transport Strategy
- HOU2: Housing Density, Type and Accessibility

- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

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

**Unitary Development Plan - [http://cms.walsall.gov.uk/annotated\\_2011\\_udp\\_-\\_february\\_2011.pdf](http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf)**

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H5: Housing for People with Special Needs
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

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

## **Supplementary Planning Documents (SPD)**

### **Designing Walsall SPD**

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

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

**Policies are available to view online: [http://cms.walsall.gov.uk/planning\\_policy](http://cms.walsall.gov.uk/planning_policy)**

## **Consultations**

**Transportation** – No objections to the amended layout subject to conditions relating to surfacing of the parking area, provision of a pedestrian visibility splay and reconstruction and surfacing of highway land when the boundary hedge is removed.



## **Public Participation Responses**

Three objections received.

Objections:

- An additional property will cause more congestion/aggravation for residents
- Windows in the dormer will overlook No 3 and rear garden creating loss of privacy
- Loss of light and shadowing to garden, driveway and windows from the height of the new building
- Over shadowing and loss of outlook from adjacent kitchen window
- Ashton Drive is a single track driveway that already provides vehicle access to 5 houses, highway and pedestrian safety concerns about additional vehicles and trips from an additional property.
- No parking available within Ashton Drive, all parking is within Mob Lane
- Access and safety issues for existing residents from new property

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

## **Determining issues**

- The Principle of Residential Development
- Design and Layout and Impact on the Immediate Vicinity
- Impact on the Amenities of the Surrounding Occupiers
- Local Finance Considerations

## **Observations**

### **The Principle of Residential Development**

The site is situated within a predominantly residential area within walking distance of a regular bus service and both primary and senior schools.

The proposals would provide an additional residential unit within the side garden area of the existing house. Annex 2: Glossary of the NPPF provides a definition of previously developed land which excludes 'land in built-up areas such as private residential gardens'. The site cannot therefore be considered as previously developed land and the NPPF (para 53) encourages local planning authorities to resist the inappropriate development of residential gardens.

The existing plot for No 1 sits on the corner of Ashton Drive and is considerably larger than the other plots in the immediate vicinity within Mob Lane and Coronation Road, apart from 157 Coronation Road on the opposite corner of Ashton Drive, which is of a similar size. The principle of the separation of the plot to provide a further dwelling was established in 1995 with the approval of a new dwelling on the corner of the plot fronting Mob Lane.

### **Design and Layout and Impact on the Immediate Vicinity**

It is considered that the position of the proposed bungalow in a set back position fronting Ashton Drive would leave the open aspect on the corner of Mob Lane and would be an improvement over the previous approval for a house on the corner.

The single storey nature of the property would also reduce the impact of the building on the surrounding properties and the general street scene. The retention of the existing boundary hedging to Ashton Drive and the vehicle access drive to the rear of the site is welcomed in retaining the natural environment and in providing a screen of the building.

Dormer window set in from the side from 1 Mob Lane by 2.7m and from the side adjacent 1 Ashton Drive by 0.7m, the dormer would have tile hanging to the side to blend with the main roof and a flat roof set 0.3m down from the main ridge. The dormer is required to allow sufficient ceiling height and to allow light into the bedroom, staircase and shower room at first floor level. The shower room and staircase window would be obscurely glazed to reduce the extent of any overlooking.

### **Impact on the amenity of the surrounding occupiers**

The separation to the rear boundary with the rear garden of No 3 would exceed 13m, avoiding direct overlooking of the garden. The proposed shower room and staircase windows to the rear would be obscurely glazed to reduce the extent of any overlooking.

No 1 Ashton Drive is separated from the site by a gated vehicle access drive that is within the ownership of No 3 Mob Lane. The existing high hedging (3m high) along the Ashton Drive elevation of the site is continued to the rear along the boundary with the access drive. The bedroom window within the dormer would be situated approx 6m from the boundary with the access drive, reducing the extent of any overlooking to No 1 Ashton Drive due to the distance and the angle to the boundary.

No 1 Ashton Drive is an 'L' shaped property with a doorway and window to the kitchen in the wing element facing the site. The kitchen however has a further window on the opposite elevation adjacent to the shared driveway between 1 and 3. No 1 has a boundary fence approx 3m high situated just over 4m from the kitchen window which currently interrupts any views from the kitchen window. The blank gable of the proposed bungalow would sit approx 10.5m from the kitchen window, 2.5m below the required 13m separation (Appendix D, Designing Walsall), however given the existing 3m high boundary fence, the vehicle access drive (outside of their control), the 3m high existing hedge along the boundary of the site and the additional kitchen window on the opposite side of the house, it is considered that the proposals would have little additional adverse impact on the amenities of the occupiers of No 1.

The rear amenity area would exceed 13m in length reducing any impact of the building on the rear garden of No 3 Mob Lane.

Whilst the separation distance from the first floor rear windows in the existing house to the new boundary with the rear garden of the new dwelling would only be approx 6m the house will remain within the same family and any overlooking would be of the end of the garden area rather than the area immediately to the rear of the building.

It is considered that the proposals would have no adverse impact on the amenities of the adjoining occupiers.

### **Parking, Access and highway safety**

Three off street parking spaces would be retained for the existing house at No 1 utilising the existing vehicle access off Mob Lane in compliance with Policy T13.

The proposed layout has been amended since submission to ensure that two off street parking spaces would be provided for the new dwelling and to amend the visibility splay either side of the access point in Ashton Drive to provide appropriate visibility.

Transportation acknowledge that Ashton Drive is relatively narrow with no footpath, but on the basis that it provides access to only a small number of properties the level of pedestrian and vehicle traffic is low and the proposed pedestrian visibility of 2.4m x 3.4m is considered adequate in this case.

### **Local Financial Considerations**

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

This application proposes 1 new home.

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

### **Recommendation: Grant permission subject to conditions**

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

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

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

Site Location Plan submitted 8<sup>th</sup> October 2015

Existing Layout Drawing G002153/01a submitted 8<sup>th</sup> October 2015

Proposed Ground and First Floor Layout Drawing G002153/02c submitted 1<sup>st</sup> December 2015

Proposed Elevations and Section Drawing G002153/03b submitted 1<sup>st</sup> December 2015

Proposed Block Plan Drawing G002153/04b submitted 30<sup>th</sup> November 2015

Design and Access Statement submitted 8<sup>th</sup> October 2015

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

3a. No development shall commence until samples of all facing and roofing materials for the proposed bungalow, plus all proposed hardsurfacing within the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

4a. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority.

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

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

5a. Prior to the development first coming into use, the parking area shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, full details of which shall be submitted to and approved in writing by the Local Planning Authority.

B. 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.

6. The pedestrian visibility splay at the access point shown on drawing no. G002153/04b dated 30/11/15, shall at all times be kept free of any structure or planting exceeding 600mm in height above footway level.

*Reason:* To ensure adequate visibility is retained at the access point in the interest of highway safety and the safe and satisfactory operation of the development.

7. Prior to the new access point first coming into use, the intervening highway land between the existing flush kerb edge and the site boundary ( the centre of the hedge line), shall be reconstructed in accordance with Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

*Reason:* To ensure the satisfactory completion and operation of the access and in accordance with UDP Policy GP2 and in the interests of highway safety.

8. Notwithstanding the details on Drawing G002153/03b the first floor shower room and staircase windows within the dormer shall be obscurely glazed to a minimum of Pilkington level four privacy glass or equivalent, and once installed shall be thereafter retained.

*Reason:* In the interests of maintaining the amenity of the occupiers of the adjoining dwellings.

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

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

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

### **Updated Conditions**

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

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

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

Site Location Plan submitted 8<sup>th</sup> October 2015

Existing Layout Drawing G002153/01a submitted 8<sup>th</sup> October 2015

Proposed Ground and First Floor Layout Drawing G002153/02e submitted 3<sup>rd</sup> February 2016

Proposed Elevations and Section Drawing G002153/03c submitted 3<sup>rd</sup> February 2016

Proposed Block Plan Drawing G002153/04d submitted 24<sup>th</sup> February 2016

Design and Access Statement submitted 8<sup>th</sup> October 2015

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

3a. No development shall commence until samples of all facing and roofing materials for the proposed bungalow, plus all proposed hardsurfacing within the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

4a. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority.

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

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

5a. Prior to the development first coming into use, the parking area shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, full details of which shall be submitted to and approved in writing by the Local Planning Authority.

B. 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.

6. The pedestrian visibility splay at the access point shown on drawing no. G002153/04c submitted 23<sup>rd</sup> February 2016, shall at all times be kept free of any structure or planting exceeding 600mm in height above footway level.

Reason: To ensure adequate visibility is retained at the access point in the interest of highway safety and the safe and satisfactory operation of the development.

7. Prior to the new access point first coming into use, the intervening highway land between the existing flush kerb edge and the site boundary ( the centre of the hedge line), shall be reconstructed in accordance with Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no development within Schedule 2, Part 1, A, B, C, and E shall be carried out to the bungalow hereby approved, without the prior approval of a planning application.

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

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

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

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



## Economy and Environment, Development Management

### Planning Committee

Report of Head of Planning, Engineering and Transportation on 31-Mar-2016

**Plans List Item Number: 4.**

#### Reason for bringing to committee: Significant Community Interest

**Location:** 37, FIELD MAPLE ROAD, STREETLY, SUTTON COLDFIELD, WALSALL, B74 2AD

**Proposal:** ERECTION OF DETACHED DWELLING TO SIDE GARDEN.

**Application Number:** 15/1586

**Case Officer:** Stuart Crossen

**Applicant:** Gary Black

**Ward:** Streetly

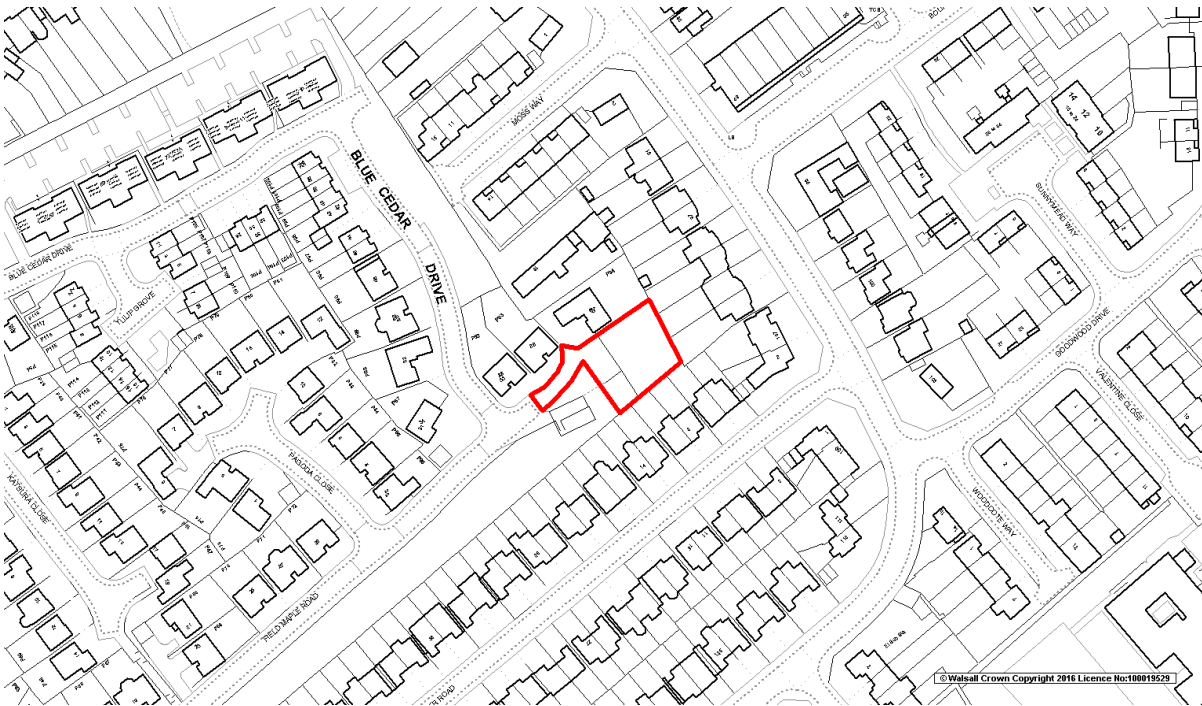
**Agent:** Plot Design Solutions

**Expired Date:** 23-Feb-2016

**Application Type:** Full Application

**Time Extension Expiry:**

**Recommendation Summary:** Grant permission subject to conditions



## **Application and Site Details**

The application proposes a detached house to the side of 37 Field Maple Drive. The proposal would include an integral garage, utility room, kitchen/breakfast/family room, toilet and lounge on the ground floor, on the first floor would be 3 bedrooms, two with an en-suite, a bathroom and a study.

