



PLANNING COMMITTEE

Thursday 29 April 2021 at 5.30 p.m.

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

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

MEMBERSHIP:

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

QUORUM: Seven Members

AGENDA

PART I - PUBLIC SESSION

1. Apologies.
2. Minutes – 1 April, 2020, - copy **enclosed**.
3. Declarations of Interest.
4. Deputations and Petitions.
5. **Local Government (Access to Information) Act, 1985 (as amended)**:

To agree that, where applicable, the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
6. 67 Lichfield Road, Brownhills, Walsall, WS8 6HR, Ref. No. E19/0198 – report of the Head of Planning and Building Control - **enclosed**
7. Application List for Permission to Develop:
 - a) Items subject to Public Speaking;
 - b) Items 'Called-in' by Members
 - c) Items not subject to 'Call-in'
- copy **enclosed**.

PART II – PRIVATE SESSION

8. Planning Enforcement Action - report of the Head of Planning and Building Control **enclosed**

(Exempt information under Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972) (as amended).

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The Relevant Authorities (Discloseable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

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

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

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

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

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

PLANNING COMMITTEE

Thursday 1 April, 2021 at 5.30pm

Digital Meeting via Microsoft Teams

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

Present:

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

Officers:

Alison Ives – Head of Planning and Building Control
Michael Brereton – Group Manager – Planning
Leon Carroll – Senior Planning Officer
Alison Sargent – Principal Solicitor, Built & Natural Environment
Kevin Gannon – Highways Development Control and Public Rights of Way
Cameron Gibson – Regeneration Officer, Trees
Beverley Mycock – Democratic Services Officer

Welcome

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

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

50/21 **Apologies**

Apologies were submitted on behalf of Councillors Chattha and Harrison.

51/21 **Minutes of 4 March, 2021**

Councillor Nawaz **moved** and it was duly **seconded** by Councillor Rasab that the minutes of the meeting held on 4 March, 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

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

Resolved (unanimous)

That the minutes of the meeting held on 4 March 2021, be approved and signed as a true record.

52/21 **Declarations of Interest.**

Councillor Nawaz declared a non-pecuniary interest in agenda item no. 7 - Application to Remove 1 Protected Sycamore Tree at 33 Fernleigh Road

Councillor Samra declared a pecuniary interest in Plans List item 7 (**20/1282**).

Councillor Bird declared a non-pecuniary interest in Plans List item 7 (**20/1282**)

53/21 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

54/21 **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items to consider in private session.

55/21 **Application to Remove Protected Trees at 13 Buchanan Road, Walsall, WS4 2EW**

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

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein.

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

At this juncture of the meeting, Councillor Perry declared that he knew Mr Jevon and therefore would take no further part in the item.

Mr Jevon stated that he lived at 11 Cameron Road and expressed concern that his privacy would be lost by the removal of the trees. The location was close to the park and within a Conservation Area and had a diverse species of wildlife including bats that would be affected by the removal of the trees.

The Committee then welcomed the second speaker on this item, Mr Fox, who wished to speak in support of the item.

Mr Fox stated that he was the architect for the owner of the property. The removal of a number of trees had been approved by the Regeneration Officer, Trees and their removal was not in relation with a pending planning application. A wildlife survey had been carried out and no bats had been found on the site. The works carried out would be in accordance with the report and no greater. The ash tree referred to in the objections was located within a separate garden, laurel bushes were not included within the TPO and the trees in question provided no screening to the residents in Cameron Road.

Committee Members had no questions for the speakers.

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

- Why had the trees not worthy of inclusion been included within the original Tree Preservation Order (TPO)? The Presenting Officer stated that the TPO was an area order to cover all trees on the site prior to a site visit. Following a site visit, it had been apparent that a number of the trees provisionally covered by the area TPO were not worthy of individual protection.
- Why was there no provision within the report for the replanting of lost trees? The Presenting Officer advised there were a number of trees already on the site and there was also the potential for redevelopment on the site. The Rowan tree appeared dead within the laurel bush and planting a replacement tree would not be appropriate.
- How many trees in total would be removed? The Presenting Officer confirmed it would be 18 young ash trees and 4 others.
- Whether a condition be included for the site owner plant to provide replacement trees within the vicinity? The Principal Solicitor advised that replacement trees could only be requested to replace any loss of amenity. If the trees for removal had no amenity value then healthy replacement trees could not be requested. The Presenting Officer confirmed that the trees for removal had little to no amenity value.

Following the conclusion of questions to Officers, Members considered the report.

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

That consent be granted to remove protected trees at 13 Buchanan Road, Walsall, WS4 2FW, as detailed within the report.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with fifteen Members voting in favour and none against.

Resolved (unanimously)

That consent be granted to remove protected trees at 13 Buchanan Road, Walsall, WS4 2EW as detailed within the report.

The Principal Solicitor read out the resolution for the benefit of Members and the public.

56/21 **Application to Remove 1 Protected Sycamore Tree at 33 Fernleigh Road, Walsall, WS4 2EZ**

Councillor Nawaz, having declared an interest in this item, left the meeting for the duration of the item.

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

(see annexed)

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

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

Mr. Mahmood stated that his family lived at the address with his mother who owned the property. The sycamore tree was huge and dangerous, with dead branches falling off particularly in high winds. His mother was very fearful of the falling branches, which had caused damage to her property in the past. The tree blocked out sunlight, there was sticky sap everywhere and falling leaves blocked the drains. Mr Mahmood asked who would be responsible for any damage the tree may cause in the future.

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

Mr Williams stated that he had lived next door at 31 Fernleigh Road since 1984 and he had concerns due to the size of the tree, which was so close and taller than their houses. The gardens were very small and there was only a six-foot fence protecting his garden from the tree. Dead branches had fallen from the tree into his garden and he was concerned of future damage to his property. The tree also blocked the sunlight.

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

Members queried the following:-

- Had the fallen branches caused any damage to Mr Williams' property?
Mr Williams stated that recently a lot of dead branches had fallen from the tree but they had not caused any actual damage to his property.
Mr Mahmood stated that falling branches had caused damage to his fence, the roof tiles and to the guttering.

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

- How large was the tree in question in comparison with nearby trees? The Presenting Officer confirmed that the tree was approximately 16m in height. Following a visual tree assessment, it appeared in good condition with no visible faults. The crown of the tree was dense but only required some maintenance to remove the dead wood.
- How far would the roots from a tree that size spread and could they damage foundations or sewers? The Presenting Officer advised that the roots of a tree would only spread out until they reached an obstacle. Subsidence may only occur where the soil was soft clay and no comments had been raised by the applicant.

The Chair informed Committee that he would not be voting on this item.

Following the conclusion of questions to officers, Members considered the application. The Chair informed Committee that he would not be voting on this item.

Councillor Hicken **moved** that the application to remove the sycamore tree be refused. The Motion was not seconded.

Members considered the application further during which the following comments were made:-

- Concerned in relation to the size of the tree compared to the size of the garden in which it was situated.
- Have to tackle the problem when some trees are not in the correct location.
- Potential danger to residents which should take precedent.
- Policy of the Council to be carbon-neutral and therefore a policy was required to replace trees that were removed.

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

That the protected sycamore tree at 33 Fernleigh Road, Walsall be removed, contrary to officer recommendation, in order to increase the amenity of the householder; and that the tree was in the wrong position within a small garden.

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

Resolved (11 in favour, 4 against, 1 abstained)

That the protected sycamore tree at 33 Fernleigh Road, Walsall be removed, contrary to officer recommendation, in order to increase the amenity of the householder; and that the tree was in the wrong position within a small garden.

The Principal Solicitor, Built and Natural Environment read out the resolution for the benefit of Members and the public.

Councillor Nawaz returned to the meeting.

56/21 **9 Pagoda Close, Streetly, Walsall**

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

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein.

Members had no questions for the officers.

Members considered the application.

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

- i. That authority be granted to the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as shown in paragraph 3.2 of the report;
- ii. To authorise the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice;
- iii. To authorise the Head of Planning and Building Control to amend, add to, or delete from the wording set out within the report stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring that accurate and up to date notices are served.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with seventeen Members voting in favour and none against.

Resolved (unanimously)

- i. That authority be granted to the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as shown in paragraph 3.2 of the report;

- ii. To authorise the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice;
- iii. To authorise the Head of Planning and Building Control to amend, add to, or delete from the wording set out within the report stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring that accurate and up to date notices are served.

The Principal Solicitor read out the resolution for the benefit of Members and the public.

57/21 **Application List for Permission to Develop**

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

(see annexed)

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

The Chair reminded Members that should they be minded to go against officer's recommendations, planning reasons must be provided.

58/21 **PLANS LIST ITEM NO. 2 - 20/1650 – UNIVERSITY OF WOLVERHAMPTON, WALSALL CAMPUS, GORWAY ROAD, WALSALL, WS1 3BD**

Councillor Nazir, having declared an interest, left the meeting for the duration of the item.

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

(see annexed)

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

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

Mr Tudor stated that he had concerns regarding the impact of noise from what could be in excess of 150 users of the courts, plus the impact from the additional floodlighting on his home. Previously, the area was generally quiet on an evening and should the application be allowed, the courts would be used

until 10.30pm. This would have an impact not only the neighbouring properties and the nearby student accommodation but also on the wildlife. The noise would prevent residents from being able to open their windows during the summer evenings and therefore it was not an acceptable location.

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

Mr Mason stated how the noise would be a big problem as the courts would be in use for up to 88½ hours weekly. Only the tennis courts had been in recent use but the university would hire out both the netball and tennis courts. There would be in excess of 100 plus people doing sporting activities at the top of resident's gardens every day. The courts would be illuminated brightly and would be visible from the road. Was the scheme compliant with noise decibels and light intrusion with regard to the environmental policies? In summary, Mr Mason stated that if netball was considered a significant activity then it should be situated central to the main facility to provide more safety provision for the users during dark evenings.

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

Mr. Green advised Committee that he was the architect and stated that the university had acknowledged and not taken lightly any of the concerns raised. The applicant had tried to accommodate all concerns by reducing the hours of use of the floodlights. The courts were existing and technical advice had been sought with regard to the type of floodlights to ensure they met the standards for condition standard netball. The courts were over 30m away from the nearby properties. The application would enable the continued support for grass roots netball, with sport being a key Government initiative. The application complied with policy and the allocation plan.

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

Members queried the following:-

- Were residents satisfied that a screen would be erected to reduce light and noise levels? Mr Tudor stated that he would like to see the outcome of any screening before he would make any decision as both noise and lighting was a concern as well as safety measures. Mr Mason stated that it would be difficult to reduce noise due to geography of the site and shielding would be necessary for the safety of netball players in particular. Mr Green confirmed the lights would be LED and met with modern standards.
- Did residents no feel additional lighting would increase the safety of players? Mr Tudor stated he did not believe additional lighting would increase the safety of players and additional lighting would only increase the light pollution and noise for residents.
- Would the opening hours of the courts affect the amenity of local residents? Mr Green advised Committee of the timetable of events and reiterated that all usage of the courts would cease by 10pm, with the lights switched off no later than 10pm also.

The Presenting Officer reminded Committee that the application for consideration pertained to the erection of floodlights, additional fencing and seating at the exiting tennis and netball courts only.

At this juncture of the meeting, Councillor Nazir enquired whether he should declare an interest in the item as he lived in close proximity to the site. The Principal Solicitor stated that it was the decision of Members whether they felt someone else may take a view that they were personally involved in an application.

Councillor Nazir therefore declared an interest and left at this juncture of the meeting.

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

- Why was noise impact not a consideration? The Presenting Officer advised that condition 4 of the application restricted the hours of use to minimise any impact to neighbouring properties. Currently the existing use of the courts could take place at any time and the open nature of the site would make it difficult to contain noise by the erection of solid screening.
- Would the lights be turned off manually or by a timer? The Presenting Officer advised that the lights would be manually turned off but this could be amended to a timed switch off.
- Were there any letters from local residents in support of the application? The Presenting Officer confirmed 13 letters of support had been received and detailed within the report.
- Had the impact upon wildlife been taken into consideration? The Presenting Officer advised that any impact upon protected species had been taken into consideration. A wildlife survey had been carried out which had concluded there would be no detrimental impact upon wildlife, particularly bats within the vicinity and should the condition for the switch-off of the floodlights at 10pm be breached, then enforcement action could be taken.

Following the conclusion of questions to Officers, Members considered the application.

Councillor Craddock moved and it was duly **seconded** by Councillor Waters:-

That planning application number **20/1650** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and subject to:-

- No new material considerations being received within the consultation period;
 - No objections from Environmental Health;
 - The amendment and finalising of conditions
- As contained within the report and supplementary paper.

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

Resolved (14 in favour and 2 against)

That planning application number **20/1650** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and subject to:-

- No new material considerations being received within the consultation period;
- No objections from Environmental Health;
- The amendment and finalising of conditions

As contained within the report and supplementary paper.

The Principal Solicitor read out the resolution for the benefit of Members and the public

Councillor Nazir returned to the meeting.

59/21 PLANS LIST ITEM NO. 3 – 20/0312 – 25 SEEDS LANE, BROWNHILLS, WALSALL, WS8 6HU – DEMOLITION OF 25 SEEDS LANE AND ERECTION OF 5 NO 3 BED BUNGALOWS

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

(see annexed)

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

The Chairman sought clarification that the applicant had been afforded the opportunity to address the Committee. The Presenting Officer confirmed that he had.

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

Ms Beech stated that the application was inappropriate within the locality as it was too extensive and not in keeping within the area. Previously only the one property had been permitted to be built on the site and the World War 2 shelter on the site needed to be protected. There would be an impact on the cobbled road and she expressed concern for a couple of silver birch trees and an oak tree at the end of her garden next to the proposed bungalows whose roots may cause future damage. Proposed street lights would be an eyesore, additional noise would be generated by the additional dwellings and there would be an environmental impact on services and on the wildlife in the location and a safety concern for pedestrians particularly children who use the pathways. Ms Beech added that the site entrance would be inadequate for fire appliances and a recent incident had taken place whereby a fireman had to disembark and direct the fire appliance through the access. In closing, Ms Beech enquired who would maintain the fence at number 25 Seeds Lane and that she had concerns regarding the safety of her property adjacent to the access lane.

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

Mr. Preece stated that he lived opposite the application site at 34 Seeds Lane, which was a quiet road as most of the properties were owned by retired residents. He alluded to the access measurements within the report and in particular the bin storage collection area along the access lane, which would reduce the width of the road making it too narrow for a fire engine to manoeuvre safely. Should cars be parked on the road outside of his bungalow, this would invalidate the swept path analysis drawings and he said that he had provided photographic evidence of a lorry mounting the pavement in Seeds Lane due to its narrowness and that a fire engine had also had to mount the pavement recently. The driveway was a currently a hedgerow and not a fence. Mr Preece added that his front bedroom windows would overlook the access and his amenity would be impacted by the lights from vehicles exiting the access road and from additional noise and he believed the development would create a separate community.

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

Members queried the following:-

- Had some trees been removed from the site? Ms Beech confirmed that a number of trees had already been removed.
- Would the speaker be prevented from parking outside of his property should the application be granted due to fire appliances and emergency services being unable to access the site without taking a sweep into the access? Mr Preece stated that the swept path analysis showed that a fire engine or bin lorry would have to sweep into the access from the opposite side of the road and this would be impossible if a car was parked on the road outside of his bungalow as his bungalow was directly opposite the proposed access road.
- Could the speakers elaborate on the recent incident concerning a fire engine? Ms Beech stated that due to the narrowness of the proposed access way into the site combined with the positioning of the adjacent houses, it had not been possible for the driver of the fire engine to turn into the site without a second fireman guiding the fire appliance in past the surrounding properties. Mr Preece added that large vehicles had to sweep right over onto the opposite side of the road to sweep into the drive and should a vehicle be parked on the road outside or near to his property, then no vehicles would be able to sweep across.
- Were there any parking restrictions on Seeds Lane? Mr. Preece confirmed there were no parking restrictions on Seeds Lane.

Councillor Underhill left at this juncture of the meeting and did not return.

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

- Would the hedges on the right boundary of the access have to be removed in order to wider access and had objections been received from the Tree Officer

regarding removal of trees on the site? The Presenting Officer advised Committee that the access onto the site was existing access due to a bungalow already on the site and the removal of the hedges would be a private matter between the applicant and the owner of the hedge. The Head of Planning and Building Control confirmed there had been no objections from the Tree Officer as the trees had not been protected.

- How wide was the access road onto the site? The Presenting Officer confirmed that the opening between the two dwellings was 6.4m with the majority of the width of the driveway being 5.4m. The kerb to kerb distance where the bin storage would be located was 4.7m, which was in excess of the minimum measurement of 3.7m width for an emergency vehicle.
- What was the length of the drive from the back of the kerb to the first house? The Head of Planning and Building Control confirmed the access road was approximately 70m. The Presenting Officer advised it was 56m to the first driveway.
- What were the building regulations with regard to the furthest distance for bins to be located away from properties? The Group Manager, Planning advised that in terms of Building Regulations Part H, the specific wording stated that bin storage areas should be sited so that the distance households are required to carry refuse does not usually exceed 30m and therefore there was an element of flexibility. As the application would bring into use previously developed land for new homes, an on-balance assessment felt that was acceptable. The Chair highlighted that the Council's bin lorry would not enter a private drive and would therefore have to remain on Seeds Lane.
- Clarification on the width for two-way traffic along the length of the access way? The Team Leader-Highways and Public Rights of Way advised that the average width for a car was 1.7m and therefore 3.4m for two vehicles to pass. The minimum acceptable width would be 4.1m. With regard to large vehicles reversing such as a fire appliance, the 3.7m would allow a large vehicle to enter road and allow exit from the vehicle. A larger estate road would be between 4.8m and 5.5m wide.
- Would a fire appliance be able to safely attend a fire within the bin storage area? The Presenting Officer stated that the distance from the roadway to the bin storage area was 22m and therefore the fire engine would remain on Seeds Lane as each fire hose was 45m in length. With regard to highways safety, the Team Leader, Highways advised that the Fire Services Act 1987 included a 180m rule whereby fire appliances can park on a road on the basis of there being 4 fire hoses of 45m on each appliance. With regard to the application for consideration, the tracking drawing had evidenced that a fire service vehicle could reach the very furthest property via the access road. He further added that there had been no objections from the Fire Service.
- Was there a covenant on the site that allowed for only one property and whether there was a protected air raid shelter? The Presenting Officer advised that any covenant would not be a material planning consideration but a private, civil matter and therefore to be pursued through a legal route. If the structure was not listed, there would be no relevant planning issue..

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

- Already a back-land development and therefore principal already established but potential issues of access for fire service and bin lorries parking on the road and potentially blocking part of the street whilst bins collected.
- Although the swept path showed that a fire engine could access the application site, parked cars may hamper the manoeuvrability of a fire engine into the site.
- Application for five bungalows is an over intensification of the site and would be overbearing and cause harm to the current residents along Seeds Lane.
- Application for two or three bungalows may not have received the objections.
- Whether a condition could be included to provide sprinklers within the properties.
- The narrowness of the access road would set a precedent for other applications.
- Part H of the regulations with regard to the distance for dragging bins to a bin collection point.

The Principal Solicitor advised Committee that should they be minded to refuse the application, reasons for refusal must not be contrary to officers' advice, which would have been provided in line with the policy document.

Councillor Craddock **moved** and it was duly **seconded** by Councillor Walters:-

That planning application number **20/0312** be refused, contrary to officers recommendation on the basis that the application is an:-

- Over intensification of the site;
- The access is very narrow and although the swept path shows that it would be acceptable for fire appliances, the manoeuvrability could be hampered by parked cars;
- Proposed development would cause harm to the amenity of residents on Seeds Lane both adjoining the development and opposite the entrance.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with seventeen Members voting in favour and none against.

Resolved (unanimously)

That planning application number **20/0312** be refused, contrary to officers recommendation on the basis that the application is an:-

- Over intensification of the site;
- The access is very narrow and although the swept path shows that it would be acceptable for fire appliances, the manoeuvrability could be hampered by parked cars;
- Proposed development would cause harm to the amenity of the residents on Seeds Lane both adjoining the development and opposite the entrance.

The Principal Solicitor read out the resolution for the benefit of Members and the public.

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

60/21 **PLANS LIST ITEM NO. 5 – 20/1175 – 33 SKIP LANE, WALSALL, WS5 3LL – REPLACEMENT 5 BED DWELLING.**

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

(see annexed)

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

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

Mrs Orson stated that she lived next door to the application property and the report contained discrepancies with regard to the separation distances between the habitable windows that would breach the 45 degree code and result in the loss of sunlight. The rear part of the proposal would extend 30ft beyond the building line and would result in a loss of light and create excessive overshadowing and appear overbearing from her garden. It would also create a terracing effect as there would be less than a 1m gap between the two properties. She stated that she could understand the desire to replace the dwelling with a larger one but seven rooms on the upper two floors on what was a very narrow plot was excessive had she added that she had not been consulted on any of the proposed changes.

The Committee then welcomed the second speaker on this application, Mr Bharya, who wished to speak in support of this application.

Mr Bharya stated he was the agent for the applicant and had been working with planning officers to enable the scheme to be supported. The application had been downscaled, it would keep the features of the original building and was in keeping in the plot. There was adequate separation between the two properties. A reputable company had carried out a light survey, which concluded the proposal it would be within the 80% daylight limits. The application was for a five bedroomed house and there were similar properties within the street that had been extended. In closing, Mr Bharya stated that the planning officer had recommended that the application be granted.

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

Members queried the following:-

- Would the breach in the 45 degree code reduce natural light in the neighbouring garden and impact upon amenity? Mr Bharya stated there was a slight discrepancy of just over 0.5m and the daylight and sunlight survey had concluded the sunlight was within the limits.
- Which company had carried out the light survey? Mr Bharya advised that a company called TT Design Ltd had carried out the light survey. He added that he had sought company references prior to the survey taking place.
- Could Mrs Orson expand on her loss of amenity? Mrs Orson stated that the building wall would be three stories high and 30 feet back along the boundary of her property and would totally overshadow her conservatory.

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

- How significant was the breach in the 45 degree code? The Presenting Officer advised that the 45 degree measurement had been taken from the window of the first floor of the proposed dwelling to the nearest first floor rear habitable room window at no. 35 Seeds Lane. The proposed window had been conditioned to ensure an obscure glazed privacy screen would be on either side of the first floor rear balcony facing the neighbouring properties to prevent any overlooking.
- Would the view from the first speaker's conservatory be a brick wall and obscured window? The Presenting Officer stated there would still be views from the rear of the conservatory into the garden.

Following the conclusion of questions to Officers, Members considered the application.

Councillor Bird **moved** and it was duly **seconded** by Councillor Hicken:-

That planning application number **20/1175** be refused planning permission, contrary to officers' recommendations as the proposal would have a dramatic effect on the privacy and enjoyment of the amenities of the adjoining neighbour by reason of:-

- i. loss of light to the adjoining property;
- ii. the overbearing massive structure; and
- iii. the breach of the 45 degree code.

The Motion, having been put to the vote was declared **carried**, with fifteen Members voting in favour and one abstention

Resolved (15 in favour and 1 abstention)

That planning application number **20/1175** be refused planning permission, contrary to officers' recommendations as the proposal would have a dramatic effect on the privacy and enjoyment of the amenities of the adjoining neighbour by reason of:-

- i. loss of light to the adjoining property;
- ii. the overbearing massive structure; and
- iii. the breach of the 45 degree code.

The Principal Solicitor read out the resolution for the benefit of Members and the public.

The Chair advised Committee that he would next deal with the items on the agenda where no members of the public had registered to speak, prior to hearing plans list item 7, to enable both himself and Councillor Samra had leave the meeting.

61/21 **PLANS LIST ITEM NO. 1 – 20/0490 – 348 WOLVERHAMPTON ROAD WEST, WILLENHALL, WV13 2RN – DEVELOPMENT OF 28 RESIDENTIAL UNITS (6 FLATS AND 22 HOUSES) WITH ASSOCIATED PARKING AND LANDSCAPING**

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

Resolved (unanimously by roll-call)

That planning application number **20/0490** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and a section 106 Agreement to secure a contribution towards provision for Urban Open Space, On-site Landscaping Maintenance, Monitoring and to secure a viability review (uplift clause) and subject to:-

- i. no new material considerations being received within the re-consultation period;
 - ii. the amendment and finalising of conditions;
 - iii. no further comments from a statutory consultee raising material planning considerations not previously addressed;
 - iv. agreement of an appropriate location for Public Open space S106 contribution spend with Clean & Green and ward Members.
- as contained within the report and supplementary paper.

62/21 **PLANS LIST ITEM NO. 4 – 20/0088 – GARAGES REAR OF 2 LIME AVENUE, BENTLEY, WS2 9JA – PROPOSED CONSTRUCTION OF 2 SEMI-DETACHED TWO STOREY 3 BEDROOM HOUSES WITH ASSOCIATED PARKING, LANDSCAPING AN GARDEN SHEDS**

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

Resolved (unanimously by roll-call)

That planning application number **20/0088** be delegated to the Head of Planning & Building Control to grant permission subject to conditions, and the finalising of planning conditions as contained within the report.

63/21 **PLANS LIST ITEM NO. 6 – 20/1644 – WALSALL COUNCIL, THE COUNCIL HOUSE, LICHFIELD STREET, WALSALL, WS1 1UZ – LISTED BUILDING CONSENT: REPLACEMENT OF EXISTING BOILERS AND HEATING**

SYSTEM, INCLUDING INTRODUCTION OF AIR CONDITIONING TO SECOND FLOOR CHAMBERS AND MAYOR'S PARLOUR

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

Resolved (unanimously by roll-call)

That planning application number **20/1644** be delegated to the Head of Planning and Building Control to grant Listed Building Consent, subject to conditions and finalising of planning Conditions, as contained within the report.

Councillor Samra and Councillor Bird, having declared an interest in the next item, left the meeting and did not return.

Councillor Perry in the Chair.

64/21 **PLANS LIST ITEM 7 – 20/1282 – 44 MELLISH ROAD, WALSALL, WS4 3ED – REROSPECTIVE APPLICATION FOR THE RETENTION OF A DORMER WINDOW TO THE REAR**

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

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein.

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

Mr. Singh stated the application was retrospective due to a minor error on the original plans. The dormer window was side facing and would pose no problems to number 2 and 4 Rushwood Close as it would have obscure glazing, it was not considered excessively large and would not be overly visible from public vantage points. Mr Singh stated that his client would request that the condition relating to the dormer window to be non-opening be removed to allow flow of air and that the applicant would be happy to comply with all other conditions.

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

Members had no questions for the speaker.

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

- What was the distance between the dormer window to the boundary of number 6 Rushwood Close and would there be a direct view from the dormer window to the property? The presenting officer stated that the distance to the rear boundary of the property in Rushwood Close was

14.6m and 25m to their conservatory. He confirmed there would be no direct view to the respective property.

Following the conclusion of questions to Officers Members considered the application.

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

That planning application number **20/1282** be delegated to the Head of Planning and Building Control to grant planning permissions, subject to Conditions 1-3 and the removal of Condition 4, and the finalising of planning conditions, as contained within the report.

Resolved (Unanimous by roll-call)

That planning application number **20/1282** be delegated to the Head of Planning and Building Control to grant planning permissions, subject to the removal of condition 4, and the finalising of planning conditions, as contained within the report.

The Principal Solicitor read out the resolution for the benefit of Members and the public

65/21 **Termination of meeting**

There being no further business, the meeting terminated at 9.10 pm

Chair

Date



Walsall Council

PLANNING COMMITTEE.

Date: 29th April 2021.

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL.

67 Lichfield Road, Brownhills, Walsall. WS8 6HR.

Reference no. E19/0198.

1.0 PURPOSE OF REPORT

1.1 To advise Members of ongoing issues and to request authority to pursue planning enforcement action against:

- Unauthorised operational development in the form of a concrete detached 1.5 car garage/outbuilding forward of the principal elevation of 67 Lichfield Road, Brownhills, outlined in red on the attached plan.

2.0 RECOMMENDATIONS

2.1 **That authority is granted to the Head of Planning and Building Control, to issue an Enforcement Notice** under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as shown in 3.2.

2.2 **To authorise the Head of Planning and Building Control to institute prosecution proceedings** in the event of non-compliance with an Enforcement Notice.

2.3 **To authorise the Head of Planning and Building Control, to amend, add to, or delete from the wording** set out below stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring that accurate and up to date notices are served.

3.0: DETAILS OF THE ENFORCEMENT NOTICE

3.1 The Breach of Planning Control

Without the required planning permission, within the last 4 years, unauthorised operational development has taken place in the form of an outbuilding erected upon the front driveway of 67 Lichfield Road, Brownhills, Walsall, outlined in green on the attached plan.

Thereby now referred to as “the unauthorised development”.

3.2 Steps required to remedy the breach:

- (i) Permanently remove from the Land the garage structure forward of the principal elevation;
- (ii) Permanently remove all brickwork and concrete pad to ground level and reinstate the block paved driveway to match existing;
- (iii) Permanently remove all materials arising from works carried out under (i) – (iii) of this notice and dispose of any waste materials generated from the works to a suitable facility licensed to accept these items.