The house design includes a main hipped roof with chimney, a ground floor front projecting gable, front porch with main access, patio door to the rear and main habitable room windows to the front and rear elevations with a side access door to the garage. The key measurements are:

- 12 metres deep maximum
- 10.6 metres wide
- 4 metres high to the eaves
- 7.7 metres high to the roof ridge

Amended plans have been received which have reversed the layout of the house so that the garage side is near to the boundary trees., keeping the main habitable room windows away from potential tree shading.

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 south east corner of a larger 1990's housing redevelopment site of a former land fill site. The wider housing site rises in a westerly direct.

Number 37 is the nearest house and the proposal would be approximately built in line with this house which has a side gable roof and no side elevation windows.

On the opposite side of the proposal to number 37 are the rear elevations of the Fordwater Road houses 26.5 metres away.

The houses to the rear at Hundred Acre Road are 27 metres away and are part of a modern 1960's style development. These houses are on lower ground.

The application proposes a block paved driveway with space to park at least 2 cars in addition to the integrated garage.

The proposed garden would be a maximum of 12.5 metres deep with a private amenity area in excess of 350m<sup>2</sup> with the application house retaining at least 255m<sup>2</sup> to the rear.

Details have been provided about ground gas protection measures which would integrate with existing ground gas management of the estate.

A design and access statement has been submitted which makes the following other relevant points:

The plot comprises of 700m<sup>2</sup> (0.17 acre) and includes a number of trees protected by Tree Preservation Order TP032 -2006, although the trees are unaffected by this proposal.

The site has a mature setting with the existing trees and apart from shrub planting to frontage and privacy tree planting at rear the fenced garden will remain relatively unchanged. Block paved drive and riven paving will complement the existing frontage.



## **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

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

## **Relevant Planning Policy Summary**

### **National Planning Policy Framework (NPPF)**

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

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

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

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

**Key provisions** of the NPPF relevant in this case:

#### 4: Promoting Sustainable Transport

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

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

#### 6: Delivering a Wide Choice of High Quality Homes

49. Housing applications should be considered in the context of the presumption in favour of sustainable development

53. LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

#### 7: Requiring Good Design

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

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

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

- Are visually attractive as a result of good architecture and appropriate landscaping

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

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

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

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

On **planning obligations and conditions** the NPPF says:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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

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

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

Annex 2- Glossary - Previously developed land

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

### **The Development Plan**

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

## **The Black Country Core Strategy (BCCS)**

[http://www.walsall.gov.uk/index/environment/planning/local\\_development\\_framework/ldf\\_core\\_strategy.htm](http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm)

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

The key planning policies include CSP4, HOU2, ENV2 and ENV 3

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

## **Walsall’s Unitary Development Plan (UDP)**

[www.walsall.gov.uk/index/environment/planning/unitary\\_development\\_plan.htm](http://www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm)

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

Key planning policy references include saved policies:

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

ENV14 and 3.9 The Council will encourage the reclamation and development of derelict and previously developed land.

3.64: Trees are an important visual, ecological and historical resource, which should be retained and protected wherever possible.

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

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime’ through design, layout, landscaping and boundary treatments is encouraged.

ENV33 and 3.117 landscape design is an integral part of urban design

H3: Windfall Sites and Conversion of Existing Buildings

(a) The Council will encourage the provision of additional housing through the re-use of brownfield windfall sites and through the conversion of existing buildings.

ENV40 (c) The quality of all water resources will be protected and, where possible, improved. Development will not be permitted if the drainage from it poses an unacceptable risk to the quality or usability of surface or ground water resources. In particular the Council will need to be satisfied that:-

I. Adequate foul and surface water drainage infrastructure is available to serve the proposed development.

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

T13: Parking Provision

1, 2 & 3 bedroom houses                      2 spaces per unit

## **Supplementary Planning Document (SPD)**

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

**Designing Walsall** (Feb 2008) refers to the development respecting massing, scale and rhythm of adjacent buildings, plots sizes and built density will relate to their local context , privacy and aspect distances between buildings must ensure all occupants have a satisfactory level of amenity, whilst reflecting the emerging and existing character of the area, ground floor activity and natural surveillance will be maximised, a clear definition between private and public realm and building frontage to overlook the public realm, common building lines along road frontages must be maintained with buildings have a clear relationship with their neighbours and new development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment.  
DW3 – all new development must be designed to respect and enhance local identity  
DW9 new development must seek to ensure it creates places with attractive environmental quality

Annexe D: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m<sup>2</sup> for housing and 20m<sup>2</sup> per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

The Vision: Homes, provides guidance on designing homes in Walsall.

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

## **Other Relevant Legislation**

European Convention on Human Rights Article 8 – Privacy and Protocol 1, Article 1 – Property.

## **Consultations**

**Transportation** – No objections subject to condition for hardsurfacing and drainage.

**Natural Environment Team – Trees** – No objection subject to conditions to protect existing trees and for replacement trees should any be damaged.

**Pollution Control** – Awaiting final comments but confirmation has been received that ground gas issues can be mitigated for.

**Severn Trent** – No objections subject to condition for drainage plans which can be conditioned.

**Police** – No objections, recommendations made in respect of secured by design which can be conditioned.

## **Public Participation Responses**

5 Objections have been received on the following grounds;

- Devalue existing exclusive houses in the cul-de-sac
- Would overlook neighbouring houses
- Existing private drive parking issues
- Would make turning in the cul-de-sac difficult
- Increase in traffic would disrupt children social time
- Private driveway would be damaged
- Condition required if approved that any damage to the shared access shall be put right by the applicant
- Plantation should not be disturbed
- Highway Safety
- Out of character
- Development cannot accommodate 3 parking spaces
- Increase in emissions from other vehicles coming into neighbouring houses
- Would require the land level to be raised increasing the slope to houses on Fordwater Road
- Would impact on an existing soakaway
- Ground gas issues
- Would impact on the existing protected trees
- Noise and mess during construction would be contrary to UK Human Rights Protocol 1 Article 1/Right to peaceful enjoyment of property.
- Out of scale and proportion.
- Work should not be carried out between the hours of 8.00 am and 4.00 pm.
- Construction vehicles and staff should not park on the drive and the driveway is swept and cleaned each night.
- On completion of the dwelling that the whole of our driveway along with number 33's driveway is re-surfaced at the expense of the applicants.

## **Determining Issues**

- Principle of Development
- Design and Character of the Area
- Neighbouring Amenity
- Drainage
- Access and parking
- Ground Gas
- Trees
- Security

## **Observations**

### **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 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 will be retained for No 37 Field Maple Road and the proposal would continue the residential street frontage of Field Maple Road.

The principle of an additional residential property fronting the street is considered appropriate in this location.

### **Design and Character of the Area**

The design reflects neighbouring houses with similar characteristics including roof design, forward gable projection and similar scale and proportion. The proposed house design is considered to integrate with the existing houses on Field Maple Road having without impact on the character of the area.

To ensure the satisfactory appearance of the development is retained, permitted development rights for Householders under class D for porch extensions can be removed.

### **Neighbouring Amenity**

The house would be on land lower than number 37 by approximately 500mm and the street scene plan illustrates a step between the proposed house and number 37. The application proposes to retain the existing slope and tree(s) to the side of the proposed house near to the rear boundaries of the Fordwater Road houses. The site visit confirmed that at the location of the proposed house there is only a slight slope in ground level with a more significant drop to the side of the proposed house as illustrated on the plan. The relationship between the proposed house and those on Hundred Acre Road would not be dissimilar to the existing relationship between number 37 and houses on this road.

There would be a 30 metre gap between the proposed house and those on Fordwater Road houses which exceeds the minimum distance as required by Designing Walsall SPD. For these reasons taking account of the level difference the proposal would not have a significant overbearing impact on these houses to the rear or result in unacceptable levels of overlooking any more than already existing between number 37 and these houses.

Although an objector has suggested that work should not be carried out between the hours of 8.00 am and 4.00 pm. It is considered more reasonable to apply a restrictive condition that reflects a normal working day, limiting construction hours to 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays. This reflects what the Council has previously considered acceptable in a residential area and to allow developer sufficient opportunity to progress a development.

The objection regarding the increase in traffic would disrupt children social time is noted. It is considered that as the houses on this estate have secure private amenity space and in the context of the very limited increase in traffic as a result of a single house, there would be little impact on the amenities of younger occupiers of the existing houses.

To ensure the satisfactory amenity of neighbouring occupiers is retained and in the interests of the ground gas protections measures permitted development rights for Householders under class A for extensions, and E for outbuildings can be removed.

## **Drainage**

Concerns have been raised about drainage. Severn Trent has no objections to the proposal which is considered acceptable in this respect subject to safeguarding conditions to provide details of surface water and foul sewage drainage.

## **Access and parking**

Parking for 3 vehicles is provided at the new dwelling in the form of garage and driveway parking. The proposal accords with the Council's parking standards. An objector has raised concern about on-street parking, whether 3 spaces can be achieved and about the available turning space. Highway Officers have no objections regarding the proposal, subject to a condition for a dropped kerb to be installed prior to the use commencing which can be attached to planning permission if granted.

## **Ground Gas**

The housing site is a former land fill site that is known to have ground gas issues. The original development required substantive reclamation works to take place with each of the houses having ground gas protection installed for human health reasons. The original development also removed permitted development rights for human health reasons because of the ground gas issues and the developers have to carry out an annual check of the site.

Should the application be approved, conditions regarding ground gas mitigation will be imposed, plus the removal of permitted development rights to protect the occupiers for human health reasons.

## **Trees**

The design has been reversed to minimise any loss of light from the existing boundary trees. The nearest habitable room window to the trees would serve a bedroom which is likely to be occupied during hours of darkness. The tree officer considers on balance that this layout combined with some tree management, which can be conditioned, would ensure that any future owner or occupier would have reasonable enjoyment of the property and the private amenity space, and the potential for the Council to be placed under pressure to remove or significantly prune the trees would be minimised. For these reasons the proposal would not significantly impact on the existing protected trees and is acceptable.