3.3 Period for compliance:

To undertake the works set out in paragraph 3.2, parts (i)-(iii) within **3 months** from when the notice takes effect.

3.4 Reasons for taking Enforcement Action.

- 3.41 It appears to the Council that the above breach of planning control has occurred within the last 4 years;
- 3.42 The Land upon which the structure is erected forms part of the front residential driveway of number 67 Lichfield Road, a semi-detached property conjoined with number 69 Lichfield Road. The garage is capable of housing at least 1 car, on what was a ‘six-car’ driveway, fronting onto the B4155 Lichfield Road.
- 3.43 Lichfield Road, is a busy road, which carries traffic from Brownhills, northeast in the general direction of Lichfield and the A5. It is flanked in the main by residential houses.
- 3.44 It is considered that the retention of the garage would inflict detrimental harm to the visual appearance of the existing semi-detached dwelling due to its projection in front of the original dwelling; its length and position making it a dominant, obtrusive and incongruous feature that is also prominent within the street scene and thereby causes harm to the visual amenity of the locality. The proposal would therefore be contrary to the National Planning Policy Framework: 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.

FINANCIAL IMPLICATIONS

An appeal against an enforcement notice could be subject to an application for a full or partial award of the appellant's costs against the Council in making an appeal if it was considered that the Council had acted unreasonably.

5.0 POLICY IMPLICATIONS

The report recommends enforcement action in order to seek compliance with planning policies. The following planning policies are relevant in this case:

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

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

Key provisions of the NPPF relevant in this case:

- NPPF 12 – Achieving well-designed places

5.2 Local Policy

Black Country Core Strategy

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

'Saved Policies' Unitary Development Plan

- GP2 Environmental Protection
- ENV32 Design and Development Proposals

Designing Walsall SPD

- DW3 Character

Policies are available to view online:

https://go.walsall.gov.uk/planning_policy

6.0 LEGAL IMPLICATIONS

6.1 Pursuant to section 171A (1a) of the Town and Country Planning Act 1990 (as amended) the carrying out of development without the required planning permission.

6.2 Section 171B adds that where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years, beginning with the date on which the operations were substantially completed.

- 6.3 In respect of any other breach (such as change of use or breach of condition) no enforcement action may be taken after the end of the period of ten years from the date of the breach except where the breach of planning control consists of a change of use of any building to use as a single dwelling house, in which case a four-year period applies.
- 6.4 Officers consider that the breach of planning control occurring at this site is development commenced without the benefit of planning permission within the last year in connection with the unauthorised uses which is within the 4 years period, within which unauthorised material changes of use may be enforced against. Whilst the operational development in terms of the garage building has occurred without the benefit of Planning Permission within the last 4 years, within which unauthorised operational development at residential premises may be enforced against.
- 6.5 Section 191 (2)
Lawfulness is defined in section 191(2) of the 1990 Act. In summary, lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.
- 6.6 Section 172 of the Town and Country Planning Act 1990 (as amended) provides that the local planning authority may issue an Enforcement Notice where it appears to them:
- (a) That there has been a breach of planning control; and
 - (b) That it is expedient to issue the notice, having regard to the development plan and to any other material considerations.
- 6.7 The breach of planning control is set out in this report. Members must decide whether it is expedient for the enforcement notice to be issued, taking into account the contents of this report.
- 6.8 Non-compliance with an Enforcement Notice constitutes an offence. In the event of non-compliance, the Council may instigate legal proceedings. The Council may also take direct action to carry out works and recover the costs of those works from the person on whom the Enforcement Notice was served. Any person on whom an Enforcement Notice is served has a right of appeal to the Secretary of State.

7.0 EQUAL OPPORTUNITY IMPLICATIONS

- 7.1 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, the wider impact of the development and its use overrules the owner's right to the peaceful enjoyment of his property.

- 7.2 The Equality Act 2010. The Council has had regard to its duties under the Equality Act 2010 and considers that the issue of the notice will not affect the exercise of those duties under S149 to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b). Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c). foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.0 ENVIRONMENTAL IMPACT

Enforcement action will improve the visual amenities of the environment, protect the environment and remedy the adverse environmental impacts.

9.0 WARD(S) AFFECTED

Brownhills

10.0 CONSULTEES

None.

11.0 CONTACT OFFICERS

Rich Stokes - Enforcement Officer.

12.0 BACKGROUND PAPERS

Enforcement file E19/0198 not published.

Planning Application 19/1264 – retention of detached front garage - Refused 30/09/2019.

Planning Permission 03/2323/FL/H2 – front extension to house/garage - Refused 26/11/2003.

13.0 BACKGROUND AND REPORT DETAIL

Background

- 13.1 A plan showing the location of the site considered in breach of planning control is attached to this report.
- 13.2 Number 67 Lichfield Road is a semidetached property conjoined with number 69 Lichfield Road. The pair are set back from neighbouring property, 65 Lichfield Road. The B4155 Lichfield Road, is a busy road, which carries traffic from Brownhills, northeast in the general direction of Lichfield and the A5. It is flanked in the main by residential houses.
- 13.3 The occupier applied for planning permission to construct a front extension to the existing garage, which was refused on 13th January 2004.

- 13.4 On 28th May 2019, the Council received a complaint that a detached garage had been erected on the front driveway of 67 Lichfield Road.
- 13.5 On 4th July 2019, the case officer visited the site and confirmed that the concrete garage appeared to be of a 'kit-form' design, which had been erected on the front driveway of the house. The garage is capable of housing at least 1 car, on what was a 'six-car' driveway, fronting onto the Lichfield Road. The structure is forward of the principal elevation of both 67 and 69 Lichfield Road, but also forward of 65, Lichfield Road.
- 13.4 On 22nd July 2019, the case officer wrote to the owner of the property requiring that the structure be removed and while the owner / occupier retains the right to submit a Planning application, planning approval in these circumstances was unlikely.
- 13.5 On 30th September 2019, the LPA received a retrospective Planning Application (19/1264) for the retention of the structure, which was refused on 17th December 2019.
- 13.6 On 16th December 2020, the case Officer visited and found that the garage remained in situ and was unaltered. The Officer later spoke to the occupier who stated that they would remove the structure, but requires time to do so.
- 13.7 Having continued to communicate with the owner, the structure remained in place. As such on 15th December 2020, the case Officer wrote to the owner, advising that if the structure continues to remain, the matter would be brought before the Walsall Council Planning Committee with a view to issuing and Enforcement Notice requiring its removal.
- 13.8 On 19th March 2021, following further contact with the owner, the case officer visited and found that the structure remained in situ. The owner was present and stated they were not prepared to remove it.
- 13.5 The LPA considers that the retention of the garage would inflict detrimental harm to the visual appearance of the existing semi-detached dwelling due to its projection in front of the original dwelling; its length and position - making it a dominant, obtrusive and incongruous feature which is also prominent within the street scene, thereby causing harm to the visual amenity of the locality. The proposal would therefore be contrary to the National Planning Policy Framework: The Black Country Core Strategy polices CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2 ENV32 and Designing Walsall SPD.



DEVELOPMENT MANAGEMENT PLANNING COMMITTEE

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL ON 29TH APRIL 2021

CONTENTS

ITEM	PLANNING APPLICATION NUMBER	PLANNING APPLICATION SITE ADDRESS	PLANNING APPLICATION PROPOSAL	OFFICER RECOMMENDATION
1	21/0049	SITE OF FORMER JAMES BRIDGE COPPER WORKS, RESERVOIR PLACE, WALSALL WARD: Pleck	HYBRID PLANNING APPLICATION FOR: FULL DEMOLITION OF ALL REMAINING BUILDINGS AND STRUCTURES; PHASED SITE REMEDIATION (NOT INVOLVING OPEN CAST MINING); CREATION OF DEVELOPMENT PLATFORMS; HIGHWAY WORKS AND ACCESS; AND PROVISION OF CAR PARKING AREA. OUTLINE (ALL MATTERS RESERVED EXCEPT FOR ACCESS) ERECTION OF PHASED E (RESTRICTED USE), B2 AND B8 (USE CLASSES) EMPLOYMENT BUILDINGS, INCLUDING LANDSCAPING AND OPEN SPACE; INTERNAL ROADS AND FOOTWAYS, PARKING AND SERVICE AREAS; BALANCING	PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING AND BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS SUBJECT TO: NO NEW MATERIAL CONSIDERATIONS BEING RECEIVED WITHIN THE RE-CONSULTATION PERIOD; THE AMENDMENT AND FINALISING OF CONDITIONS; NO OBJECTION FROM THE LEAD LOCAL FLOOD AUTHORITY FOLLOWING AMENDED INFORMATION; NO FURTHER COMMENTS FROM A STATUTORY CONSULTEE RAISING MATERIAL PLANNING CONSIDERATIONS

			PONDS; AND ASSOCIATED UTILITIES AND INFRASTRUCTURE - APPLICATION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT (EIA DEVELOPMENT).	NOT PREVIOUSLY ADDRESSED; AND, SECTION 111 AGREEMENT, SECTION 106 AGREEMENT OR SIMILAR MECHANISM TO SECURE A TRAVEL PLAN.
2	21/0006	BROADWAY NORTH RESOURCE CENTRE, BROADWAY NORTH, WALSALL, WS1 2QA WARD: Paddock	ERECTION OF 14 NO. DWELLINGS, ALTERATIONS TO EXISTING ACCESS AND ASSOCIATED WORKS.	PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND ENTERING INTO A SECTION 111 AND SECTION 106 PLANNING OBLIGATION TO SECURE AN URBAN OPEN SPACE CONTRIBUTION AND LANDSCAPE MANAGEMENT IN PERPETUITY AND SUBJECT TO: NO OBJECTIONS FROM THE LEAD LOCAL FLOOD AUTHORITY; SUBMISSION AND AGREEMENT OF ADDITIONAL GROUND CONTAMINATION AND NOISE IMPACT INFORMATION; NO OBJECTIONS FROM POLLUTION CONTROL; AND

				THE AMENDMENT AND FINALISING OF CONDITIONS.
3	20/1655	LAND REAR OF 14-18 MOAT ROAD, WALSALL, WS2 9PJ WARD: Pleck	DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A TWO-STOREY HMO (HOUSE IN MULTIPLE OCCUPANCY) BUILDING WITH 13 BEDROOMS AND ASSOCIATED FACILITIES AND COMMUNAL GARDEN WITH ASSOCIATED ACCESS AND PARKING.	REFUSE
4	20/1006	72 AND 74, BROOK LANE, WALSALL WOOD, WALSALL, WS9 9NA WARD: Aldridge North And Walsall Wood	PROPOSED DEMOLITION OF 72 AND 74 BROOK LANE WALSALL WOOD AND THE CONSTRUCTION OF 11 DWELLINGS.	PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT TO SECURE URBAN OPEN SPACE FINANCIAL CONTRIBUTION AND SUBJECT TO THE AMENDMENT AND FINALISING OF CONDITIONS; THE SUBMISSION OF AN UPDATED DRAINAGE PLAN TO REFLECT THE REVISED LAYOUT AT PLOTS 1 AND 2. NO OBJECTIONS FROM A STATUTORY CONSULTEE ON

				THE ABOVE REVISION.
5	20/1356	4 BLAKENALL HEATH, BLAKENALL HEATH PRECINCT, WALSALL, WS3 1HL WARD: Bloxwich East	ERECTION OF PROTECTIVE WINDOW MESH TO WINDOWS ON THE FIRST FLOOR AND SECOND FLOOR.	PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO: SUBMISSION OF A REVISED DESIGN FOR AN ACCEPTABLE FORM OF WINDOW GRILLES; AND FINALISING OF CONDITIONS.
6	21/0076	26, GILLITY AVENUE, WALSALL, WS5 3PJ WARD: Paddock	FIRST FLOOR FRONT, SIDE AND REAR EXTENSION, PLUS 2 STOREY REAR EXTENSION	PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS SUBJECT TO: NO NEW MATERIAL CONSIDERATIONS BEING RECEIVED WITHIN THE RE-CONSULTATION PERIOD; AND AMENDMENT AND FINALISING OF CONDITIONS.

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 29 April 2021

Plans List Item Number: 1

Reason for bringing to committee

Major Application

Application Details

Location: SITE OF FORMER JAMES BRIDGE COPPER WORKS, RESERVOIR PLACE, WALSALL

Proposal: HYBRID PLANNING APPLICATION FOR: FULL DEMOLITION OF ALL REMAINING BUILDINGS AND STRUCTURES; PHASED SITE REMEDIATION (NOT INVOLVING OPEN CAST MINING); CREATION OF DEVELOPMENT PLATFORMS; HIGHWAY WORKS AND ACCESS; AND PROVISION OF CAR PARKING AREA. OUTLINE (ALL MATTERS RESERVED EXCEPT FOR ACCESS) ERECTION OF PHASED E (RESTRICTED USE), B2 AND B8 (USE CLASSES) EMPLOYMENT BUILDINGS, INCLUDING LANDSCAPING AND OPEN SPACE; INTERNAL ROADS AND FOOTWAYS, PARKING AND SERVICE AREAS; BALANCING PONDS; AND ASSOCIATED UTILITIES AND INFRASTRUCTURE - APPLICATION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT (EIA DEVELOPMENT).