## **Security**

In the interests of security as recommended by the Police Architectural Liaison Officer and in accordance with UDP policy ENV32 the development can be conditioned to meet secure by design which can include;

Windows, doors, defensible space for front ground floor windows, new boundary fencing, access gates, materials, garage and intruder alarm.

## **Other issues raised through consultation:**

Objections raised regarding, house values, damage to private driveway and conditions requiring private works and maintenance to the driveway which are all private matters outside of the scope of this planning application.

Concern raised that noise and mess during construction would be contrary to UK Human Rights Protocol 1 Article 1/Right to peaceful enjoyment of property.

Article 8 and Article 1 of the first protocol to the Convention on Human Rights state that a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedom of others. In this case it is recognised there are likely to be some disturbance during construction, however the temporary nature of the construction period and the small scale of the proposal would be insufficient to warrant refusal and a safeguarding condition controlling the hours of construction for the house to 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays, in the interests of amenity.

With respect to the potential increase in emissions from other vehicles coming into neighbouring houses, Pollution Control Officers have considered the proposal and have no objections on this basis.

**Positive and Proactive Working with the Applicant:**

Officers have spoken with the applicant's agent and in response to concerns raised regarding the proposed design and massing, amended plans have been submitted which enable full support to be given to the scheme.

**Recommendation: Grant Subject to Conditions (Including any Amendments or Additional Conditions Deemed Appropriate by Officers).**

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

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

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

- Location plan and site layout (9494.PL.01C) received 05/01/16
- Proposed Elevations (9484.PL.03A) received 05/01/16
- Proposed Floor Plans and Streetscene (9484.PL.02B) received 18/01/16
- Tree Shading Diagram (9484.PL.08) received 05/01/16
- Tree Location and Constraints (Q814TCP01) received 26/10/15
- Tree Protection Plan (Q814TCP01) received 26/10/15
- Vent Location Plans received 08/02/16
- Letter from CP Bigwood received 08/02/16
- Summary of Geotechnical Issues 2 received 08/02/16
- Design and Access Statement received 26/10/15

Reason: To define the permission.

3a) Prior to construction of the development full details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development will meet Secure By Design specification.

3b) The approved details shall be fully implemented prior to first occupation of the house and thereafter retained

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



Reason: To ensure the safety of future occupants. The details are required prior to any further works because the window openings at ground floor level are already present and the windows are part of the Secure By Design specification.

4a) Following the completion of any arboricultural works but before any equipment, materials or machinery are brought onto the site in connection with the development, protective fencing and ground protection such as geomembrane or scaffold boards shall be installed around the protected trees on the south-east side of the site in accordance with the Tree Protection Plan by Rob Keyzor dated 20.10.2015. Such protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the Borough Council

4b) Prior to the commencement of any building works on site and after the installation of the tree protection the Council's arboricultural officer shall be notified to allow a full inspection of the protection measures.

Reason: To ensure that protected trees are retained and to comply with UDP policy ENV18

5a) Notwithstanding the details provided and prior to the commencement of the development above the damp proof course hereby approved a schedule of the roof tiles and facing bricks to be used in the roof, including the size, texture and colour shall be submitted to and approved in writing by the Local Planning Authority.

5b) The development shall be completed with the approved details and retained and maintained at all times.

Reason: To ensure the satisfactory appearance of the development.

6a) Prior to commencement drainage plans shall be submitted for the disposal of surface water and foul sewage and approved by the Local Planning Authority

6b) The approved details shall be fully implemented prior to occupation and retained thereafter.

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

7a) Prior to the new dwelling first coming into use, the parking area shall be fully consolidated, hard surfaced and drained in accordance with the details approved in condition 6.

7b) This area shall thereafter be retained and used for no other purpose.

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

8) No development within Classes A, E and D, of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) shall take place.

Reason: To protect the character and amenities of the area, in the interests of ground gas protection and to comply with policies GP2, ENV10 and ENV32 of Walsall's Unitary Development Plan.

9). There shall be no alterations to the garage which would prevent its use to park a car.

Reason: To ensure the satisfactory provision of off-street parking, and in accordance with policies T7 and T13 of Walsall's Unitary Development Plan.

10) No tree shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped without the written approval of the local planning authority. Any topping or lopping shall be carried out in accordance with British Standard 3998:2010 (tree work) and in accordance with any agreement with the Council's Tree Officers.

Reason: To ensure that protected trees are retained and to comply with UDP policy ENV18

11) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place within one planting season and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Borough Council.

Reason: To ensure that protected trees are retained and to comply with UDP policy ENV18

12) No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. \* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.

Reason: To protect the amenity of adjoining residential occupiers.

### **Notes for applicant:**

#### **Secured by Design**

1. New windows/ roof lights / patio / French doors/ windows should conform to PAS 24 2012 PS1A Standard with at least one pane of 6.4mm laminated glass in all ground floor windows,

2. There should be an area of defensible space in front and across the length of each front facing window, which should be around 1m in depth and consist of dense low level shrubbery, suitable for the light / soil environment at its location. The defensible space will help protect ground floor windows and make access to them by offenders more difficult.

3. All external door sets should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock.
4. Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area of any property. With this in mind perimeter and boundary fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping i.e. 1.8m fence plus 300mm anti climb trellis topping.
5. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.
6. All gates should be 2.1m in height and be key lockable from both sides. They should be positioned as close to the front building line as possible.
7. Fencing should be located as near to the front building line as possible.
8. Due to the increase in metal theft consideration should be used to minimising the use of lead in the design, by using lead substitute or alternative products.
9. The property should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.
10. Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or WCL 2 BR 1





## Economy and Environment, Development Management

## Planning Committee

Report of Head of Planning, Engineering and Transportation on 31-Mar-2016

Plans List Item Number: 5.

**Reason for bringing to committee: Called in by Councillor S Coughlan**

**Location:** BHANDAL DENTAL SURGERY, 18-23, STAFFORD STREET, WILLENHALL, WV13 1TG

**Proposal:** CHANGE OF USE FROM DENTAL SURGERY TO 4NO BEDSITS

**Application Number:** 15/1597

**Applicant:** Mr Balbir Bhandal

**Agent:** Mr Neil Ranford

**Application Type:** Full Application

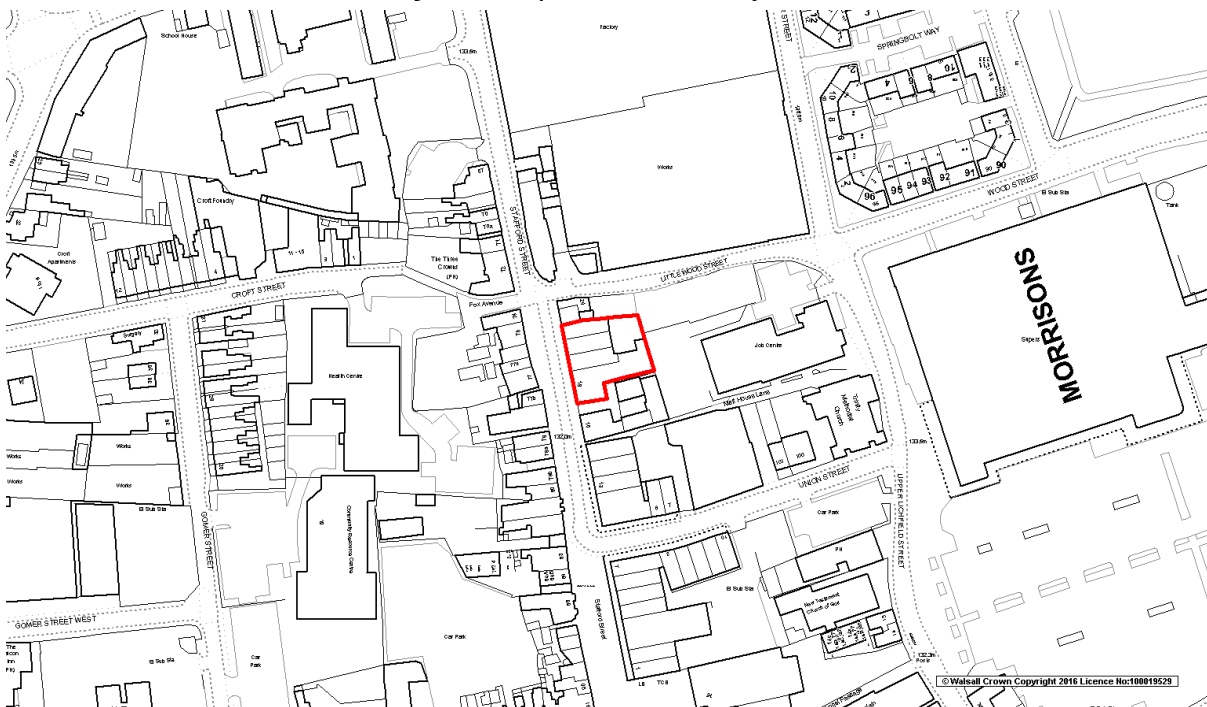
**Recommendation Summary:** Grant permission subject to conditions

**Case Officer:** Devinder Matharu

**Ward:** Willenhall South

**Expired Date:** 24-Jan-2016

**Time Extension Expiry:** 04-Apr-2016



### **Application and Site Details**

Numbers 18 -23 Stafford Street is a 1960's two storey flat roof grey finish concrete building. The building has projecting concrete panels at first floor fronting Stafford Street.

The first floor was previously utilised as a dental practice and at ground floor there are retail units and a hot food take-away. The proposal is for change of use of the first floor dental surgery premises to 4 bedsits.

The access to the first floor is from an entrance on the ground floor adjacent number 19 to the southern end of the building.

The commercial units are located back of pavement and have solid roller shutters. Access to the site is from Little Wood Street and gated with a 2m high palisade gate. The rear of the premises accommodates air conditioning units to the commercial ground floor units and an extraction system to the hot food take-away, which is located on the flat roof extended part of the rear of the retail unit.

Stafford Street is paved and has double yellow lines either side.

To the north of the site is a two storey commercial unit with a ground floor retail window display and entrance, to the north of this unit is a flat roof cafe. On the opposite side of Stafford Street are two storey buildings with flats on first floor and commercial on the ground. To the north of the site at the junction of Little Wood Street and Stafford Street is a factory and to the north west of the application site at the junction of Stafford Street and Fox Avenue is a public house.

The site is within Willenhall District Centre and Willenhall Conservation Area.

The application proposes the creation of 4 bedsits at first floor. The bedsits would be located towards the front of the premises at first floor with access from a single corridor. WC facilities will be provided at the top of the stairs.

The site has a communal yard to the rear of the premises which is used as access for the ground floor commercial units. The proposal seeks to include a waste bin area and a cycle store; no details of these have been submitted.

The following documents have been submitted with the application:

- Design and Access Statement has been submitted which states the building is a 1960's / 1970's concrete building with ground level entrance. There is no longer a demand for a dental surgery here. Planning permission has been previously approved in 2010 for 4 bedsits. The design and appearance of the building will not change.
- Schedule of Building Maintenance and Repair, which highlights yearly inspections to the flat roof, exterior walls, exterior gutters, windows, fire escape, electrical, plumbing and heating and communal areas and any works identified will be repaired and maintained.

### **Relevant Planning History**

10/1395/FL- Change of Use from Dental Surgery to X 4 No. Bedsits. Granted Subject to Conditions 10-Dec-2010

## **Relevant Planning Policy Summary**

National Planning Policy Framework (NPPF)

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

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

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

- Enhance and improve the places in which people live their lives;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Support town centres and a town centre first approach for retail, leisure, commercial, office, tourism, cultural, and community uses;
- Always require high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

**Key provisions** of the NPPF relevant in this case:

1. Building a strong, Competitive economy

18. committed to securing economic growth in order to create jobs.