Application Number: 21/0049

Case Officer: Gemma Meaton

Applicant: c/o Agent

Ward: Pleck

Agent: Richard Frudd

Expired Date: 18-May-2021

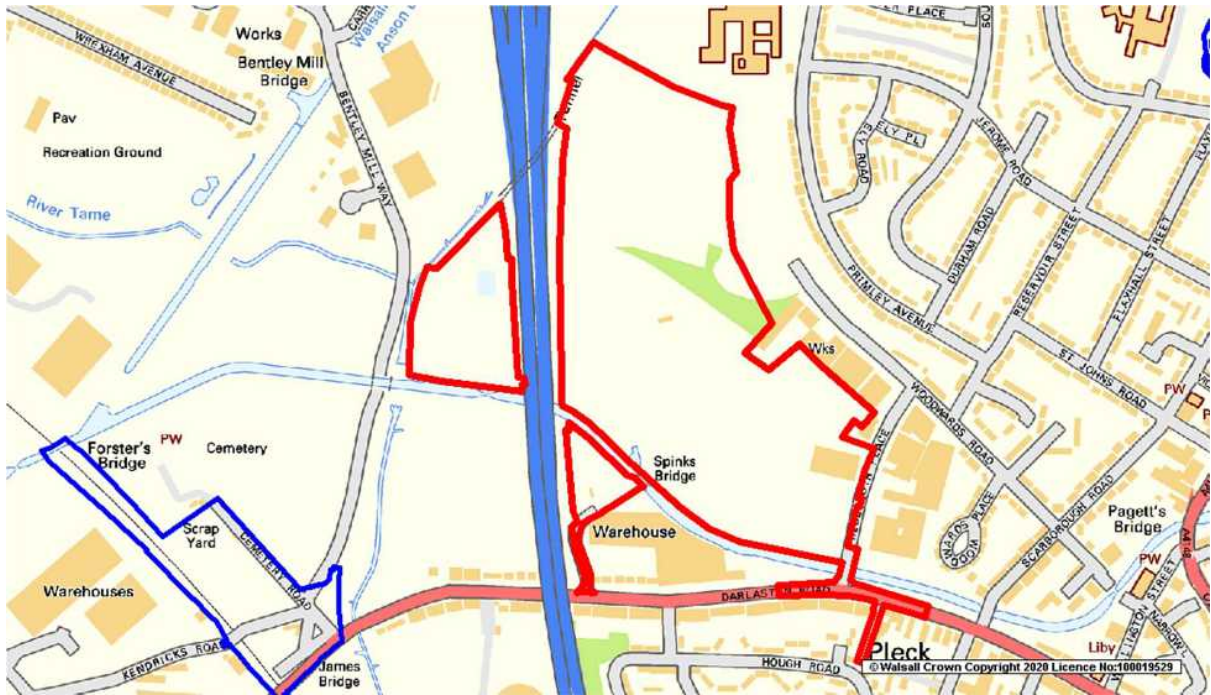
Application Type: Hybrid Application: Outline, Full and EIA

Time Extension Expiry:

Recommendation

Planning Committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions subject to:

- No new material considerations being received within the re-consultation period;
- The amendment and finalising of conditions;
- No objection from the Lead Local Flood Authority following amended information;
- No further comments from a statutory consultee raising material planning considerations not previously addressed; and,
- Section 111 Agreement, Section 106 Agreement or similar mechanism to secure a Travel Plan.



Proposal

This development proposal represents a significant step forward in bringing a high profile derelict and contaminated site back into a positive use as a result of public sector investment and collaborative partnership working with other organisations over the last 10 years. This development would bring forward the largest single supply of employment land in the Borough, and the largest employment development within the Black Country, in a highly accessible location close to the M6 Motorway.

This application is a hybrid submission that is submitted part in full and part in outline, as follows:

Hybrid planning application for:

Full Demolition of all remaining buildings and structures; phased site remediation (not involving open cast mining); creation of development platforms; highway works and access; and other supporting infrastructure.

Outline (all matters reserved except for access) Erection of phased E (restricted use), B2 and B8 (Use Classes) employment buildings, including landscaping and open space; internal roads and footways, parking and service areas; balancing ponds; and associated utilities and infrastructure- application accompanied by an environmental statement (EIA development).

The proposal involves the development of a commercial site with the intention to create employment sites that cater for storage and distribution, general industry and office uses within a single cohesive development. The provision would be up to 10% offices, and/or up to 55% industrial uses and/or up to 100% storage and distribution. The built employment development will deliver a maximum floorspace of 57,575m². Flexibility is sought within the outline planning consent to allow for the development to be marketed and tailored to suit the needs of the employment floorspace market.

Access would be provided from Reservoir Place, with highway works to include a signal junction on Darlaston Road to accommodate the development.

While the internal areas of the development are in outline at present the application documentation highlights that each unit would be sited on a self-contained landscaped plot with access off the main internal estate road and would have its own dedicated car parking and service area. According to the submitted information the development would provide a wide range of unit sizes as well as use of car parking to provide an attractive landscaped frontage to each unit. The smaller units would be located to the front of the site which will be more visible, and the larger units to the rear to help screen some of the bulk of these units from public vantage points. Eaves height would range from approximately 12m to ridge for the smaller units to 25m to ridge for the larger units.

The development proposals include a landscaping zone in the north of the property close to the boundary with Walsall E-ACT Academy, which will be retained for new landscaping designed to maximise the bio-diversity value of the site. This area is in addition to the new areas of park created to offset areas absorbed within the development site. The proposal provides a net increase in the Park area of approximately 0.04 ha.

The application is accompanied by the following supporting documents.

An **Environmental Statement** which aims to fulfil the need for an Environmental Impact Assessment on the site. An Environmental Impact Assessment is required industrial estate development projects where the size exceeds 5Ha, both of which are characteristics of the proposed development. The statement includes information on, site selection, alternatives, and design evolution, socio-economic impacts, air quality, human health, ground conditions, transport and cumulative impacts. Annexed to the ES are inter alia a Framework Site Waste Management Plan, Contaminated Land Assessment and Remediation Strategy Overview, Coal Mining Risk Assessment, and Minerals Assessment which provide further information to inform the application.

An **Ecological Appraisal** which found that the site provides habitats for birds and the surrounding area potential habitats for bats. The Walsall Canal and River Tame showed evidence of water vole activity, while grassland and woodland areas suitable habitats for Hedgehogs, which have been recorded locally. Japanese knotweed within the adjacent hardstanding was recorded overhanging the north-eastern Site boundary. It was concluded that the findings of the initial Site assessment are considered sufficient to inform the anticipated development proposals, and no further survey work in regard to protected and priority species and habitats is deemed necessary at this time. Enhancement measures were recommended including protection of nesting birds, water vole, and hedgehogs following a precautionary approach, boundary permeability for foraging animals like hedgehogs. The report also recommends a detailed lighting design, measures for tackling the presence of Japanese knotweed, protection of trees and wildlife habitats, pollution prevention and additional general enhancements.

A **Design and Access Statement** which explains the site setting, background and history, analyses the site opportunities and constraints and the context of access surrounding uses and planning history. The Design and Access Statement highlights the policy context of the proposed scheme and explains the proposed masterplan and provides some detail regarding the intended development parameters including the maximum floorspace scale and appearance, access, landscaping, servicing, security and sustainability.

A **Planning Statement** that aims to demonstrate that there are no material considerations that override the presumption in favour of granting planning permission given accordance with the allocation of Planning Policy, and that the proposals will secure a range of benefits that add further weight in favour of granting permission.

An **Arboricultural Survey** which identified seven trees and 18 tree groups with no TPOs on the site. The report recommends that tree protection measures be implemented in line with the best practice principles set out in BS 5837: Trees in Relation to Design, Development and Construction (2012).

A **Built Heritage Statement** which identifies a number of listed buildings fall within the vicinity of the site including the James Bridge Aqueduct. No designated or non-designated heritage assets fall within the site itself. The statement concludes that, subject to consideration of detailed layout, design and landscaping treatment no adverse impacts are identified upon currently known designated or non-designated heritage assets, while there are opportunities for enhancement to the northern boundary of the Walsall Canal corridor.

An **Energy Statement** which aims to incorporate energy efficiency measures to reduce the inherent energy demand of the scheme beyond the requirements of the building regulations. The statement addresses the thermal efficiency, water conservation and potential low carbon alternatives of the proposed development, and recommends low NOx boilers, variable speed pumps and fans, low temperature flow and return hot water, high efficiency heat recovery ventilation with automatic control strategy to the office spaces, zoning and low energy motors in mechanical ventilation systems, modular open architecture controls systems and network, and sub metering of end users. Low water capacity toilets and low flow taps are recommended to reduce water consumption, and the installation of Photo-Voltaic solar panels on roofs and

air-source heat pumps. The proposed development will aim to offer 10% of the residual energy associated with each units' office which equates 195m² of PV panels, or an estimated yield of 28,835kWh and offset 15 Tonnes of Carbon.

An **External Lighting Design Strategy** which acknowledges that the installation shall be installed so as to comply with the recommendations as detailed within CIBSE Lighting Guide LG6, BS EN 13201, BS 5489 and BS 7671 17th Edition of the IEE Wiring Regulations. Dark Sky criteria are proposed, ecological considerations highlighted and the need to avoid impacts on the adjacent M6 motorway. The strategy recommends that as part of the detailed design process a Lighting Impact Assessment is undertaken, which is a report that will fully detail the proposed lighting on and around the site including horizontal illuminance, vertical illuminance, light pollution, intensities and any associated overspill.

A **Flood Risk Assessment** and associated Foul Water Capacity Assessment and Sustainable Drainage Statement which conclude that the proposed development is not at significant flood risk, subject to the recommended flood mitigation strategies being implemented. Finished floor levels across the development are recommended to be set a minimum of 300mm above surrounding ground levels. Finished ground levels should be designed to direct overland flows away from built development. It is proposed to incorporate surface water attenuation and storage as part of the development proposals. Sewer connections can be created to the existing sewer network, while easements are required for existing infrastructure in the north of the site, detail design would be provided once the proposed layout has been finalised.

It is proposed that runoff from the development site for all storm events up to and including the 100-year return period (including a 20% allowance for climate change) will be accommodated within the proposed development layout.

A **Transport Assessment** and **Framework Travel** Plan which confirms that Vehicular access to the main area of the Site for both HGV traffic and non-HGV traffic is proposed to be taken from Reservoir Place via a new priority junction. An alternative access off the A4038 via a new priority junction for a separate section of the site is also proposed. It is concluded that the implementation of the Reservoir Place/Darlaston Road junction improvement scheme (and associated Traffic Regulation Order) is likely to improve road safety in that area. The trip generation assessment forecasts a total of 174 two-way vehicle trips for vehicle in the morning peak hour and a total of 125 two-way vehicle trips in the evening peak hour. It is anticipated that the remediation of the site will result in up to approximately 60 HGV movements per day for the first 18 months and then up to approximately 26 per day for the last 6 months. The proposed development, with the mitigation measures proposed, will not have a severe impact on the operation of the local highway network.

A **Landscape and Visual Assessment** which recorded the baseline landscape and visual resources of the site and surrounding area, identified landscape and visual receptors likely to be affected by the proposed development and determined the extent to which these will be altered. Mitigating measures include positioning the larger units adjacent to the motorway with the smaller units addressing the canal, and new tree and shrub planting and measures aimed at enhancing biodiversity. The report concludes that whilst the new built form will give rise to varying degrees of negative landscape and visual effects on a number of receptors, the degree of effects predicted to arise once the proposed development is operational will be relatively localised in most cases.

A Noise Impact Assessment which finds that the existing noise environment is dominated by road traffic on the M6 Motorway and the surrounding road network. The noise assessment includes consideration of noise from deliveries, car parking and from proposed fixed plant noise sources, and of the demolition, construction and remediation phases of the development. Mitigation measures will be required to reduce noise levels to acceptable levels at a small number of noise sensitive receptors. Appropriate noise limits have been determined to be achieved by fixed plant items associated with the proposed development. Based on the results of the assessment, and with appropriate mitigation measures in place noise need not be a determining factor in granting outline permission for the scheme.

Site and Surroundings

The Site is approximately 1.8km from Walsall Town Centre. It is located close to Junction 9 and 10 of the M6, and benefits from good accessibility by all modes of transport. The Site is situated within a largely urban setting, with surrounding commercial, industrial and residential properties.

The Site extends approximately 17.38 ha and comprises three main areas. The first is an area to the west of the M6 motorway of approximately 2.16 ha. This area is bounded by the Sneyd Brook in the north and commercial development on the other side of the stream where the land rises to the Grosvenor Casino. Bentley Mill Way passes to the east of the site and under the Walsall Canal at the James Bridge Aqueduct which is a Listed Building. The Walsall Canal forms the southern boundary of the site in this area.

The second area is the site of the former James Bridge Copper Works, measuring a total of 15.14ha and which runs along the east of the M6, and is bounded in the south by the Walsall Canal, the north and east by Primley Avenue Park and the West Walsall E-Act Academy, to the east commercial development off Woodward's Road and residential areas of Pleck and Walsall beyond off Primley Avenue. A portion of land to the south of the Canal is also included in the development which is accessed from Darlaston Road in the south.

The third area includes the area of highway works on Darlaston road at the junction of Reservoir Place and a small portion of land to the south of Darlaston Road between the residential dwellings at No 145 and No. 153 Darlaston Road.

The Site has been subject to a mix of former industrial uses including a colliery, and brickworks. More recently, the former IMI Copper Works were located at the site. The majority of buildings associated with the former industrial land use have since been demolished with some areas of hardstanding remaining. A small area of the Site (0.22ha of a total of 15.14ha) currently forms part of Primley Avenue Park.

The site is relatively flat and slopes gently upwards in a south – easterly direction towards the Walsall Canal and southerly from the Walsall Canal to the Darlaston Road.

Relevant Planning History

Applications on the site (*Officer comments in italics*):

14/1902/SCRE - Screening Opinion as to whether an environmental statement is required for surfacing works and capping barrier and erection of pallisade fencing. EIA not required 28/1/15.

15/0429/FL - Capping layer to site surface and erection of boundary fencing. GSC, 10/8/15.

18/0493 - Scoping Opinion (Environmental Impact Assessment) Phoenix 10 Environmental Impact Assessment, Scoping Opinion Scoping Opinion Response Issued, 2018-06-13

Relevant applications in the surrounding area:

20/0601 - Prior Approval: Telecommunications Code Systems Operators (GPDO) Prior Notification for proposed telecommunications upgrade to include proposed 20.0m AGL Phase

7 monopole c/w wrapround cabinet at base and associated ancillary works. Prior Approval: Refused, 2021-02-11.

While Prior Approval was refused, the decision reached the applicant after the 56 day determination deadline and therefore the rights were confirmed. Officers are however liaising with the operator to seek agreement of an alternative location for some of the equipment to facilitate the necessary vehicle access for this current proposal.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**
- **NPPF 17 – Facilitating the sustainable use of minerals**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.9 Derelict Land Reclamation
- 3.11 Forestry and Trees
- GP2: Environmental Protection
- GP3: Planning Obligations
- 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
- ENV24: Wildlife Corridors
- ENV25: Archaeology
- ENV26: Industrial Archaeology
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV30: Registered Parks and Gardens
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- 4.6 The Service Sector
- JP8: Bad Neighbour Industrial Uses
- 7.4 Strategic Policy Statement
- T1 - Helping People to Get Around
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP3: Local Quality Employment Areas
- EMP4: Maintaining a Supply of Readily Available Employment Land
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN3: The Efficient Movement of Freight
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices

- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- MIN1: Managing and Safeguarding Mineral Resources

Walsall Site Allocation Document 2019

- RC1: The Regeneration Corridors
- IND1: Existing High Quality Industry
- IND2: Potential High Quality Industry
- OS1: Open Space, Sport and Recreation
- EN1: Natural Environment Protection, Management and Enhancement
- EN3: Flood Risk
- EN4: Canals
- M1: Safeguarding of Mineral Resources
- T2: Bus Services
- T3: The Rail Network
- T4: The Highway Network
- T5: Highway Improvements

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm

- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

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

Consultation Replies

Canal and River Trust

A buffer is recommended along the canal corridor to offset the risk from degraded air quality, light pollution and litter. The Travel Plan should be amended to emphasise the importance of the towpath as a sustainable transport route to the site and so that the document aligns with the Design & Access Statement.