19. support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

2. Ensuring the vitality of the town centre

23 planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- promote competitive town centres that provide customer choice
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;

4: Promoting Sustainable Transport

29. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

32. opportunities for sustainable transport modes should be taken up depending on nature and location of site and safe and suitable access to the site can be achieved for all people.

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

#### 7. Requiring good design

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

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

Planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

#### 11. Conserving and enhancing the natural environment

123. Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts<sup>27</sup> on health and quality of life as a result of new development;

- mitigate and reduce to a minimum other adverse impacts<sup>27</sup> on health and quality of life arising from noise from new development, including through the use of conditions;

- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;<sup>28</sup> and

- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

#### 12 Conserving and enhancing the historic environment

Paragraph 131. In determining planning applications, local planning authorities should take account of

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.



132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 133: Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

On planning obligations and conditions the NPPF says:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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

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

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

## **The Development Plan**

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

## **The Black Country Core Strategy (BCCS) (2011)**

[http://www.walsall.gov.uk/index/environment/planning/local\\_development\\_framework/ldf\\_core\\_strategy.htm](http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm)

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

This checklist has been published on the BCCS and Council websites. Cabinet on 24<sup>th</sup> July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy is consistent with the National Planning Policy Framework, so that the Core Strategy policies should be given full weight in planning decisions.

ENV2: Historic Character and Local Distinctiveness proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness.

ENV3: Design Quality - Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits.

CSP4 Place Making – hierarchy of centres will provide a focus and concentration for essential local services.

CEN1: The Importance of the Black Country Centres for the Regeneration Strategy

The Importance of the Black Country Centres for the Regeneration Strategy

Crucial they maintain and enhance their offer in order to underpin economic growth and sustainability deliver a vital and viable network of centres to meet the current and future needs of the residents.

CEN2 Hierarchy of centres – identifies 3 levels of hierarchy.

To maximise regeneration to protect the identified centres and the appropriate distribution of investment, a hierarchy of centres, consisting of three levels has been identified.

CEN5 Local Centres – local centres provide day to day convenience local services.

HOU2: Housing Density, Type and Accessibility

States that the density and type of new housing provided on each site will be informed by, amongst other factors, the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics in the area where the proposal is located.

All developments will aim to achieve a minimum net density of 35 dph except where higher

densities would prejudice historic character and local distinctiveness. Development should not undermine the viability and viability of the local centre.

TRAN1: Priorities for the Development of the Transport Network  
Improving sustainable transport facilities.

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

### **Walsall's Unitary Development Plan (UDP) (2005)**

[www.walsall.gov.uk/index/environment/planning/unitary\\_development\\_plan.htm](http://www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm)

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

The relevant policies are:

Policies GP2, 3.6, 3.7 seeks to make a positive contribution to the quality of the environment, whilst protecting people and not permitting development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

Encourage the development of previously land.

ENV35 The design of frontages to shops and other commercial premises should be appropriate to their setting and sympathetic to the building on which they are situated. In considering proposals for shop fronts, shutters and grilles, canopies, blinds and signs, the Council will take the following factors into account:-

I. The architectural and historic merits of the building.

II. The character of the area in which they are located.

III. The prominence of the building.

IV. Whether the building is subject to surveillance by CCTV.

V. Any exceptional justification for the proposal.

VI. Any proposals and initiatives for the enhancement of the centre in which they are located.

ENV29 and 3.104: Conservation Areas

The Council will determine whether a development preserves or enhances the character and appearance of a Conservation Area in terms of:-

I. The degree of loss or alteration to property which makes a positive contribution to the character of the area.

II. The impact of any new buildings on the special townscape and landscape features within the area.

III. The scale, massing, siting, layout, design or choice of materials used in any new building or structure.

IV. The nature of its use and the anticipated levels of traffic, parking and other activity that will result.

The Council will not permit development within Conservation Areas that incrementally erodes those special features which the Council wishes to preserve and enhance. The Council has a duty to preserve or enhance the character and appearance of conservation areas. Designation alone does not ensure that the most is made of the individual features

5.2 The prime concern will be to sustain and enhance the vitality and viability of the Town, District and Local Centres, and to assist these centres to meet the needs of residents, workers and visitors.

S1: Definition of Town Centre Uses

Lists appropriate town centre uses

S2: The Hierarchy of Centres

The district centres are smaller than Walsall Town Centre and serve more localised roles. However, they do provide substantial retail, service and other facilities and could be considered as town centres in their own right.

Their main role is to meet the needs of their districts for convenience goods, local services and community facilities, although they all have some importance for comparison shopping. The District Centres could also potentially have role in accommodating facilities of Borough-wide importance which cannot be located in Walsall Town Centre.

S4: The Town and District Centres: General Principles

Development must not be at the expense of the vitality and viability of the centre as a whole, or that of other centres within the Borough. Within the primary shopping area in the core of each centre. At ground floor level frontages within these areas, the Council will seek to ensure that the retail function is not prejudiced. Non-retail uses will, however, be permitted provided that these will:-

I. Contribute to the vitality of the frontage by attracting additional trade and/or increasing the range of facilities on offer.

II. Not detract from the retail function by creating 'dead frontage', or otherwise deterring shoppers, to an unacceptable extent or in an unacceptable location. In particular, non-retail uses are unlikely to be acceptable on both sides of the entrance to a shopping centre.

III. Be open during shopping hours and incorporate a shop front and window display to maintain and enhance the interest and liveliness of the street scene.

S8: Housing in Town Centres

Investment in housing development within and close to Town, District and Local Centres will be encouraged, both on new sites and through the conversion of existing buildings, including upper floors. However, any such proposals must:-

I. Be able to achieve a satisfactory residential environment, taking account of the considerations set out in Policy ENV10 although it will be recognised that the particular benefits of living in a centre could mean the acceptable level of residential amenity may not be the same as that expected in suburban locations.

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings  
Encourages the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

T4 - The Highway Network

District distributors are important routes connecting the main residential and employment areas of the Borough. Street parking and direct frontage access will be strictly regulated.

T7 - Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T13: Parking Provision for Cars, Cycles and Taxis

Flats individual 2 parking spaces per flat  
Flats communal 1.5 parking spaces per unit  
WH1: Primary Shopping Area

The primary shopping area is identified on the Inset Map. New developments, at an appropriate scale, for shopping and services will be directed towards this area, to sustain the health and vitality of the centre. Outside the primary shopping area the Council will encourage investment in service, leisure, community or other town centre uses and also housing.

WH10: Parking

Parking provision in the centre should be in accordance with the principles in Policy T7 in Chapter 7.

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

### **Supplementary Planning Documents (SPD)**

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

#### **Designing Walsall (2013)**

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

DW3 – Character -design to respect and enhance local identity;

DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;

**Policies are available to view online: [http://cms.walsall.gov.uk/planning\\_policy](http://cms.walsall.gov.uk/planning_policy)**

### **Other relevant legislation**

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

- **Section 16(2) Decision on application:** In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- **Section 72(1) General duty as respects conservation areas in exercise of planning functions:** In the exercise, with respect to any buildings or other land in a conservation area, of any [F1]functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

**Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment:** English Heritage (2008)

### **Consultations**

**Transportation** – No objection subject to a condition requiring cycle parking

**Environmental Health** – No objection

**Pollution Control** - No objection subject to noise survey and mitigation measures being identified and installed.

**Housing Standards** – No objection

**Building Conservation** – No objection subject to further information on the maintenance and repair of the building.

**Coal Authority** – No objection subject to user note for applicant.

**Police** – No objection

### **Public Participation Responses**

Cllr S Coughlan has objected to the proposal on the grounds that Willenhall Town Centre is being inundated with applications for residential properties and a strategic view for the town is required so as not to deal with such proposals in isolation.

One letter has been received objecting to the proposal on the grounds that the front elevation appears to be reversed with the entrance to the premises being on the right hand side.

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

### **Determining Issues**

- Principle of development
- Impact upon the Conservation Area
- Impact upon neighbouring commercial occupiers
- Impact upon the occupiers of the bed sits
- Parking and access

### **Observations**

#### **Principle of development**

The principle of the re-use of this building for residential purposes has already been established through the granting of planning permission for four bedsits in 2010 under planning reference 10/1395/FL.

Policy H3 and S8 of the UDP supports windfall sites that come forward for residential development and policy S8 supports residential development in town centres. On this basis the principle of converting the first floor of the dental practice for residential purposes is compliant with policy and is supported.

The conversion of the first floor of the premises would enhance the vitality and viability of the district centre, as well as providing evening surveillance to this part of Stafford Street.

Cllr S Coughlan has objected to the proposal on the grounds that Willenhall Town Centre is being inundated with applications for residential properties and a strategic view for the town is required rather than dealing with proposals in isolation.. It should be noted that each planning application can only be dealt with on its own merits and there is no control over when applications for planning permission of this nature come forward.

### **Impact upon the Conservation Area**

The site and the rear yard are situated within the Willenhall Conservation area which has been categorised as 'at risk' in the latest 2015 Heritage at risk Study by Historic England. Willenhall has been rated as overall "poor" condition with "worsening" in trend. It is therefore of significant weight that any proposed works in the conservation area preserve and enhance this area in order to reverse this worsening trend.

The building is a late 20<sup>th</sup> Century two storey building in the modernist style which is constructed in concrete and with strong lines and vertical proportions which are characteristic of this style of architecture. Although not individually mentioned in the Conservation Area Appraisal, the building is situated along Stafford Street, one of the original streets of Willenhall and shows the evolution of building form over the centuries. The existing building is suffering from a lack of maintenance with much of the facade deteriorating.

The application is for change of use, the development would cause 'less than substantial' harm to the Conservation Area as a whole. Paragraph 134 of the NPPF, states the harm should be weighed against any benefits to the development including securing the optimum use. Any harm to a designated heritage asset such as a Conservation Area also needs to be given special consideration and weight under the Planning (Listed Buildings and Conservation Areas) Act. In this case, the reuse of this building is a substantial benefit and will hopefully ensure the preservation and enhancement of the conservation area.

The agent has submitted a building maintenance and repair schedule that states the building would be inspected on a yearly basis and any works identified within or externally will be repaired and maintained. Whilst the Conservation Officer has no objection to the overall change of use and the details provided in the schedule of works, he has raised concerns that if the windows are replaced with anything other than aluminium permission would be required. The agent confirms that the existing windows will remain and when they are changed they will be replaced with aluminium. A planning condition is recommended to ensure any replacement windows are aluminium to prevent any further issues which may arise in the future should the premises change ownership.

Details of the bin and waste store can be secured by condition.

Amended plans have been submitted to show the correct front elevation of the premises.

### **Impact upon neighbouring commercial occupiers**

The site is in a district centre where there is a mixture of commercial and residential uses. It is considered that the conversion of the first floor into residential would not unduly impact upon the neighbouring and ground floor commercial occupiers. The flats would provide a form of security for commercial occupiers along Stafford Street outside normal opening hours for commercial/retail premises.

### **Impact upon the occupiers of the bed sits**

Policy S8 of the UDP supports residential development in town centres, provided a satisfactory level of amenity can be provided. The policy also recognises that the level of amenity in district centres would not be the same as that in suburban areas.