Conditions are recommended in relation to a Waterway Environmental Protection Plan, unexpected contamination, surface water and drainage, external lighting, cycle parking and accessible showers within all buildings' WC facilities, CEMP to prevent potential structural damage to the canal, heritage impact assessment with reserved matters.

Cadent Gas

No objection. Request addition of a note regarding statutory requirements.

Coal Authority

No objection. Concurs with the findings of the Coal Mining Risk Assessment that intrusive site investigations are necessary. Request that conditions be applied to ensure that this takes place.

Ecology Officer

No Objection. Recommend compliance with mitigation proposals and conditions contained within the Ecological Appraisal.

Birmingham and Black Country Wildlife Trust

Objection due to insufficient evidence of mitigation for habitat loss. Compensation in the form of habitat creation or enhancement would also be required for any ecological impacts that cannot be avoided. Also require the production of a Landscape and Ecological Management plan, a Construction and Ecological Management plan, drainage strategy and lighting strategy.

Additional information has been provided to the consultee and the amended comments are awaited at the time of writing.

Archaeology

No objection, there are no archaeological implications for this proposal. The site is within an area of historic collieries, and there are canal infrastructure, and early 19th century buildings here, possibly associated with brick making – however the extensive redevelopment of the site as a copper works in the 20th century (and subsequent demolition of those buildings) is highly likely to have truncated evidence of earlier activity.

Local Highways Authority

Supports the application subject to the imposition of conditions regarding implementation of signal junction, hard surfacing of accesses, pedestrian crossing, travel plan, outline development parameters, cycle shelter, and finalisation of parking layouts.

Local Access forum

No objection.

Natural England

No comments to make.

Pollution Control

No objection. Request conditions in relation to control of construction through a Construction Environmental Management Plan, Noise and Vibration, Lighting Scheme, and Compliance with Black Country Air Quality SPD.

Severn Trent Water

No objection subject to the inclusion of a drainage condition.

Strategic Planning Policy

The proposal can be strongly supported on strategic planning policy grounds. The site is identified in the SAD as four parcels, IN104.1, IN104.4, IN205 and IN103.2. The first three are allocated under policy IND2 as vacant potential high quality industrial sites whilst the latter is allocated under policy IND3 as a vacant local quality industrial site. The four parcels together comprise the largest single supply of employment land in the borough. As such, the proposal is of crucial importance to the economic well-being of the area. Walsall and the rest of the Black Country have a significant shortfall of land for employment growth.

Network Rail

No comments to make.

Public Rights Of way

No objection. There are no public rights of way that are affected by the application, however there is a claim for an unrecorded public right of way in accordance with S31(6) of the Highways Act 1980, for the proposed parking area between Darlaston Road and Hough Road. Evidence received shows that a historic route known as Arthur Street is in existence and that this path remains in public use; the same principles apply to this route as definitive public rights of way.

West Midlands Police

No objection. Accessibility should be provided without over permeability with limited natural surveillance. It is unfortunate that the through footpath has been maintained in the parking area off Darlaston Road.

Security recommendations include: external LED lights with daylight sensors to the walls of buildings in particular at entry and exits. Additional LED lighting may be required for parking areas. Lighting columns should not provide a climbing aid. Monitored alarm systems and/or CCTV will be important. Recommend security using the principles of Secured by Design.

Community Safety Team

Verbally advised that use of the area south of Darlaston Road as car parking would create safety and security concerns, were it to be used as such significant mitigation would need to be put in place to make the area usable.

Lead Local Flood Authority

Objection. Additional information is required regarding discharge of the area situated to the west of the M6, background calculations, maintenance, water quality and exceedance.

Additional information has been provided by the applicant and the amended comments of the LLFA are awaited at the time of writing. To be updated in supplementary paper.

Representations

Objections have been received from 8 surrounding occupiers as a result of the public participation process. Issues highlighted by objectors can be summarised as follows (*Officer comments in italics*):

- Loss of green space
- Ecological impact on herons
- Loss of trees at Primley Avenue Park
- Flood risk due to increased hard surfaces
- Noise and disturbance from traffic
- Increased difficulty crossing Darlaston Road, especially school children

- Object to loss of on street parking. Various reasons have been provided for this including distance to walk, safety and security and financial impact (*financial impacts are not a material planning consideration*).
- Potential of houses front walls being driven into
- Impact on air quality as a result of increased traffic
- Potential for illegal 'U' turns using the new signal junction
- Negative impact on crime and community safety
- Object to closure of accesses through land south of Darlaston Road
- Request a detailed Construction Environmental Management Plan and Demolition Environmental Management Plan
- Additional business and warehouse space is unnecessary as there are existing empty units close to the site
- Concern as to the impact on surrounding business that have access off Reservoir Place

Determining Issues

- Principle of Development
- Means of Access
- Ground Conditions - Remediation and Minerals
- Traffic Impacts
- Ecology
- Visual Amenity and Heritage Impacts
- Air Quality and Environment
- Drainage and Flooding
- Security

Assessment of the Proposal

The Phoenix 10 site, alongside a cluster of other sites within close proximity of both Junction 9 and Junction 10 of the M6 motorway, forms part of the Darlaston Enterprise Zone.

The site is within a mix of areas identified by the Site Allocation Document as IND2 - vacant potential high quality industrial sites or IND3 - vacant local quality industrial sites. IND2 states that these areas are allocated and safeguarded as High Quality Industry, while IND3 states that Proposals for non-industrial uses will not be permitted except where allowed by Black Country Core Strategy Policy EMP3. The area forms part of the 317Ha of High Quality Employment Land to be provided by Walsall Borough before 2026 as detailed in Policy EMP2 of the Black Country Core Strategy. The proposal, while in outline, has the potential to improve supply of the very largest employment sites that are in demand in the area.

The Council's Strategic Planning Policy team strongly supports this proposal and highlights that four parcels together comprise the largest single supply of employment land in the borough, therefore the proposal is of crucial importance to the economic well-being of the area.

Subject to the other aspects of the application being acceptable the principle of development is supported.

The proposed access arrangements are indicated to be part of the application for consideration as part of the outline submission.

The primary access into the site is from Reservoir Place off the Darlaston Road (A4038). Access to the southern part of the site between the Walsall Canal and Darlaston Road is provided directly from Darlaston Road via a new priority junction.

Both accesses have been designed to the relevant design guidance and will link into the existing infrastructure within the vicinity of the proposed site accesses. These access locations benefit from good horizontal and vertical visibility splays, in line with standards within the Manual for Streets. Tracked paths have been provided that show the site could be accessed by the largest vehicles without impacting on the surrounding area.

Objectors have highlighted the potential for illegal 'U' Turns and for garden walls to be driven into as a result of the development. While the design of the access arrangements has been completed in order to maximise the safety of the junction and prevent incidences of dangerous driving, ultimately it is a matter for the Police to enforce against illegal activity.

Due to the nature and various uses of the proposed development, swept path analysis of a large articulated HGV and a large refuse lorry has been undertaken at both the access from Reservoir Place and off the A4038 access to show that these vehicles can safely access and egress the site in forward gear. In order to accommodate forecast traffic associated with the proposed development, an improvement scheme at the A4038 (Darlaston Road) / Reservoir Place junction is proposed. The proposals focus on a signalised junction design. The layout of the junction incorporates a staggered pedestrian crossing across Reservoir Place in addition to a full right turn lane on the A4038 into Reservoir Place. The development would not impact on the existing signalised pedestrian crossing opposite No 273 Darlaston Road or close to the intersection with Wellington Street to the east. An area of land off Darlaston Road is provided as a potential storage and site area for the construction of the signal junction.

A consequence of the new junction is that some of the scope for on-street parking along Darlaston Road will be lost. Double yellow lines would extend approximately 80m either side of the signal junction in order to allow for its safe operation. Having reviewed the dropped kerb driveway and existing access ways within the proposed double yellow line area, the equivalent of approximately 16-19 vehicles will be displaced.

The on-street parking in the area is not currently controlled by way of permits or any other user restriction, as such the availability of street parking is not directly connected to any of the surrounding residential properties.

The NPPF paragraph 109 states *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

While it is not considered necessary to make the application acceptable in planning terms, there is potential to provide replacement parking at a site off Darlaston Road within the site boundary at the site storage area after the construction of the junction has been completed. It is recommended that conditions are included to secure the use of the area as a temporary site compound and to secure its future use if deemed necessary. Concerns have been raised regarding the use of this area for parking.

The Site can be safely and efficiently accessed via the proposed arrangements and the local highway infrastructure. On balance, therefore, the proposed accesses accord with Policies TRAN1, and DEL1 of the BCCS; Saved Policies T7-T13 of the UDP and are considered acceptable.

The remediation strategy has been submitted as part of the application to be considered in full.

Preliminary to the remediation works, there is a need to demolish remaining buildings on the site. These works together with the excavation and earthworks have potential for adverse impact upon surrounding land uses, therefore, in line with the recommendation of the Environmental Statement, and the comments from Pollution Control a Construction Environmental Management Plan will be required to address the demolition/reclamation/remediation phase of the project and a further CEMP to deal with the construction phase of the project.

The submitted documents contain details of the potential impact of the reclamation of the former copper works and construction of the proposed development as well as setting out the overarching strategy for reclamation and remediation of the site to address land contamination and pollution of groundwater.

There is considerable potential for dust generation associated with the demolition and remediation phases of the project particularly as the soils are known to contain contaminants. In this circumstance it is imperative that adequate dust control measures are adopted to ensure that potentially contaminated dust is not deposited outside the site boundary. In this regard it is vital that the CEMP and control measures are robust and contain details of the measures for prevention of dust. Noise and vibration attributable to the reclamation and remediation phase and the subsequent construction of the development should be addressed by control measures set out in the relevant CEMP submissions.

The overarching principle of the soil remediation strategy for the development area will be to excavate, segregate and replace existing soils in accordance with a formal Material Management Plan (MMP) relating to the re-use of soils on the site of origin. This strategy is supported in line with the comments provided by Pollution Control, subject to the provision of a condition will be required to secure the details of the material management plan and ensure that it is carried out.

While the submitted strategy is supported, a full Remediation Method Statement giving details of the activities, processes, materials, equipment, plant and machinery and phasing of the works is required.

The site falls within the area identified by the SAD, and BCCS as a Mineral Safeguarding Area, and policy MIN1 of the BSSC and M1 of the SAD apply. The policy states that applicants will be expected to consider the feasibility of extracting any minerals present in advance of the development. The coal mining risk assessment report demonstrates accordance that further mineral extraction from the Site is not feasible.

The Coal Mining Risk Assessment has further been reviewed and supported by the Coal Authority. The Risk Assessment recommends that further intrusive works are carried out prior to commencement of development on the site other than demolition, as such, it is recommended that a condition be attached to the decision to secure this.

With the addition of the conditions described above, it is considered that the scheme is acceptable in terms of the demolition and remediation works proposed.

The proposal would have an impact on general vehicle and HGV movements on the roads surrounding the development. The trip generation assessment forecasts a total of 174 two-way vehicle trips for vehicle in the morning peak hour and a total of 125 two-way vehicle trips in the evening peak hour. It is anticipated that the remediation of the site will result in up to approximately 60 HGV movements per day for the first 18 months and then up to approximately 26 per day for the last 6 months. Air quality associated with traffic and vehicle movements during the reclamation and remediation phase are not considered to be a significant issue. While the traffic flows would be increased as a result of the development with the highway

works proposed it is not considered that the development would cause an unacceptable impact to traffic flows or safety in the area.

The Travel Plan aims to show how the development can integrate with existing public transport, pedestrian and cycling routes in the local area. The site is highly accessible and can be accessed via the existing cycling network and National Route 5 which connects the site to Birmingham in the south and Stafford in the north. The development would integrate well into the existing pedestrian network with large areas of the west of Walsall Borough within the recommended maximum 2km of 24minute pedestrian commuting area.

A footway measuring at least 2 metres in width is present on the either side of Reservoir Place which forms part network of footways that route to the surrounding areas of Walsall. These footways are of adequate condition and have street lighting present. A combination of dropped kerb and signalised crossing points are provided along this network of footways to the local bus stop facilities and services. The proposal includes a signalised pedestrian crossing to be staggered across Reservoir Place which would form part of this network.

The Framework Travel Plan aims to reduce the number of people traveling to the development in a single occupancy vehicle by 10%, within five years of the first occupation. It is recommended that a condition be applied to ensure that the Framework Travel Plan be developed into a Full Travel Plan in order to further improve the use of sustainable transport modes within the development. The Travel Plan should also make reference to the canal corridor as a means of accessing the site on foot or by cycle. The towpath along this stretch has a good quality surface and provides easy off road access beneath the motorway and Reservoir Place Bridge to nearby residential areas, Walsall town centre and towards the new station at Darlaston.

The indicative site layout plan has taken account of the likely car/HGV/cycle requirements of the proposed development site. However, owing to the outline nature of the planning application, details of the proposed level of car, HGV and cycle parking across the proposed development site will be considered as part of future reserved matters applications

Given the information provided, it is considered that the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF paragraph 109 Policies CPS5, TRAN1, TRAN4, and DEL1 of the BCCS; Saved Policies T7-T13 of the UDP; and, Policy T4 of the SAD.

The development site lies adjacent to the Walsall Canal which is recognised as a Site of Local Importance to Nature Conservation. Whilst the Canal is not anticipated to be directly impacted by the proposed development, precautionary measures will need to be applied to prevent any adverse impacts with regards to potential pollution events occurring during both the construction and operational phase of the development. The same measures should also be applied to prevent any adverse impacts to the adjacent River Tame, Sneyd Brook, and associated watercourses within the local area, a number of which are designated as SLINC.

Impacts should be mitigated through the use of buffers to retain the integrity of banks and associated habitats including potential for water vole. The Canal and Rivers Trust has supported this approach. In the event that works are required to the vegetated strip of land between the Site boundary and the edge of the Walsall Canal, a suitably qualified ecologist should first check the area for evidence of water vole and mitigation measures should be applied accordingly. SUDs features would ensure no adverse impact to these habitats associated with a change in water levels.

The majority of the southern extent of the Site is considered to be of low ecological value, since it comprises large expanses of hardstanding with limited vegetation. Proposed landscaping at the Site has the potential to enhance the ecological value of this land. The proposals for the

site will result in the loss of some woodland habitat in the northern area of the site, which will require adequate compensation to ensure no overall net loss of biodiversity. Details of this will be secured at reserved matters stage through the submission of a comprehensive landscape and planting plan, the indicative layout shows areas set aside for landscaping and sustainable drainage which could be provided for this purpose.