Pollution Control has requested a noise survey to identify potential noise sources and identify mitigation measures to prevent/reduce internal and external noises from entering habitable rooms. They suggest the use of acoustic glazing, acoustic ventilation and good acoustic performance between the ground floor commercial activities and the habitable rooms on upper floor e.g. an acoustic ceiling/flooring scheme, with consideration of flanking transmission. This would assist in providing some form of noise mitigation for potential occupiers. The noise survey and mitigation measures are to be secured by the recommended planning conditions.

The rear yard of the site is shared between the first floor and ground floor commercial occupiers. It is not adequate to provide an amenity area in this rear yard. The agent has submitted a plan which shows that there is a public open space near the site. Willenhall Memorial Park is located 541m to the east of the site, which is within walking distance.

### **Parking and access**

Under policy T13 of the UDP, the existing dental practice use with three consulting rooms requires 12 parking spaces. The proposal for four bedsits requires six parking spaces. There is currently no on-site parking and none is proposed.

The site is located within Willenhall Town Centre which is a sustainable location, with easy walking distance to a wide range of commercial and community facilities, private and public parking and good transport links. In the circumstances lack of any on-site parking is considered acceptable.

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

### **Positive and Proactive Statement**

The agent has provided the additional information required to support the application.

### **Recommendation: Grant permission subject to conditions:**

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

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

2. The works hereby approved shall only be carried out in accordance with the following drawings:

- 18SS/1/C submitted on 9<sup>th</sup> February 2016 entitled 'dental surgery conversion to 4x no. Bedsits'.

*Reason:* To define the permission.

3a. The four bedsits hereby approved shall incorporate:

- Acoustic glazing shall be installed to all habitable rooms with a minimum sound reduction (Rw) of 38 dB.
- Acoustic ventilation shall be installed on all habitable rooms with a minimum sound reduction (Rw) of 38 dB in the open position.



- The applicant shall ensure that the noise transmission between the ground floor commercial activities and the upper floor residential will achieve a minimum sound reduction (Rw) of 55 dB.

3b. Prior to the four bedsits being occupied a validation report shall be submitted to and accepted in writing to the Local Planning Authority that confirms all acoustic mitigation measures have been implemented.

3c. The development shall be completed with the approved details and retained and maintained at all times.

*Reason:* To ensure the occupiers of the proposed four bedsits have a reasonable level of amenity.

4a. Prior to the first occupation of the flats, details of the waste bin storage shall be submitted to and approved in writing by the Local Planning Authority.

4b. The approved waste bin storage shall be provided for residents of the bedsits prior to the flats first being occupied and shall thereafter be retained and used for no other purpose.

*Reason:* In the visual amenities of Willenhall Conservation Area and to ensure the development is provided with waste bin storage.

5a. Prior to the first occupation of the development, full details of the proposed cycle shelter for the use of residents, shall be submitted to and approved in writing by the Local Planning Authority.

5b. The approved cycle shelter facility shall be fully implemented in accordance with the approved details and shall thereafter be retained and used for no other purpose.

*Reason:* To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4 and in the visual amenities of Willenhall Conservation Area

6. Any windows to be replaced within the site shall be aluminium.

*Reason:* In the interests of the visual amenities of Willenhall Conservation Area

7. The up keep of the premises shall be undertaken in accordance with the Schedule of Building Maintenance and repair submitted on 28<sup>th</sup> February 2016.

*Reason:* In the interests of the visual amenities of Willenhall Conservation Area and to ensure the maintenance and repair of the building in the Willenhall Conservation Area.

### **Note for applicant**

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although

such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)



## Economy and Environment, Development Management

### Planning Committee

Report of Head of Planning, Engineering and Transportation on 31-Mar-2016

**Plans List Item Number: 6.**

**Reason for bringing to committee: Called In by Councillor Andrew**

**Location:** 815, SUTTON ROAD, ALDRIDGE, WALSALL, WS9 0QJ

**Proposal:** ERECTION OF REPLACEMENT DETACHED 4 BED HOUSE AND RETENTION AND EXTENSION TO EXISTING DETACHED GARAGE AMENDMENT TO PLANNING APPLICATION 14/0953/FL.

**Application Number:** 15/1725

**Applicant:** Mr Sukhjit Singh

**Agent:** Mr Nick Hood

**Application Type:** Full Application

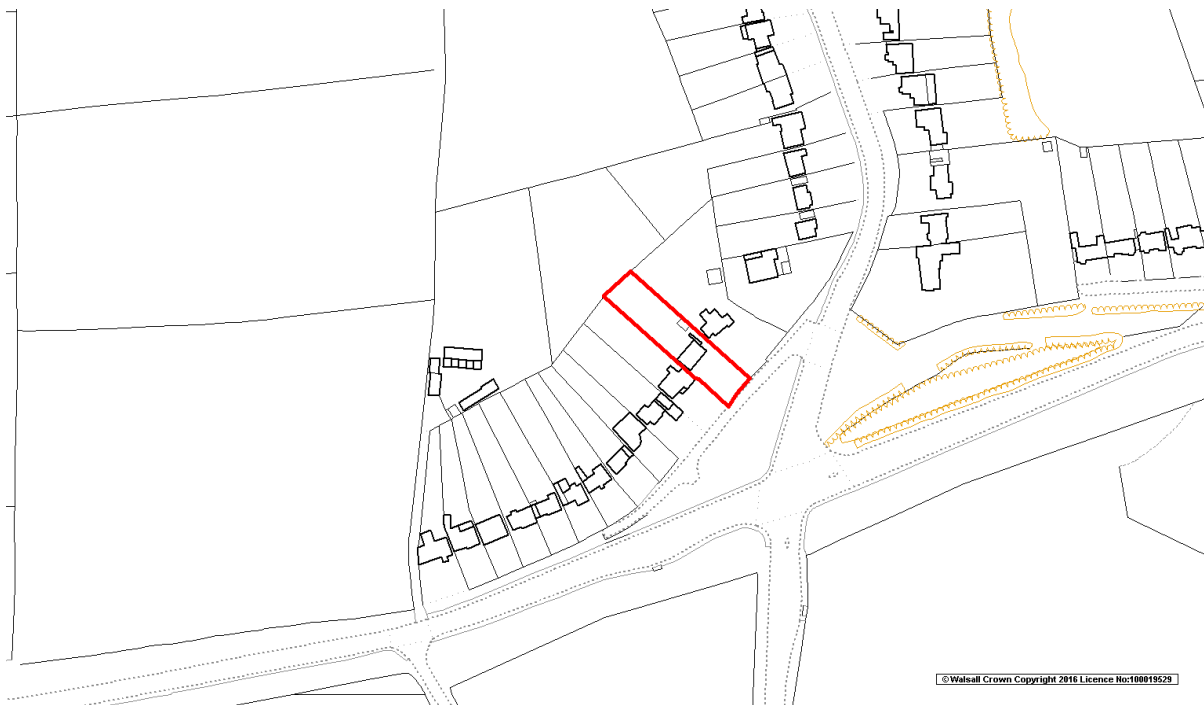
**Recommendation Summary:** Refuse

**Case Officer:** Barbara Toy

**Ward:** Aldridge Central And South

**Expired Date:** 20-Jan-2016

**Time Extension Expiry:** 08-Apr-2016



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## **Status**

Councillor Andrew has called the application in to Committee as he considers that the application should have a more public hearing for merits or otherwise of the application.

## **Application and Site Details**

The site is on the north western side of Sutton Road, just to the south west of the traffic light controlled junction with Longwood Road, and sits within a service road off the main road. The property comprises a detached dormer bungalow with a detached single garage set to the side/rear adjacent to the boundary with 817. The property has an existing small single storey extension which wraps around the side and rear and a mature rear garden. To the frontage, the property is set back from the road with a landscaped front garden, sweeping driveway and a large mature oak tree located close to the road.

The property sits within a line of detached dwellings (a mix of houses and bungalows) which forms a ribbon of development leading into Longwood Road. The property is within a large area of designated Green Belt.

Both the adjacent properties are two storey houses. No 813 to the south west has a single storey side/rear extension close to the joint boundary which is still under construction, a single storey flat roofed forward projecting double garage to the frontage, a two storey front gable as well as temporary shelters in the front driveway and the rear garden. No 817 to the north east has a two storey rear extension which results in a 'T' shaped footprint, with a single storey conservatory in the western corner close to the boundary with 815. A tall hedge above a dwarf wall forms the boundary between 815 and 817.

To the rear of the site are three paddocks. Whilst this area appears to be accessed from some of the surrounding residential properties and includes a number of domestic features there is no planning consent for the land to be used for domestic purposes and still has an overall rural character. The lawful use of this land is considered to be agricultural or open land within the Green Belt. All three paddocks are bounded by a tree lined hedge which separates this area from the wider area of open land to the west and south. The opposite side of Sutton Road also comprises open countryside.

This is a revised submission following a previous refusal and subsequent approval for a replacement 4 bed detached dwelling. The proposals have been amended since submission and seek to amend the approved scheme by increasing the overall footprint and extent of first floor accommodation over that already approved.

The original plans submitted under this application formed the original submission under PA 14/0953/FL. During the course of the application the agent was advised that the scheme could not be supported and did not overcome the previous reasons for refusal. The scheme was subsequently amended and approved at Planning Committee.

This application has been amended since submission and now proposes two storey extensions to the front side and rear of the existing bungalow and a further single storey rear extension beyond the two storey element adjacent to the boundary with No 813. Due to the amount of extensions it is considered that the proposals result in a replacement dwelling (as the previous application).

The proposed two storey front extensions would create two full height gables to the frontage either side of a new main entrance to the property. The dwelling would have an overall height of 6.9m.

The existing single storey detached garage set to the rear would be retained and extended to the side to widen it.

The submission includes an updated Bat survey which reviewed the previous bat report and found the situation at the site had not changed and concludes that a bat roost is unlikely at the site.

### **Relevant Planning History**

14/0335/FL, proposed front and rear two storey extensions, refused 06-05-14.

Reasons for refusal:

1. The proposed extensions are a disproportionate addition to the original house due to their size, length and massing which fill the entire plot width giving a cramped appearance in relation to the surrounding houses and surrounding Green Belt. The design of the proposed extensions also proposes two forward projecting gables which would be detrimental to the character of the Green Belt.
2. The proposed extensions by virtue of their excessive size, length, height, massing and proximity to the neighbouring properties would have an overbearing impact on the outlook from the conservatory at 817 Sutton Road and upon the outlook and daylight to the front bedroom and ground floor window at 817 Sutton Road. The rear extension would also harm the outlook from the primary bedroom window on the north east side of 813 Sutton Road by virtue of its proximity to the neighbour's property.
3. The proposed south east gable projection would have a detrimental impact on the character and appearance of the wider street scene by virtue of the height of the extension and its design including the absence of any features

14/0953/FL, erection of replacement detached 4 bed house and retention and extension to existing detached garage, granted subject to conditions 26-11-14.

### **Relevant Planning Policy Summary**

#### **National Planning Policy**

##### **National Planning Policy Framework (NPPF)**

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

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

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

**Key provisions** of the NPPF relevant in this case:

NPPF 7: Requiring Good Design

NPPF 9: Protecting Green Belt Land

On **planning conditions** the NPPF says:

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

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

## **Local Policy**

### **Black Country Core Strategy**

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

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

### **Unitary Development Plan**

GP2: Environmental Protection

ENV2: Control of Development in the Green Belt

ENV3: Detailed Evaluation of Proposals within the Green Belt

ENV14: Development of Derelict and Previously-Developed Sites

ENV32: Design and Development Proposals.

H3: Windfall Sites on Previously Developed Land

T7: Car Parking

T13: Parking Standards

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the National Planning Policy Framework.

## **Supplementary Planning Document**

### **Designing Walsall**

- DW2: Safe & Welcoming Places
- DW3: Character
- DW4: Continuity
- DW9: High Quality public realm

## Appendix D

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

### **Consultations**

**Ecology** – No objections subject to condition in relation to ensuring the protection of bats during construction.

### **Public Participation Responses**

One objection received relating to the original set of plans and a further objection from the same occupier to the amended scheme.

Objections to original plans:

- No obvious differences between this and the previous schemes and do not reflect the amendments made to the scheme
- Comments on the previous scheme are therefore fully relevant
- Gable wall adjacent to 813 appears to now be rendered not brickwork, cannot see how this could be constructed, painted or maintained without access from the adjoining property.
- Whilst the render in a light colour may be less oppressive than brickwork this finish will cause problems for the future maintenance
- Property not built square on the plot (there is a dog leg) so side wall of the extension would approach the boundary and possibly even have the eaves and guttering overhanging the boundary
- Conflict with 45 degree code in relation to rear window loss of light and outlook
- Forward extension would set a precedent within the street

Objections to amended scheme:

- The amendments attempt to address the sheer bulk of the rear extension adjacent to 813, and is considered an improvement over the previous proposals.
- The alignment of the property on the plot is however still a concern and it is considered that the rear extension will be very close to the boundary with 813, if not overhanging, issue that needs resolving.

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

### **Determining issues**

- Principle of the development
- Design and Layout
- Impact on the Street Scene and Green Belt
- Impact on amenity of adjoining occupiers
- Access & Parking
- Impact on Protected Species

## **Observations**

### **Principle of the Development**

The proposals look to provide a replacement dwelling, replacing a detached 3 bed dormer bungalow with a detached two storey 4 bed house. The principle of the replacement dwelling has already been established with a previous approval for a 4 bed detached house in 2014.

### **Design and Layout**

The proposed two storey front extension would create two projecting gables either side of new main entrance. The width of the right hand gable has been reduced in the amended plans to that approved under 14/0953/FL, ensuring that the right hand gable would be subservient to the left hand gable and characteristic of other properties in the immediate vicinity.

The scheme approved under 14/0953/FL included a two storey rear extension with 1.8m single storey element beyond, the full width of the house. The amended plans have reduced the depth of the rear extension, with the left hand element now representing that previously approved under PA 14/0953/FL, with a reduced first floor with single storey element beyond. The right hand element however has been extended with the two storey element extending 3.4m beyond that previously approved, with no single storey element beyond. This would create a blank two storey gable wall approx 7.5m in length approx 4.5m separation from the side boundary with 817, which is considered to be out of scale and out of keeping with the character and appearance of the original dwelling.

### **Impact on the Street Scene and Green Belt**

The proposals would result in disproportionate additions to the original property in terms of the overall size and massing of the building, detrimental to the character and appearance of the property within the street scene and the Green Belt.

The existing dormer bungalow has a footprint of 80.6sqm, the approved scheme had a footprint of 122.3sqm and the proposals would now provide a footprint of 129.8sqm, a 62% increase over the existing bungalow. The proposals would now provide an additional 17sqm of first floor accommodation over that of the approved scheme, an increase of 14%, increasing the overall bulk and mass of the building which would be fully visible from the open Green Belt land to the rear.

The appearance of the house from the frontage would be the same as that approved under 14/0953/FL. The left hand gable would be the dominant feature on the frontage in line with the character of the other properties in the immediate vicinity.

Although the overall ridge height of the property would not be altered (6.9m) the extent of two storey extensions would result in the roof having a visually greater impact by the increased width of the ridge from 9.7m to 10.9m and the increased bulk and massing of the roof.

The previous approval followed extensive negotiations and resulted in a scheme which was considered to be the maximum form of development for the site. The proposals now take the extensions beyond that which is considered acceptable and appropriate for the site.



### **Impact on amenity of adjoining occupiers**

The reduction in the depth of the rear first floor and ground floor extensions adjacent to the boundary with 813 would reduce the overall impact on the amenities of 813. The first floor extension has been reduced to 1.3m and the ground floor extension 1.9m beyond, this would ensure that the proposals would meet the 45 degree code in relation to the rear facing window at 813 to the south west.

The two storey extension on the right hand side of the rear elevation would sit approx 4.5m from the boundary with 817 Sutton Road, which has a single storey rear conservatory in line with the extension approx 2m from the shared boundary. This results in a separation of approx 6.4m between the side of the conservatory and a blank 2 storey gable wall, well below the 13m separation distance required. No 817 also has two first floor side facing windows in the rear projecting gable on the right hand side of the property, these would sit approx 11m from the proposed 7.7m long two storey blank gable wall of the proposed extension, again below the 13m required by Appendix D. It is considered that the proposed two storey rear extension adjacent to 817 would have an adverse impact on the amenities of the occupiers of 817 through loss of light and outlook due to the height, length and proximity of the extension to the boundary and habitable room windows at 817.

In response to the comments made by the objector regarding the boundary between 813 and the site it was confirmed on the previous application that the boundary identified on the submitted block plan is accurate and includes a dog leg on the frontage of the property, which appears to reflect the records held by the Council. Any land ownership dispute is a civil matter between the parties concerned.

### **Access and Parking**

The existing garage would be retained and widened by 0.5m to make it more useable, and the existing driveway would provide off street parking for at least 2 vehicles, providing 3 off street parking spaces in compliance with T13 for a 4 bed house.

### **Impact on Protected Species**

The submitted bat survey indicates that a bat roost is unlikely.

The significant mature Oak tree adjacent to the front driveway is highly visible from outside the site and contributes significantly to the landscape character of the area. Whilst the proposed extensions would not have a direct impact on the tree there are concerns that the adjacent garden area may be used for the storage of materials which may impact on the long term health of the tree if consent were granted. The previous approval included conditions to ensure protection of the tree throughout the implementation of any consent and to control any pruning works necessary to the tree.

### **Positive and Proactive working with the applicant**

The agent has been advised that despite the submission of amended plans the scheme goes beyond that which is considered acceptable and appropriate for the site in this Green Belt location and cannot be supported by officers for the reasons recommended

## **Recommendation: Refuse**

1. The proposed extensions by virtue of their excessive size, length, height, massing and proximity to the neighbouring property would have an overbearing impact on the outlook and would result in loss of light to the adjoining property at 817 Sutton Road. For these reasons the proposals are contrary to the aims and objectives of the National Planning Policy Framework, policies CSP4 and ENV3 of the Black Country Core strategy and saved policies GP2 and ENV32 of Walsall Unitary Development Plan and Supplementary Planning Guidance: Designing Walsall.
2. The proposed extensions are a disproportionate addition to the original house due to their size, length and massing and the design of the proposed extensions and would be detrimental to the character and appearance of the Green Belt. For these reasons the proposals are contrary to the aims and objectives of the National Planning Policy Framework, policies CSP4, ENV2 and ENV3 of the Black Country Core strategy and saved policies GP2, ENV2, ENV3 and ENV32 of Walsall Unitary Development Plan and Supplementary Planning Guidance: Designing Walsall.



## Economy and Environment, Development Management

### Planning Committee

Report of Head of Planning, Engineering and Transportation on 31-Mar-2016

**Plans List Item Number: 7.**

**Reason for bringing to committee: Significant community interest**

**Location:** 298, CHESTER ROAD, STREETLY, SUTTON COLDFIELD, B74 3EB  
**Proposal:** RESUBMISSION FOR TWO STOREY FRONT, SIDE AND REAR EXTENSIONS, SINGLE STOREY FRONT AND REAR EXTENSIONS, INTERNAL ALTERATIONS AND SINGLE STOREY OUTBUILDING - DEPTH OF OUTBUILDING TO BE INCREASED BY 1.3M TO PREVIOUS APPROVAL 15/0719.

**Application Number:** 16/0059

**Case Officer:** Jenny Townsend

**Applicant:** Mr Gurjit Balgan

**Ward:** Streetly

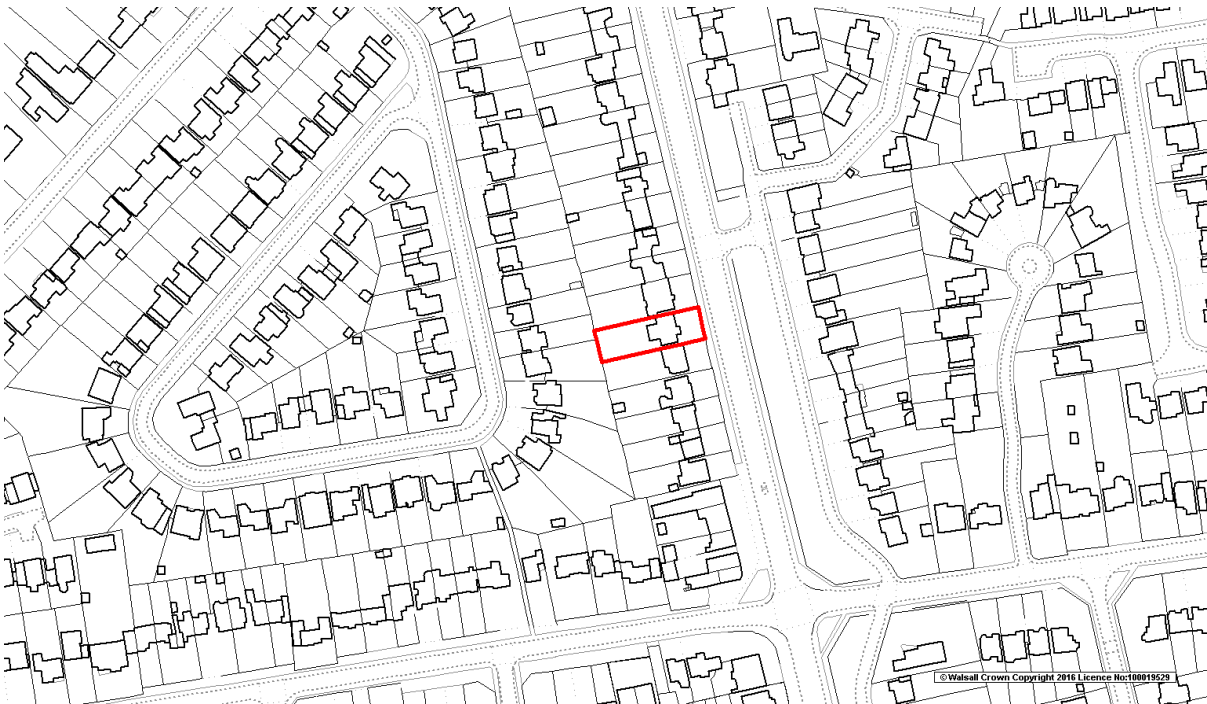
**Agent:** Lapworth Architects

**Expired Date:** 07-Mar-2016

**Application Type:** Full Application

**Time Extension Expiry:**

**Recommendation Summary:** Grant permission subject to conditions



## **Application and Site Details**

This is a resubmitted application for extensions to a detached house and the erection of a detached outbuilding in the rear garden. No changes are proposed to the extensions and alterations to the house which were approved for planning application 15/0719/FL in July 2015 but the outbuilding is proposed to be 5.3 metres deep rather than 4 metres as approved previously. The flat roof is to remain 2.5 metres high and there are no additional windows or doors proposed to that which was approved in July 2015.