Habitats of ecological value such as woodland vegetation should be incorporated into the detail proposals for the site, and where habitat is lost, this should be compensated through appropriate landscaping to ensure an overall net gain in biodiversity. While the detail of these measures can be secured at reserved matters stage, a detailed landscape plan will be required to ensure that this is achieved, in line with the recommendation of the Birmingham and Black Country Wildlife Trust.

While the site was not found to include suitable nesting habitats for bats, they have been recorded in the area. A sensitive lighting plan is required to ensure no significant adverse impact upon the surrounding habitats, including the Canal to the south and woodland habitat associated with Primley Avenue Park to the east.

The woodland, scattered trees and dense scrub and to some extent the vacant buildings provide suitable habitat for nesting and foraging birds as well as hedgehogs. Without appropriate mitigation in place, the clearance of these habitats has the potential to disturb nesting birds, therefore a suitable condition should be attached to any permission to control site clearance out of nesting season and to provide bird boxes at suitable locations around the site. Fencing within and around the development should allow access and egress for hedgehogs of at least 13 cm².

Japanese Knotweed was recorded overhanging the north-eastern Site boundary, and Cotoneaster was also recorded within the woodland areas. Appropriate mitigation is required to ensure the proposed development works do not facilitate the spread of this species.

Subject to the inclusion of suitable conditions to mitigate and enhance the ecological impacts of the development it is considered that the development would not cause harm to the ecology of the site but would rather have the potential to result in a nett biodiversity gain for the area. It is considered that the Environmental Statement has successfully demonstrated that the development can be carried out without unmitigated harm to the surroundings, As such, the development is considered to be in line with Chapter 15 of the NPPF, Policy ENV1 of the BCCS, Saved Policy ENV23 in the UDP, the Conserving Walsall's Natural Environment SPD.

While the final layout and appearance of the proposed development are yet to be determined, the intended height general and form of the scheme will result in some effects on the character of the surrounding area, and through visual impacts on the surroundings. The development would be visible from the adjacent Canal and Towpath, and from surrounding residential properties and public spaces. However, there will be some positive effects on arising from the proposed development, notably to the character of the site arising from the replacement of derelict and degraded land with new industrial buildings that are an existing characteristic of the area. The site is separated sufficiently from residential properties not to create unacceptable impacts in terms of overshadowing or overlooking.

The James Bridge Aqueduct is a listed building and the former South Staffordshire Tramways Electricity Generating Station is a locally listed building, both of which are in close proximity to the site boundary. No development is proposed as part of the indicative layout in the vicinity of the aqueduct, and the former electricity station (now warehouse) is on the other side of the

canal and faces Darlaston Road. The Walsall Canal is a Conservation Area. While detail design including the layout, scale appearance and landscaping in the vicinity of the listed buildings will have to be carefully considered to avoid any negative impacts on them or their settings, it is not considered that the proposed outline scheme would necessarily create harmful or negative impacts. As such the development can be supported from a heritage and built environment perspective.

There are no archaeological implications for the proposal. The site is within an area of historic collieries, and there are canal infrastructure, and early 19th century buildings. However, the extensive redevelopment of the site as a copper works in the 20th century, and subsequent demolition of those buildings, is highly likely to have truncated evidence of earlier activity.

The proposal is therefore in line with policies CSP4 and ENV2 of the BCCS, saved policies GP2, ENV32, ENV25, ENV26 and ENV28 of the UDP and the designing Walsall SPD.

An Air Quality Assessment has been undertaken to consider the impact of the proposed development on local air quality in terms of construction and operation. A qualitative construction phase assessment was undertaken, and measures are recommended for inclusion in a Construction Environmental Management Plan to minimise emissions during construction activities, the impact of construction phase dust emissions is not significant and has been supported by Pollution Control. A detailed road traffic emissions assessment was undertaken to consider the impact of development-generated road traffic on local air quality at identified existing receptor locations. Changes in pollutant concentrations between the pre and post development scenarios lead to the conclusion that impact on local air quality will be negligible following the implementation of the proposed mitigation measures.

Since the detail of the use and configuration of the site is yet to be determined the Air Quality and noise Impacts associated with the scheme will be considered in more detail at reserved matters stage, conditions will therefore be required for the outline element to ensure that these aspects are revisited when details of the final development are established. Conditions are therefore recommended to require that on submission of any reserved matters application to consider layout or scale, an updated Air Quality Assessment, in order to address both potential traffic and impact of processes would be submitted, a Noise Assessment to include assessment of proposed plant and equipment required, a detailed Lighting Scheme to demonstrate avoidance of obtrusive light, and evidence of compliance with Black Country Air Quality SPD (2016) to address electric vehicle charging provision and combustion appliances, as well as the control on noise and vibration from specific on site activity.

The site lies in Flood Zone 1, where risk of flooding is generally low, however the site is bounded by the Walsall Canal, Sneyd Brook and runs close to the River Tame. In addition the site is or large extent and the proposal includes significant hardening of the site through the introduction of additional structures and hardstanding. Therefore the sustainable drainage of the scheme and avoidance of flooding contribute significantly to its assessment.

While the detail design remains in outline at this stage, a Flood Risk Assessment, Foul Water Capacity Assessment and Sustainable Drainage Statement have been provided. Proposed mitigation measures include a requirement that finished floor levels across the development are recommended to be set a minimum of 300mm above surrounding ground levels, ground levels are designed to direct overland flows away from built development and that runoff from the development site for all storm events up to and including the 100-year return period (including a 20% allowance for climate change) will be accommodated within the proposed development layout. It is recommended that these mitigation measures be included within a condition and appended to any planning decision in order to ensure that detail design follows these principles.

The Lead Local Flood Authority have requested additional information and clarification prior to being able to support the proposed scheme. Additional information has been provided and amended comments are awaited at the time of writing, as is reflected in the recommendation to the Planning Committee. The LLFA have requested that an Operation and Maintenance Plan, Exceedance Plan, and Surface Water Drainage Strategy in line with CIRIA (Construction Industry Research and Information Association) SuDS guidance be provided. It will only be possible to provide this information once detail design of the development is completed, therefore it is recommended that a condition be added to the decision to ensure that this detail information is provided. This is in line with the recommendation of Severn Trent and the Canal and River's Trust who have supported the application subject to the application of a drainage conditions.

The submitted information is considered sufficient to inform the outline application and subject to the imposition of conditions and detail design in the proposals comply with the provisions of the NPPF and to saved UDP policies GP2, ENV10 and ENV40 and to policy ENV5 of the Black Country Core Strategy.

The Police and Community Safety teams comments on safety and security of the site and recommend security measures such as CCTV, security fencing and lighting. These details could be provided as part of a reserved matters application or secured by condition and note on any decision notice. This accords with saved UDP policies GP2 and ENV32.

Conclusions and Reasons for Decision

The proposal creates the potential for a derelict and degraded site of strategic importance to be transformed into a new gateway to the Black Country from Junction 10 of the M6 motorway. It represents a significant step towards bringing forward the largest single supply of employment land in the Borough, and the largest employment development within the Black Country, in a highly accessible location close to the M6 Motorway.

In line with the assessment and reasons set out in the preceding report it is therefore recommended that subject to the imposition of conditions and the submission of detail designs that would satisfy the matters reserved, the development would on balance not create harmful impacts that would outweigh the benefits that could be created by the scheme.

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

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable, with the addition of details and clarification requested by statutory and non-statutory consultees and no further changes have been requested.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions subject to:

- No new material considerations being received within the re-consultation period;
- The amendment and finalising of conditions;
- No objection from the Lead Local Flood Authority following amended information
- No further comments from a statutory consultee raising material planning considerations not previously addressed; and,

- Section 111 Agreement, Section 106 Agreement or similar mechanism to secure a Travel Plan.

Conditions and Reasons

In respect of that part of the site for which application was made in full, shown on the plan edged in red and unhatched on Red Line Plan \$5938 – 045 dated May 2020

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

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

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

Parameters Plan Demolition, drawing 5938 - 029 F, dated July 2018

Remediation Phasing Plan, drawing DWG A9-6, dated January 2019

Proposed Darlaston Road/Reservoir Place Signal Junction, drawing PHX-BWB-GEN-XX-DR-TR-101 Rev. P4, dated 15/06/2018

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

3. Prior to the commencement of works relating to the signal junction of the A4038 Darlaston Road and Reservoir Place, technical detail drawings shall be submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory implementation of the signalised junction, in the interest of highway safety, in accordance with NPPF paragraph 109 and BCCS policy TRAN2

In respect of that part of the site for which application was made in outline, shown on the plan hatched red on Red Line Plan \$5938 – 045 dated May 2020

4. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission

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

5. The development to which the reserved matters permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters application, or the last reserved matters approval.

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

6. Prior to commencement of development hereby permitted approval of the following reserved matters shall be obtained from the Local Planning Authority in writing:

- Appearance

- Landscaping
- Layout
- Scale

Reason: Pursuant to Town & Country Planning (Development Management Procedure) Order 2015.

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

Illustrative Site Plan drawing 5938 - 042 Rev C, dated January 2020 – for indicative purposes only

Parameters Plan Building Heights, drawing 5938 - 031 G, dated July 2018

Parameters Plan Landscape, drawing 5938 - 032 H, dated July 2028

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).

In respect of the whole of the site shown on the plan edged in red and hatched in red on Red Line Plan \$5938 – 045 dated May 2020

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

Illustrative Site Plan drawing 5938 - 042 Rev C, dated January 2020 – for indicative purposes only

Red Line Plan, drawing \$5938 – 045 dated May 2020

Arboricultural Impact Assessment, 17-0897.08, prepared by Delta Simons dated 2/03/2020

Built Heritage Statement, PHX-BWB-ZZ-XX-RP-YH-0001, prepared by BWB Consulting Ltd, dated November 2020

Design and Access Statement, prepared by AJA Architects, dated 21-10-2020

Ecological Appraisal, 17-0897.08, prepared by Delta Simons., dated 21-10-2020

Energy Statement, 180141, prepared by Couchperrywilkes, dated 22/06/2018

External Lighting Statement, 180141, prepared by Couchperrywilkes, dated 15/06/2018

Flood Risk Assessment, PHX-BWB-ZZ-XX-RP-YE-0001_FRA Rev. P4, prepared by BWB Consulting Ltd, dated 13/11/2020

Foul Water Capacity Assessment, PHX-BWB-ZZ-XX-RP-CD-0002_FWCA Rev. P05, prepared by BWB Consulting Ltd dated 13/11/2020

Framework Travel Plan, PHX-BWB-GEN-XX-RP-TP-0002_TP-V2, prepared by BWB Consulting Ltd, dated 06/11/2020

Landscape and Visual Assessment, Rev. 02, prepared by fira landscape architecture and urban design, dated 13/02/20

Noise Impact Assessment LDG2008 Rev. 06, prepared by BWB, dated 30/11/2020

Planning Statement, Q070093, prepared by Quod, dated January 2021

Sustainable Drainage Statement, PHX-BWB-ZZ-XX-RP-CD-0001, Rev. P06 prepared by BWB Consulting Ltd., dated 06/11/2020

Transport Assessment, PHX-BWB-GEN-XX-RP-TR-0001_TA-V7, Rev. P07 prepared by BWB Consulting Ltd., dated 06/11/2020

Water Management Statement, PHX-BWB-ZZ-XX-RP-YE-0002, Rev. P05 prepared by BWB Consulting Ltd., dated 13/11/2020

Environmental Impact Assessment, Vol. I and Vol. II, prepared by BWB Consulting Ltd., dated November 2020

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

9. The development (including any works of demolition & remediation) shall proceed only in strict accordance with a Waterway Environmental Protection Plan which has been submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be carried out in accordance with the approved details. The Plan shall include/provide for:

Reason: To safeguard the environment and in the interests of the structural integrity of the waterway and to ensure the proposed works do not have any adverse impact on the safety of waterway users, ecology or water quality of the Walsall Canal, in accordance with Policies EN1 and EN4 of the Walsall SAD 2019 and the advice and guidance of the National Planning Policy Framework in paragraphs 170, 175 & 178-180..

10. If after commencement of works within any phase, contamination not previously identified is found to be present, no further works (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until either:
 - 10a) a site investigation has been designed and undertaken in accordance with details approved in writing by the Local Planning Authority,
 - 10b) a risk assessment has been produced and a method statement detailing the remedial requirements using the information obtained from the site,
 - 10c) investigation has been approved by the Local Planning Authority or;
 - 10d) if the above has been previously undertaken, the developer shall submit and obtain written approval from the Local Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the nature conservation value and water quality of the canal corridor is not adversely affected by the proposals in accordance with the National Planning Policy Framework in paragraphs 178-179.

11. No development within any phase shall take place until a Method Statement (to demonstrate that any demolition, remediation and construction operations near the canal will not impose additional loading onto the canal infrastructure and as a result adversely affect its stability or structural integrity), has first been submitted to and agreed in writing by the Local Planning Authority. Cross sections shall be provided to illustrate the proposed remediation works and development in relation to adjacent canal structures to enable an assessment of the impact of the proposals on their structural stability. The statement shall include details of the arrangements for undertaking any monitoring regimes or mitigation measures as may be necessary to ensure that the risk of damage to the canal structure is adequately minimised (for example, vibration monitoring if piled foundations are proposed, or works to strengthen the existing canal bank to accommodate increased loads).

Reason: In the interests of minimising the risk of creating land instability arising from works which would adversely affect the structural integrity of the adjacent Walsall Canal in accordance with the advice and guidance on land stability contained in paragraphs 170, 178 and 179 of the National Planning Policy Framework 2019 and in the National Planning Practice Guidance.

12.

12a) Prior to commencement of the development hereby permitted:

- Details of intrusive site investigations for past coal mining activity shall be submitted in writing to and approved in writing by the Local Planning Authority
- the approved details of intrusive site investigations shall be undertaken and a report of findings arising from the intrusive site investigations including the results of any monitoring shall be submitted in writing to the Local Planning Authority
- details of remedial works shall be submitted to and approved in writing by the Local Planning Authority

12b) Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out

12c) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 178 and 179 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

13.

13a) Notwithstanding the information submitted, and prior to commencement of the development hereby permitted, an updated and amended air quality assessment shall be submitted in writing to and approved in writing by the Local Planning Authority. The assessment shall include details of recommendations for mitigation measures.

13b) Prior to occupation the approved mitigation measures shall be carried out to the satisfaction of the Local Planning Authority.

13c) The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures and such measures shall thereafter be retained for the lifetime of the development.

Reason: To reduce potential negative health impact upon future occupants in compliance with the saved policy ENV10 of Walsall's Unitary Development Plan.

14. Prior to commencement above damp course details shall be provided to the local planning authority and approved in writing of bat boxes, bird boxes and hedgehog holes (in fencing) and hedgehog domes to be incorporated into the building designs, retained trees and open areas of the site.

14a) The details shall include a schedule for installation that refers to specific locations of installations and the timescales for installations.

- 14b) Details shall include the number and location of boxes /domes with accompanying evidence that the number and locations have been determined by a qualified ecologist.
- 14c) The development shall not be carried out otherwise than in accordance with the agreed details.

Reason: To conserve local bat, bird and hedgehog populations and to comply with NPPF15, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

15.

- 15a) Notwithstanding the information submitted, and prior to commencement of the development hereby permitted, updated and amended, plans for the disposal of foul drainage shall be submitted to and approved in writing by the Local Planning Authority.
- 15b) The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the development is provided with a satisfactory means of drainage and to minimise the risk of pollution and in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

16. Notwithstanding the information submitted, and prior to commencement of the development hereby permitted, updated and amended details of surface water drainage and a flood risk management scheme shall be submitted in writing to and approved in writing by the Local Planning Authority. This should include details of:

- 16a) Provision of attenuation flood storage on the site to a 100yr + CC standard (including a 20% allowance for climate change).
- 16b) Provision of sustainable drainage elements to provide water quality improvements.
- 16c) If any discharge to the Walsall Canal is proposed, the scheme shall include details of measures necessary to attenuate discharges into the waterway to appropriate rates
- 16d) Include an Operation and Maintenance Plan, Exceedance Plan, and Surface Water Drainage Strategy in line with CIRIA (Construction Industry Research and Information Association) SuDS guidance
- 16e) And shall accord with the Flood Risk Assessment and Drainage Strategy Dated March 2020.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure lifetime maintenance of the system to prevent flooding issues and to ensure the development is provided with satisfactory means of drainage to comply with the requirements of the Canal and River's Trust and the Lead Local Flood Authority and UDP policy GP2and UDP policy ENV10.

17. Prior to the main access road off Reservoir Place first coming into use, the new bell mouth road junction including a tactile pedestrian crossing facility, shall be fully installed to the satisfaction of the Local Planning Authority, together with the reinstatement back to full kerb height of all existing access points and footway crossings made redundant as a result of the development.

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

18. Prior to commencement of the demolition and remediation as part of the development a Demolition/Remediation Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority The Demolition/Remediation Environmental Management Statement shall include:
- (i) Demolition Environmental Management Plan giving detail of the arrangements to meet the requirements set out in the *Environmental Impact Assessment, Annex 9-3, Outline Project Controls*
 - (ii) Material Management Plan (MMP) relating to the re-use of soils on the site of origin
 - (iii) Remediation Environmental Management Plan giving detail of the arrangements to meet the requirements set out in the *Environmental Impact Assessment, Annex 9-3, Outline Project Controls*
 - (iv) the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in remediation and in constructing the development;
 - (v) measures to sample the canal water quality before, during and after all works of demolition, remediation and construction adjacent to the canal and details of how any changes in quality will be reacted to by the developer;
 - (vi) measures to prevent surface water drainage to the canal;
 - (vii) measures to protect the canal from on-site contamination during the sealing of the basin north of Spinks Bridge;
 - (viii) details of protective measures (both physical measures and sensitive working practises) to avoid impacts during demolition, remediation and construction;
 - (ix) a timetable to show phasing of demolition, remediation and construction activities to avoid periods of the year when sensitive wildlife could be harmed (otter mating season, bird nesting season etc.);
 - (x) the parking and turning of vehicles of site operatives and visitors;
 - (xi) the loading and unloading of plant and materials;
 - (xii) the storage of plant and materials used in the demolition and remediation;
 - (xiii) dust mitigation measures;
 - (xiv) wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway or the adjacent canal;
 - (xv) details of the method to be employed for disposing of silty water;
 - (xvi) persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation
 - Provision of training and information about Environment Protection measures to all construction personnel on site.
 - Installation of physical protection measures during remediation and construction;
 - Regular inspection and maintenance of the physical protection measures and monitoring of working practices during remediation and construction;
 - Provision of training and information about the importance of Environment Protection measures to all remediation and construction personnel on site.
 - (xvii) details of the siting of areas for the storage for chemicals, fuels, or any other substances hazardous to groundwater, which should be physically distant from the adjacent canal
 - (xviii) Details of the construction of areas for the storage for chemicals, fuels, or any other substances hazardous to groundwater which should include an impervious base within an oil-tight bund and no drainage outlet;
 - (xix) details of a designated area for the refuelling of plant with an impermeable surface;
 - (xx) details of temporary construction lighting, which shall be kept to a minimum in the vicinity of the canal, and where necessary incorporate directional lighting and deflectors to direct the light into the site and away from the canal.

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

19.

- 19a) Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.
- 19b) Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.
- 19c) If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

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

20. Prior to commencement of the development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority The Construction Environmental Management Statement shall include:
- (i) the parking and turning of vehicles of site operatives and visitors;
 - (ii) the loading and unloading of plant and materials;
 - (iii) the storage of plant and materials used in constructing the development;
 - (iv) dust mitigation measures;
 - (v) wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway or the adjacent canal;
 - (vi) details of the method to be employed for disposing of silty water;
 - (vii) a timetable of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons);
 - (viii) persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation
 - Provision of training and information about Environment Protection measures to all construction personnel on site.
 - (ix) details of the siting of areas for the storage for chemicals, fuels, or any other substances hazardous to groundwater, which should be physically distant from the adjacent canal
 - (x) Details of the construction of areas for the storage for chemicals, fuels, or any other substances hazardous to groundwater which should include an impervious base within an oil-tight bund and no drainage outlet;
 - (xi) details of a designated area for the refuelling of plant with an impermeable surface;
 - (xii) details of temporary construction lighting, which shall be kept to a minimum in the vicinity of the canal, and where necessary incorporate directional lighting and deflectors to direct the light into the site and away from the canal.

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

- 21.
- 21a) Prior to commencement of the development hereby permitted updated Noise Impact Assessment shall be submitted in writing to and approved in writing by the Local Planning Authority. The assessment shall include details of recommendations for mitigation measures.
 - 21b) Prior to occupation the approved mitigation measures shall be carried out to the satisfaction of the Local Planning Authority.
 - 21c) The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures and such measures shall thereafter be retained for the lifetime of the development.

Reason: To reduce potential negative health impact upon future occupants in compliance with the saved policy ENV10 of Walsall's Unitary Development Plan.

22. Prior to first occupation of the development hereby permitted, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained within the Framework Travel Plan dated November 2020 and submitted by BWB Consulting shall be fully developed into a full Travel Plan and implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved Plan.

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

23.

23a) Prior to any unit on the development that takes access off Reservoir Place first coming into operation, the main access road off Reservoir Place together with all access ways, car parking, service and vehicle manoeuvring areas to that unit shall be fully consolidated, hard surfaced and drained and brought into use.

23b) These areas shall thereafter be retained and used for no other purpose.

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

24.

24a) Prior to any unit on the development that takes access directly off Darlaston Road first coming into operation, all access ways, car parking, service and vehicle manoeuvring areas to that unit shall be fully consolidated, hard surfaced and drained and brought into use.

24b) These areas shall thereafter be retained and used for no other purpose.

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

25. Prior to the first occupation of any of the development hereby approved details of the proposed external lighting for the development, including details of foundations, appearance, height, luminance in candelas, hours of operation, angling and cowls and details of the timing of its implementation relative to the full occupation of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area to show consideration for bats and other wildlife in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan. EN1 and EN4 of the Walsall SAD

26.

26a) Prior to any Unit on the development first coming into operation, full details of a cycle shelter, for the use of staff and visitors and which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

26b) The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

27.

27a) Prior to any Unit on the development first coming into operation, all parking, accesses, vehicle manoeuvring and turning areas serving that Unit shall be fully consolidated, hard surfaced and drained, together with the clear demarcation of all parking bays.

27b) These areas shall thereafter be retained and used for no other purpose.

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

28.

28a) No clearance of vegetation shall be undertaken during the bird-nesting season (1st March to 31st August inclusive) unless the area has been first checked no more than 3 days prior to clearance by a qualified ecologist to determine the location of any active nests

28b) If nests are discovered by the ecologist, they should be cordoned off by a minimum 5m buffer until the end of the nesting season or until the birds have fledged.

Reason: To conserve local bird populations and to comply with NPPF15, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

29. The development shall be constructed to meet the following minimum security measures and thereafter retained for the life time of the development:

- The design of the building shall prevent features which aid scaling, or climbing.
- LED lights with daylight sensors to the walls of buildings in particular at entry and exits
- Monitored alarm systems or CCTV
- All perimeter windows shall be independently certificated to BS 7950 Windows of Enhanced Security or LPS 1175 SR 2 or 3 as well as the relevant performance standard.
- All ground floor and vulnerable windows shall use minimum 6.8mm laminated glazing.
- Sills shall be steeply angled to prevent them being used as climbing aids, seats or litter points.
- All windows shall be fitted with restrictors.
- Glazing and glazing sizes shall to be kept to the minimum compatible with requirements of lighting, surveillance and visibility.

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

30. Japanese knotweed and Cotoneaster shall be treated in accordance with recommended guidelines as prescribed by the Environment Agency.

Reason: To ensure the satisfactory implementation of the development.

31. The quantum of developable gross floor area shall not exceed 57,575 square meters in total and the ratio of the B2/B8 land use split for the main body of the site shall be set a 55/45 respectively.

Reason: To accord with the submitted Transport Assessment parameters determined by the potential traffic impact on the local highway network and upon which the development has been assessed.

Notes for Applicant

1. Water discharges from the development to the adjacent canal, including any continued use of existing discharges, as it may be necessary to obtain a fresh agreement from the Trust to do so. Please contact Joanna Bryan, Utilities Surveyor, at Joanna.Bryan@canalrivertrust.org.uk in the first instance.
2. All land ownership matters relating to the development and to ensure all necessary commercial agreements with the Trust are in place. Please contact Jeff Peake, Estates Surveyor, at Jeff.Peake@canalrivertrust.org.uk

3. The applicant/developer is advised to contact the Canal & River Trust in order to ensure that any necessary consents are obtained and the work Shomsur Khan, Works Engineer in the first instance on Shomsur.Khan@canalrivertrust.org.uk
4. 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.
5. The applicant will be expected to either enter into an agreement under S38 or S278 of the Highways Act 1980 with the Highway Authority for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team at Stephen.Pittaway@walsall.gov.uk.



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 29 April 2021

Plans List Item Number: 2

Reason for bringing to committee

Major application and Section 106 Agreement

Application Details

Location: BROADWAY NORTH RESOURCE CENTRE, BROADWAY NORTH, WALSALL, WS1 2QA

Proposal: ERECTION OF 14 NO. DWELLINGS, ALTERATIONS TO EXISTING ACCESS AND ASSOCIATED WORKS.

Application Number: 21/0006

Case Officer: Fiona Fuller

Applicant: Cameron Homes

Ward: Paddock

Agent: CT Planning

Expired Date: 16-Apr-2021

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

Time Extension Expiry:

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and entering into a Section 111 and Section 106 Planning Obligation to secure an Urban Open Space Contribution and landscape management in perpetuity and subject to:

- No objections from the Lead Local Flood Authority;
 - Submission and agreement of additional ground contamination and noise impact information;
 - No objections from Pollution Control; and
- The amendment and finalising of conditions.



Proposal

This application seeks full planning permission for the erection of 14 no. dwellings, alterations to existing access and associated works at the site of former Broadway North Resource Centre, Broadway North, Walsall.

The proposed dwellings have been designed as 14 detached buildings using the following 6 house types:

- Ferrers- 5 bedrooms in the pitched roof, pitched/ gable end design/ mono pitched roof porch with an integral garage.
- Honeysuckle – 4 bedrooms with pitched features storey design and detached garage
- Kelmscott – 5 bedrooms with a pitched roof, gable end and garage
- Sanderson – 5 bedrooms with a pitched roof, pitched features with gable ends and detached garage
- Warwick – 5 bedrooms with hipped roof and front pitched design and integral garage.
- Worcester - 5 bedrooms with a pitched roof, pitched features with gable ends with integral garage

The proposed dwellings will be constructed from materials which will be decided between the applicant and LPA with pitched features and simple projecting mono pitched roof above the entrance. The garden fences, including access gates are designed to be 1.8m high around the edges of the site including high planting.

The car parking arrangements show two car parking spaces to the front or the side of each dwelling in addition to a mix of integral and detached garages.

The proposed garden sizes range from 166sq.m to 451sq.m.

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

- Arboricultural Impact Assessment & Preliminary Method Statement – dated November 2020
- Design and Access Statement - received 15th January 2021
- Drainage Strategy - dated 16th December 2020
- Ecological Appraisal- dated December 2020
- Ground Investigation Report – dated 10th November 2020
- Report: Assessment of Noise from external Sources – dated December 2020
- Planning Statement – dated 22nd December 2020

Site and Surroundings

The site has been cleared of buildings and previously included the former Broadway North Resource Centre which has been demolished in 2020 pursuant to an application for prior notification (app no. 19/1340).

A number of large trees are located within the site, larger to the front and southern boundary which are not protected. A woodland, which is understood to be the subject of a woodland Tree Protection Order, is located off site and adjacent the western site boundary with three storey apartment blocks beyond. The site is otherwise relatively open with areas of grassland and a former driveway.

To the north of the site, immediately abutting the site boundary is a two storey detached dwelling of post-war design. This style, size and type of housing prevails to the east and

north of the site which is typically characterised as suburban housing set within spacious plots behind front driveways. Broadway North is tree lined with wide footways reinforcing the suburban 'leafy' character of the area.

To the south of the site is the car park serving the Broadway Toby Carvery restaurant and, to the southwest, the largely single storey former BUPA Mali Jenkins Care Home which is currently vacant.

The site is not allocated for any particular use within the Council's adopted Site Allocation Document.

Relevant Planning History

BC54803P – Extension to provide new entrance to mental health wing - Approved 22nd June 1998

19/1340 – Prior Notification for Demolition. Prior Approval Not Required. 19th November 2019

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- NPPF 2 – Achieving sustainable development
- NPPF 4 – Decision Making
- NPPF 5 – Delivering a sufficient supply of homes
- NPPF 9 – Promoting sustainable transport
- NPPF 10 – Supporting high quality communications
- NPPF 11 – Making effective use of land
- NPPF 12 – Achieving well-designed places
- NPPF 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF 15 – Conserving and enhancing the natural environment

On planning conditions the NPPF (para 55) says:

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

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

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

Reducing Inequalities

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

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic.