At the time of the case officer site visit work was underway on the house extensions and the rear and side walls of the outbuilding were approximately 2 metres high with the front wall up to sill height of the windows (approximately 1.0 metre high).

The application property is a detached house which has previously been extended to the side and rear and occupies the full width of the plot. This house has two existing two storey front gable features with the central gable being the dominant feature.

This house is set back 10.8 metres from the highway and occupies a plot which is 13.5 metres wide and 22.4 metres long. The street has a residential character and consists of large detached houses of individual designs.

This proposal would add a first floor pitched roof along the shared side boundary with the adjacent house no. 296 and add a third gable feature the front elevation. This extension would be built above an existing flat roof balcony area to the rear and a gable roof would be added. A side facing en-suite window would be installed opposite the side elevation of no. 369.

A new front porch and canopy would be added across the front elevation. A total of six bedrooms would be provided. Existing chimneys would be removed and a front bay feature window at first floor.

The proposal includes the addition of a two storey extension across the full width of the existing rear elevation which would extend 2.4 metres (5.1 metres including the infilled balcony area) near to no. 296 and 1.5 metres near to house no. 300 Chester Road.

The application house has an existing single storey rear extension and the proposal would extend either side of the existing lounge area at ground floor. This proposal would extend 3.9 and 3.6 metres adjacent to no's 296 and 300 Chester Road, respectively. These two extensions would have 3.5 metres high gable roofs.

The proposal includes the addition of a garden building which is shown to be for storage on the plans and includes W.C. facilities located along the rear garden boundary. The garden building would be positioned adjacent to the rear garden boundaries and would have originally been separated from the main dwelling by a distance of 16.5 metres but this would now be reduced to 15.2 metres with the proposed increase in depth.

No. 300 Chester Road is positioned to the north of the application house, with a lower ground level than 298, and has a single storey rear extension 1.2 metres from the shared side boundary with no. 298. The side elevation of no. 300 is blank and there are front and rear habitable room windows in this property plus two side facing roof lights in the single storey rear extension opposite the boundary with no. 298.

No. 296 is located to the south of no. 298 and has front and rear facing habitable room windows and a blank side elevation. This property has a single storey rear extension near to the boundary with the application house with an adjacent two storey extension. There is 1.8 metres high timber fencing and mature planting defining the rear garden boundaries.

There would be a habitable room window to window separation distance of 44 metres between the proposed extension and no's 31 and 33 Inglewood Grove.

## **Relevant Policies**

### **National Planning Policy Framework (NPPF)**

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

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

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

**Key provisions** of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

## **Local Policy**

### **Black Country Core Strategy**

- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

### **Unitary Development Plan**

- GP2: Environmental Protection
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

## **Supplementary Planning Document**

## **Conserving Walsall's Natural Environment**

- Development with the potential to affect species, habitats or earth heritage features
  - NE1
  - NE2
  - NE3
- Survey standards
  - NE4

## **Designing Walsall**

- Appendix D

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

**Policies are available to view online: [http://cms.walsall.gov.uk/planning\\_policy](http://cms.walsall.gov.uk/planning_policy)**

### **Relevant Planning History**

04/0338/FL/H4 - Kitchen extension and formation of balcony - granted permission subject to conditions on 30/4/04

15/0719/FL Two storey front, side and rear extensions and single storey front and rear extensions. Internal alterations and single storey outbuilding. Granted Subject to Conditions 27/07/15.

### **Consultation Replies**

**Natural Environment Team, Ecology** - No ecological objections

### **Representations**

Three objections from neighbours on the grounds of:

- Site too overdevelopment compared to neighbouring properties and will be out of keeping with the area;
- The development has encroached too much on the garden with little space left now;
- Outbuilding is an eyesore and encroaches too much;
- Question use of building, why it needs to be enlarged if it is only a stores and it would be easy to convert to living accommodation;
- Outbuilding close to boundary and encroaches on privacy;
- If a pitched roof were added later it would affect light into their garden;
- Questions legality of existing approval as outbuilding wasn't shown on original plans;
- Has to leave hedge higher than would normally like it to be in order to protect privacy;
- House looks like a home for multiple occupancy rather than a house for one family;

- Garden building will impact greatly on their outlook because number 298 is higher than their property and as a result the building will look higher than the 2.5m allowed for garden structures;
- Noise from garden building;
- Overlooking due to the removal of a large tree in their garden.

### **Determining Issues**

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

### **Observations**

#### **Design of Extension and Character of Area**

No change has been proposed to the design of the extensions approved in application 15/0719/FL which were considered to integrate with the existing street scene and not harm the character of the area.

#### **Amenity of Nearby Residents**

No change is proposed to the extensions and alterations to the house which were approved in the previous application (15/0719/FL) which were considered did not unduly impact on the living conditions of the occupiers of the neighbouring houses either side or to the rear. The only change is the increase in depth to the detached outbuilding.

This building could ordinarily be built using existing Permitted Development allowances without the approval of the Local Planning Authority but it was considered as part of the previous application (as it was shown on the plans). In light of this any change to the proposed building as approved would require the submission of a further planning application so as not to be in breach of the planning permission 15/0719/FL.

The 2.5 metres high flat roof and position to the end of the garden is not changed and as previously considered, the building would have little additional impact on existing light and amenity to the neighbours' at the rear. The existing mature planting in the rear garden of no's 31 and 33 Inglewood Grove would screen the building. Also no windows are proposed in the rear elevation of the building which in any case would be screened by the existing tall fence.

With regard to the houses either side (numbers 300 and 296 Chester Road), the plans indicate that this detached building would be used for storage and whilst it is acknowledged that the front of the building would be closer to the rear of these houses, it is considered that this use would not harm neighbours' existing privacy, particularly as there are 1.8 metres high fencing along each side garden boundary. A condition restricting the use of the building and one for the fences to the side boundaries to be maintained at all times is recommended to protect neighbours' amenity.

The previous approval included a condition for details of the materials to be used in outbuilding to be submitted for consideration and approval before any development above damp proof course was begun. This has not been complied with but the bricks used on the front elevation of the building match with those used in the brick band around the main house. If the side and rear block walls that have been erected are rendered, this would

also match with the main house. A condition is recommended for these materials to be used in the proposed larger outbuilding.

With regard to the neighbours comments, remarks relating to the extensions on the house were considered in the previous approval; the use of the outbuilding is restricted by a condition and any change to living accommodation would require the submission of a new application on which neighbours' would be consulted; the addition of a pitched roof would also require planning permission on which the neighbours would be consulted; the tree in the rear garden was not protected and so planning permission would not be required for its removal.

### **Protected Species**

The Council's Ecologist considers there is insufficient green infrastructure within and adjacent to the application site for there to be a reasonably high prospect of finding bats in the buildings. The site fronts a major road which will act as a barrier to foraging and commuting bats. Given the location of the application site, a bat survey is not required in support of this application.

### **Parking**

The frontage of the application house is already hard surfaced and has vehicular access via an existing dropped kerb from Chester Road. There is sufficient space to accommodate at least three vehicles to serve this development and meet the requirements of UDP Policy T13.

### **Positive and Proactive working with the applicant**

#### **Approve**

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

### **Recommendation: Grant permission subject to conditions**

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

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

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

Location and block plan drawing 00 Rev D deposited 12 January 2016;  
Existing elevations and floor layout plans drawing 01 deposited 12 January 2016;  
Proposed elevations and floor layout plan drawing 02 Rev F deposited 12 January 2016;  
Elevations and floor layout of outbuilding drawing 03 Rev B deposited 12 January 2016.

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

3: Notwithstanding the information included on the deposited plans and the application form the materials used in the outbuilding shall match with the existing house – a brick band to the front elevation and render on the side and rear walls.



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

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

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

5: The proposed first floor side facing window opposite no. 296 Chester Road will be obscure glazed and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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

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

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

7: Notwithstanding the information provided solid fences at least 1.8 metres high shall be retained at all times along the shared rear garden boundaries between the application property and no's 296 and 300 Chester Road shall be retained at all times.

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.

8: The detached outbuilding shall only be used for purposes incidental to the enjoyment of the dwelling house, 298 Chester Road and at no time shall include or install any kitchen or cooking facilities within this building.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to preclude use as an independent dwelling to comply with policy GP2 of Walsall's Unitary Development Plan.





## Economy and Environment, Development Management

### Planning Committee

Report of Head of Planning, Engineering and Transportation on 31-Mar-2016

**Plans List Item Number: 8.**

**Reason for bringing to committee: Called in by Councillor Ditta**

**Location:** 7, DELVES ROAD, WALSALL, WS1 3JZ

**Proposal:** PROPOSED FIRST FLOOR REAR EXTENSION AND REAR CONSERVATORY EXTENSION.

**Application Number:** 15/1859

**Applicant:** Mr Shabbir Ahmad

**Agent:**

**Application Type:** Full Application

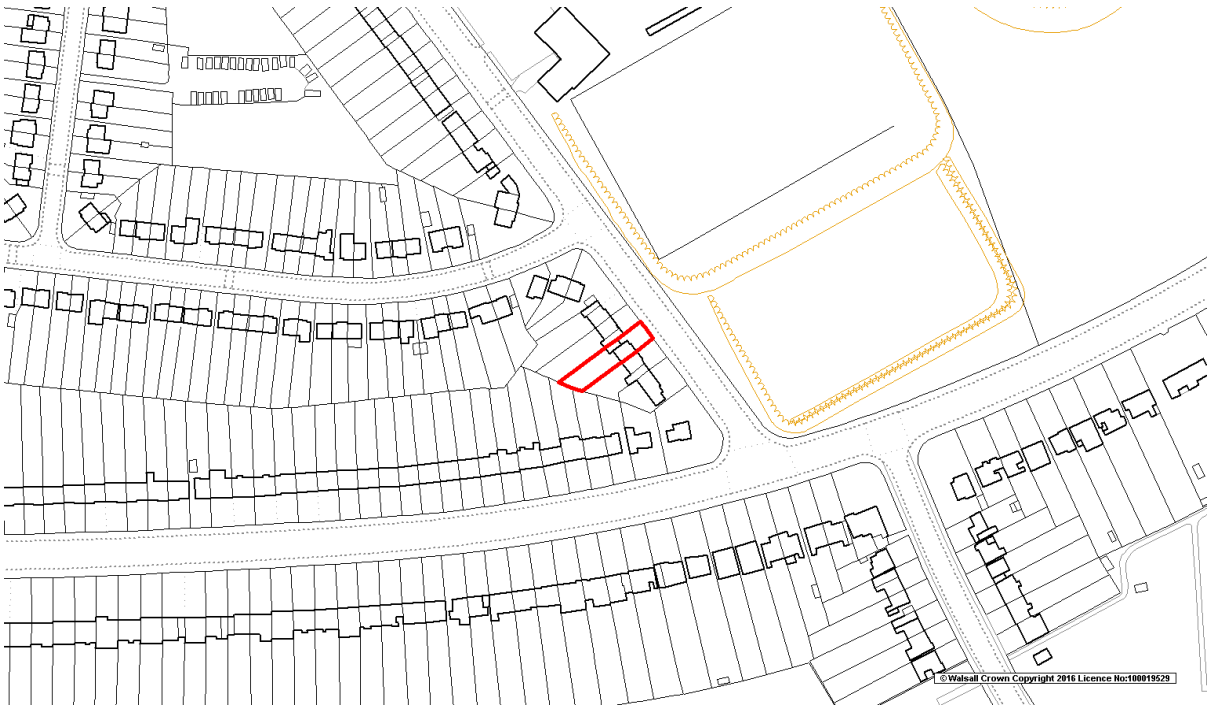
**Recommendation Summary:** Refuse

**Case Officer:** Helen Smith

**Ward:** Palfrey

**Expired Date:** 31-Jan-2016

**Time Extension Expiry:**



## **Status**

Councillor Ditta has called this application before planning committee because he considers that the scale of the building is not out of character or overdevelopment and supports the application due to significant community interest.

## **Application and Site Details**

The application property is a semi-detached house with a hipped roof and has existing two and single storey side and rear extensions. The house is of brick with a tiled roof.

The street has a residential character consisting of pairs of similar semi-detached houses and playing fields opposite the application house.

This proposal would add a rear single storey part hipped part gable roof conservatory to an existing 4 metres deep single storey rear extension. The new addition would be 3 metres deep with a width of 7.7 metres. The conservatory roof would be 2.8 metres high to the eaves and 3.4 metres high to the ridge. This addition would be set-in 1.4 metres from the side garden boundary with no. 9 Delves Road.

The proposed first floor extension would re-configure the existing layout of the house to provide 5 bedrooms and a small study room at first floor and two further bedrooms in the roof space. This proposal would extend 4.1 metres from the existing two storey rear elevation of the application house, adjacent to the adjoining semi, no. 5 Delves Road which is understood to be in the same family ownership. This extension would extend 2 metres further than the existing single storey rear extension, located near to no. 9 Delves Road, and would be separated from the shared rear boundary with no. 9 by a distance of 2.9 metres.

The two and half storey rear extension would have a hipped roof incorporating a rear dormer window. The extension eaves would be 1 metre higher than the existing eaves of the application house and adjoining no. 5 which has an existing two storey and single storey rear extensions.

Amended plans were received which reduced the height of the eaves at first floor to match the existing eaves of the house. The applicant has decided to revert back to the proposed raised eaves height.

No. 5 Delves Road is located to the south of the application house and has a 4.1 metres deep two and half storey rear extension along the shared rear boundary with no. 7. This neighbouring property has rear facing habitable room windows.

No. 9 Delves Road is positioned to the north of no. 7 and has a single storey rear extension with a rear kitchen window next to the shared boundary with no. 7.

The rear gardens of no's 5 and 7 Delves Road have no dividing boundary treatment and the length of the remaining garden to no. 7 is 16.5 metres.

There is an existing integral garage serving the application house and the frontage of the property is hard surfaced, providing off-street parking for two further vehicles.

## **Relevant Policies**

[http://cms.walsall.gov.uk/annotated\\_2011\\_udp\\_-\\_february\\_2011.pdf](http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf)  
**National Planning Policy Framework (NPPF)** [www.gov.uk](http://www.gov.uk)

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

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

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

**Key provisions** of the NPPF relevant in this case:

### 7: Requiring Good Design

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

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

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

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

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

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

### 11: Conserving and Enhancing the Natural Environment

109. The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

On **planning conditions** the NPPF says:

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

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

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

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

### **The Development Plan**

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

### **The Black Country Core Strategy (BCCS) (2011)**

[http://www.walsall.gov.uk/index/environment/planning/local\\_development\\_framework/ldf\\_core\\_strategy.htm](http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm)

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

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

The relevant policies are:

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

### **Walsall's Unitary Development Plan (UDP)**

[http://cms.walsall.gov.uk/annotated\\_2011\\_udp\\_-\\_february\\_2011.pdf](http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf)

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

*framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

The relevant policies are:

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV23: Nature Conservation and New Development.

The Council will require appropriate measures to encourage the conservation of wildlife. A supplementary planning document will provide more detailed advice on the implementation of this policy.

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:-

- On a visually prominent site.

(b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-

- The appearance of the proposed development.
- The height, proportion, scale, and mass of proposed buildings / structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The integration and co-ordination of buildings and external space.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.

T7: Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses	2 spaces per unit
4 bedroom houses and above	3 spaces per unit

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

### **Supplementary Planning Documents (SPD)**

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

The relevant SPDs are:

## Designing Walsall

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

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from [www.walsall.gov.uk](http://www.walsall.gov.uk)).
- Garden dimensions: 12m in length or a minimum area of 68 sq m for houses and 20 sq. m of useable space per dwelling where communal provision is provided.

## Conserving Walsall's Natural Environment

Provides guidance on development which may adversely affect trees, important species and habitats.

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

## Relevant Planning History

### 7 Delves Road

06/0900/FL/H2 – Alterations to main roof – refused permission 12/09/06

BC50790P – Two storey side extension, single storey rear extension, front porch and canopy – granted permission subject to conditions 12/3/98

### 5 Delves Road

06/0898/FL/H2 – Roof extension – refused permission – September 2006

05/0611/FL/H2 – Part two storey, part single storey side and rear extensions and enlargement of roof to side – granted permission subject to conditions 17/05/05

04/2069/FL/H2 - Part two storey, part single storey side and rear extensions and enlargement of roof to side - granted permission subject to conditions 13/12/04

BC6184 – Minor amendment to extension to rear – granted permission subject to conditions 1/3/77

BC3924 – Erection of extension to rear – granted subject to conditions 25/2/76



## 5 & 7 Delves Road

06/2154/FL/H2 – Alterations to main roof – granted permission subject to conditions  
20/02/07

### **Consultation Replies**

**Natural Environment Team, Ecology** – No ecological objections subject to the inclusion of an informative note for the applicant in respect of bat conservation.

**Pollution Control** – No objections

### **Representations**

Objections have been received from an adjoining neighbour on the following grounds;

- The boundary wall (*parapet*) for the wet room is shown sloping but if you take the roof of the conservatory into consideration the building height would be at the same level of the existing flat-topped wall (*the parapet wall and wet room will be unchanged as a result of this proposal and the parapet wall has been removed from the drawing to show the existing single storey extension roof slope to the rear*)
- The existing brick built outbuilding is not shown on the location plan which with the current extension and proposed conservatory will result in a building incursion on the boundary of no. 9 Delves Road by 13000mm (13 metres)
- The proposed second floor roof extension sticks out further than no. 5's extension and the proposal would seriously affect the occupiers of no. 9 Delves Road
- Impact on light and shadowing of no's 9 and 11 Delves Road
- Will be required to use more energy in the form of electricity and gas (*no evidence has been provided to show that this would be the case*)
- No roof plan is provided (*an amended roof plan which shows the dormer window has been received*)

### **Determining Issues**

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

### **Observations**

#### **Design of Extension and Character of Area**

The design of the proposal with first floor eaves that would be 1 metre higher than the existing eaves is considered would harm the appearance of the host dwelling by creating an over-dominant and incongruous addition to the property and would fail to integrate with the existing two storey rear extension to no. 5 Delves Road.

Whilst it is noted that this extension would be to the rear of the property, it is considered that poor design in this instance cannot be accepted. This extension would be visible by residents in houses fronting both Broadway and Tame Street East and is considered would harm visual amenity for surrounding neighbours.

Following negotiations with planning officers a revised plan was submitted which amended the design which better reflected the design of the house and its surroundings. The applicant has now withdrawn the amended plan so that the application is determined on the basis of the original submission for the two and half storey rear extension which is considered to be unacceptable in terms of its design.

### **Amenity of Nearby Residents**

The excessive height and increased mass of the proposed first floor rear extension (which would create a two and a half storey addition) above the existing first floor eaves height of the host dwelling and adjoining semi, no. 5 is considered would have an overbearing and unacceptable impact on the occupiers of no. 9.

No. 5 Delves Road is positioned to the south of the application house, and the proposed two and half storey extensions to no. 7 would extend in line with existing extensions at no. 5. It is considered this orientation would limit any impact on the occupiers at no. 5's existing light and amenity.

The proposed first floor rear extension would meet the Council's 45 degree guidance, as referred to in Appendix D of Designing Walsall SPD, in respect of rear habitable room windows in no's 5 and 9 Delves Road. The Council's 45 degree code is guidance which aims to limit the impact of proposal in relation to neighbour's light and outlook.

If the eaves were lowered to match the height of existing house and neighbouring extension eaves when combined with the 2.9 metres separation distance from the shared boundary with no. 9 it is considered that the additional impact of a first floor extension would be limited.

The proposed conservatory extension when combined with the existing extension would extend 5.1 metres further than the adjacent kitchen window at no. 9 Delves Road. The conservatory proposal would fail to meet the Council's 45 degree guidance in relation to the rear kitchen window at no. 9 and it is considered that this proposal would have an unacceptable impact on the neighbours' kitchen window, because of the overall depth of the proposal when combined with the existing rear extension and its position in relation to no. 9.

The proposed dormer window would not directly face and neighbours habitable room windows. As the adjoining house has a similar dormer window it is considered that there would be little additional impact on neighbours existing amenity and privacy.

The location plan is required to identify the land to which the planning application refers to. It is considered that the submitted drawing provides sufficient information to enable the Local Planning Authority to determine this application with certainty.

Planning enforcement officers investigated a complaint about the detached outbuilding in May 2008 and the case was closed as the structure was deemed to meet the National Planning Legislation Householder Permitted Development Allowances. This would not require a separate planning application to be determined by the local authority.

The plans do not indicate that the proposal would encroach on the boundary with no. 9 and any historical boundary disputes would be a private legal matter.

### **Protected Species**

The Council's Ecologist considered a bat survey would not be required in support of this planning application. The site has limited links with the wider landscape and the wide and well lit Broadway to the south would be a barrier to bat movement. It is considered that there is not a high risk of bats occurring within the application site and there are no ecological objections to the proposal.

### **Parking**

The increase in the total number of bedrooms to 7 would require the provision of three off-street parking spaces to meet the requirements of the Council's UDP Policy T13. The frontage of the application house is hard-surfaced and with the garage it is considered there is sufficient space to accommodate three vehicles to meet policy T13.

### **Positive and Proactive Working with the Applicant**

Officers negotiated helpful changes to the proposal so that the extensions met the aims and objectives of the Council's Design SPD and the Council's Development Plan Policies, whilst minimising impacts to neighbouring occupiers. However a call in to planning committee was requested and the applicant reverted back to the original scheme with raised eaves, with the exception of minor changes to the proposed conservatory. Consequently in this instance the planning authority is unable to support this proposal.

### **Recommendation: Refuse**

1. The design of the proposed first floor rear extension (creating a two and a half storey addition to the property) with eaves 1 metre higher than the existing first floor eaves are considered would harm the appearance of the host dwelling by creating an over-dominant and incongruous addition to the property which fails to integrate with the existing two storey rear extension to no. 5 Delves Road. Whilst it is noted that this extension would be to the rear of the property it is considered that such poor design in this instance should not be accepted on the basis that it would not be visible from the street. This extension would be viewed by residents in numerous houses fronting both Broadway and Tame Street East and is considered would harm visual amenity for surrounding neighbours. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Designing Walsall SPD.
2. The proposed excessive height and mass of the first floor rear extension (creating a two and a half storey addition to the property) above the existing eaves height is considered would result in this extension having an overbearing and unacceptable impact upon existing amenity experienced by the occupiers of no. 9 Delves Road

particularly as this neighbouring house is positioned to the north of the application house. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Designing Walsall SPD.

3. The proposed conservatory would have an unacceptable impact on the rear ground floor habitable room window at 9 Delves Road, because of its additional length when added to the length of the existing rear extension and its orientation in relation to 9 Delves Road. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Appendix D of Designing Walsall SPD.