We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.6 to 3.8 Environmental Improvement
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- 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
- T1 - Helping People to Get Around
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces

Black Country Core Strategy

- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth

- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- HC1: Land allocated for New Housing Development
- OS1: Open Space, Sport and Recreation
- EN3: Flood Risk
- EN4: Canals
- T2: Bus Services
- T4: The Highway Network
- T5: Highway Improvements

Supplementary Planning Documents

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability

- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

Appendix D: 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. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above (this standard will be applied more robustly at the rear than across roads at the front), 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20 sq. metres useable space per dwelling where communal provision is provided.

Open space, sport and recreation

- OS1: Qualifying Development
- OS2: Planning Obligations
- OS3: Scale of Contribution
- OS4: Local Standards for New Homes
- OS5: Use of Contributions
- OS6: Quality and Value
- OS7: Minimum Specifications
- OS8: Phasing of On-site Provision for Children and Young People
- Section 5 – Mitigation and Compensation:
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Consultation Replies

Archaeology - No archaeological implications and no objection.

Design Council – No comments received.

Western Power — No comments received.

Economic Regeneration — No comments received.

Historic England – No comments to make.

Environmental Health — No comments received.

West Midlands Fire Service – No objection and offered fire preventative informative.

Lead Local Flood Authority – No comments received.

Friends of The Earth – No comments received.

Housing Standards – No adverse comments

Housing Strategy – Preference for a higher density of development including 2 and 3 bedroom starter homes

Natural England – No objection and offered informative.

Network Rail – No comments to make.

Public Lighting - No comments received.

RSPB – No comments received.

Severn Trent Water – No objection subject to a drainage condition being imposed.

Clean and Green – Support and offered suggestion regarding bin collection.

Community Safety Team – No comments received.

Highways England – No objection

Designing Out Crime – No objection and offered security measures informative.

Strategic Planning Policy – Support

Local Highway Authority – No objection subject to conditions to secure highway improvements, provision of parking and vehicle access and a Construction Methodology Statement.

Education Walsall - No comments received.

Walsall Healthcare NHS Trust – No comments received.

Public Health – No comments received.

Waste Management - No comments received.

Road Works Management – No comments received.

Transport for West Midlands — No comments received.

Pollution Control – No objection subject to conditions regarding acoustic insulation, air quality and a Construction Management Plan.

Area Partnership - No comments received.

Wildlife Trust - No objection subject to an ecological condition being imposed.

Tree Preservation Officer - No objections subject to tree protection and landscaping conditions including re-planting of trees.

Representations

87 neighbours were notified via letter, press advert and site notice about the planning application. There were 7 letters received (1 duplication). (*Officer comments in brackets and italics*)

This is a summary of the representations received:

- Concerned by the amount of dwellings being erected.
- Concerned by the amount of traffic generated from the development onto the Broadway North/ Broadway North is a busy road/ traffic is a serious issue/volume of traffic on Broadway into the development/ will be major safety hazard.
- Seeks reassurance that no vehicles will have a direction from Toby Carvery towards Walsall Town centre from turning into the drives of properties directly opposite the new housing.
- Impacts on neighbours privacy / overlooking / increased noise and activity from adjoining gardens.
- Affects right to light / loss of light to neighbours bedroom windows (*Right to Light is a private matter and is not a material planning consideration*).
- Impacts on the character of neighbour's property.
- Demolition of the Broadway North caused noise/ dust caused disturbance / intrusion. No compensation was offered/ doesn't wish this to happen again (*demolition is not a material consideration for this current planning application*).
 - The objector would like confirmation of the hours of operation to protect their home from increase dust/ noise disturbance.
 - Negative impact on the valued qualities (*the case officer is unable to ascertain whether the objector is making a material or non-material planning consideration issue*)
 - Confirmation boundary fence will not change/ altered and how fence would be maintained.
 - Removal of a hedge / fence across multiple home-owner gardens and impacts on existing character of gardens.
 - The configuration of the dwellings is acceptable /'pleasing.'
 - Trees with TPO will be maintained – what will happen to the other trees removed to ensure the integrity on the site/ trees will be replaced.
 - The objector didn't oppose the demolition of the GP surgery because it would serve the local community/ what happened to the surgery plans/ community use (*this current planning application makes it clear that the intention is to develop this site for residential use*).
 - The land would be sold for profit/ developer sold land (*this is not a material planning consideration*).
 - A resident wishes to purchase one of the properties (*this is not a material planning consideration*)

Determining Issues

The following matters are considered to be appropriate in the consideration of the application:

- Principle of development
- Sustainability Assessment of the Proposal
- Design, character and layout
- Amenity of neighbours and intended occupiers
- Site Access, Highways and Parking Considerations
- Flood risk and drainage
- Ground Conditions
- Ecology
- Impact on the Natural Environment and TPOs

- S106 Obligation Requirements
- Local Finance Contributions

Assessment of the Proposal

Principle of development

The National Planning Policy Framework sets out a clear presumption in favour of sustainable development referring (at paragraph 14) to this being a 'golden thread running through both plan-making and decision-taking'. It notes that, for decision takers, this means approving development proposals that accord with the development plan. Section 6 of the National Planning Policy Framework for housing specifically states in para 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Walsall's Unitary Development Plan reconfirms the guidance as contained in the National Planning Policy Framework on sustainable development. Whilst this site is not allocated for any specific use, it is located in a predominantly residential location and in a sustainable location with good links to public transport and access to services and facilities.

BCCS Policy HOU2 states that all developments will aim to achieve a minimum net density of 17 dwellings per hectare. The provision of 14 dwellings in the current proposal would equate to a density of 17 dwellings per hectare so would remain acceptable under this policy.

The proposal would also bring previously developed land back into a positive use which is encouraged by local and national planning policies and guidance.

Whilst the Council's Housing Strategy Team stated their preference for a higher density of development to include smaller starter homes, BCCS policy HOU2 usually seeks a mix of house sizes for development over 15 dwellings which does not apply to this current proposal and there is no policy basis to require such a mix in this instance. Planning Policy do not object to the proposal.

The principle of development is considered acceptable subject to all other material considerations set out in this report.

Sustainability Assessment of Proposal

The National Planning Policy Framework provides (para 187) that '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.'

In relation to paragraph 7 of the National Planning Policy Framework, the proposal is likely to contribute to a strong, responsive and economy through the creation of construction and related jobs and ongoing contribution to the local economy from the creation of up to 14 additional households in the area.

The proposal would contribute towards providing the supply of housing required to meet the needs of the present and the future generations in the area and by having the potential to create high quality built environment.

Overall, the proposal is considered to represent sustainable development.

Design, Character and Layout

Walsall's Unitary Development Plan states that development will be of a high quality design that respects local distinctiveness, enhancing the character and appearance of the area. It states that within settlement limits proposals will be supported where they do not have a negative impact on the character and appearance of the surrounding locality. Walsall's Unitary Development Plan states all proposals should maintain or enhance the character of the surrounding area and should respect the scale and density of surrounding development. The existing surrounding buildings all generally have brick a façade and are predominantly two storey in height and comprise traditional property styles

An objector raised concerns on the grounds of distance and design of the proposed development. However the proposed plans and the supporting documents indicate that the design of the local setting has been taken into consideration. The LPA considers that the proposal has taken into account local characteristics in its design and layout and would be of a high quality design which would help to enhance the locality. Conditions would be included on any permission to secure the use of appropriate external materials.

Amenity of neighbours and intended occupiers

Objections were received from seven neighbours on the grounds of overlooking and loss of privacy, noise, traffic/ highway issues, impact on residential and visual amenity issues.

Plots 7 to 10 provide a distance of around 13m between rear elevations and the shared boundary to the west with nearest occupiers of Loriners Grove apartments a further 50m beyond a mature wooded area along the boundary. No adverse impacts to these neighbours amenity would arise.

Plots 5 and 6 provide between 9.1m and 9.5m to the shared boundary with No. 158 Broadway North to the north and this is considered would not result in significant loss of privacy or additional overlooking to this neighbours rear garden area. This also reflects the local context, in particular with properties along Lincoln Road to the north which overlook the garden of No.146 Broadway at short distances.

Plot 1 is set just over 10m away from the nearest side elevation of No.158 which this neighbour states includes 2 side facing bedroom windows. It is unclear whether these windows both serve the same bedroom, or whether they are secondary windows. Whilst this falls slightly below the recommended 13m, this separation is considered would provide sufficient opportunity for natural light to reach these windows and to retain an overall satisfactory level of outlook to this neighbour. No habitable side facing windows are proposed in Plot 1 and conditions would be included to ensure the side facing bathroom / en-suite windows are obscure glazed and non-opening to safeguard neighbours amenity. Noise arising from use of the proposed residential gardens would reflect that of the locality and would not warrant a refusal.

Plot 10 would be sited 1.4m from the southern boundary adjacent to the vacant Mali Jenkins building which does not contain any residential use and this relationship is therefore considered acceptable in this instance.

In terms of future intended occupiers of the development itself, the layout provides plot orientations which achieve the necessary 24m separation between habitable windows with the exception of Plots 4 and 11 which is 15m. On balance, due to this relationship being across the access road and would be 'bought as seen' by future occupiers, this is considered to provide an acceptable level of amenity in this instance.

The proposed garden sizes exceed the recommended minimum standard and reflect the local character of the area and are acceptable. Conditions to secure acoustic glazing and ventilation to some of the plots would be added as a condition in line with Pollution Control recommendations.

Also, the proposed 1.8m high fence and hedgerow which further reduces impacts to amenity of neighbouring properties.

With regards to highways/ traffic issues. The highway (transportation) team were consulted and raised no objection was raised subject to conditions being imposed.

Furthermore, with regards to noise, a construction management plan will be secured to minimise any noise issues whilst the development is being constructed.

The proposal is considered unlikely to result in undue noise and disturbance for neighbouring residents over and above the existing situation.

Site Access and Highways

Walsall's Unitary Development Plan requires vehicular access into and out of the site to be safe and an assessment made as to whether the existing local roads can suitably accommodate the impact of the proposal, whether adequate parking and turning spaces exist within the site and that the needs of pedestrian and cyclists have been met. This policy is considered to carry significant weight in the determination of the application as it complies with paragraph 32 of the National Planning Policy Framework which requires all schemes to provide safe access for all.

The provision of the access route onto the Broadway North will give further easy, quick, safe and generally sustainable vehicular access onto Broadway North for destinations further afield or into the town centre.

The Highway Authority were consulted and recommends a revised layout to provide a refuse bin collection point within 25m of the main carriageway of Broadway North, minimum 1.2m wide segregated pedestrian footway and conditions to secure highway improvements, provision of parking and vehicle access and a Construction Methodology Statement. No further comments have yet been received, and will be provided in the Supplementary Paper, or could be dealt with under delegation back to the Head of Planning and Building Control as set out in the officer recommendation.

Flood Risk/ Drainage

Paragraph 100 of the National Planning Policy Framework makes it clear that inappropriate development in areas of flood risk should be avoided by directing development away from areas of highest risk. This carries significant weight in the determination of this application.

The site is located within Flood Zone 1, the lowest area of flood probability. A surface water drainage scheme has been provided and comments are being sought from the Lead Local Flood Authority on its acceptability. No comments have yet been received, and will be provided in the Supplementary Paper, or could be dealt with under delegation back to the Head of Planning and Building Control as set out in the officer recommendation.

Severn Trent Water has advised that they are satisfied with the drainage strategy which would be secured by condition.

Ground Conditions

As the site will likely require gas and contamination protection, any planning permission will remove permitted development rights in order to control future developments (extensions) on the site.

The site is next to a very busy restaurant, Toby Restaurant, which has increased in popularity.

In particular, Plots 10 to 14 are particularly close. It is noted that attention to the boundary treatment is made in order to mitigate against any noise or odours emanating from the public house. The proposed mitigation measures have been incorporated into the development (acoustic glazing and ventilation), including garden areas (e.g. close-boarded fencing or acoustic fencing), which can be conditioned to remain for the life of the development. It is considered these conditions would meet the 6 tests

The site is bordered by existing residential development, site reclamation and construction activity is likely to have an impact on these properties. In order to address this conditions would be recommended that meets the 6 tests.

Ecology

On receipt of the report, the Black Country Wildlife Trust was consulted and raised no objection subject to a an ecological planning condition being imposed to ensure that these measures are undertaken as part of the development.

Impact on the Natural Environment and TPOs

The site has recently had approximately 40 individual trees removed to ground level along with 2 small groups of trees. The tree report that accompanies the application by Helicopter Trees states that the majority of them were in fair to good condition, the tree report further states that 2 of these trees were categorised under 'BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations' as 'A' which are trees of high quality and 10 of the trees were categorised as 'B' which are trees of moderate quality, normally you would expect some consideration be given to retaining such trees within any proposed development. The remaining trees were categorised as 'C' which are trees of low quality and they would not normally prove to be a constraint.

The removal of all the trees on site has effectively removed all tree constraints and therefore any possible arboricultural objections to the proposed site layout as indicated on site layout drawing no. 2258-03 Rev. F.

There is a woodland to the west of the site protected by a TPO, however, as long as the recommendations in the tree report and the Tree Protection Plan drawing no. D17236-03 are implemented then there should be no detrimental impact to these protected trees. A landscape scheme to mitigate for the loss of trees on this site would be secured by condition in line with the recommendations of the Tree Officer.

Section 111 and Section 106 Obligation Requirements

The development of 14 houses falls below the size threshold to require affordable housing. A contribution to off-site open space would however be required in accordance with BCCS Policy DEL1, Saved UDP Policies GP3 and LC1, and the Open Space SPD.

Based on the proposed development and the Council's ready reckoner, the urban open space contribution required is £64,789. The nearest Urban Open Spaces is Walsall Arboretum Park, which is 178 metres away a metres away from the site.

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 following statutory tests to make the development acceptable in planning terms:

- 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.

These tests are set out in The Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 and National Planning Policy Framework paragraph 56.

Based on the three tests in the legislation, it is considered that an urban open space contribution is considered necessary to make the development acceptable in planning terms. Members would be consulted to determine the specific area(s) for the contribution to be used towards.

The provisions of an in perpetuity Management Strategy for the areas of landscaping within the development site would be required.

The applicant has agreed to the above provisions, including a Section 111 Agreement as the site is currently under Council ownership.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing. This application proposes 14 new homes.

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

Conclusions and Reasons for Decision

The development is considered to be in accordance with the local plan and the NPPF. The proposal would introduce new houses.

The proposed development will contribute to the housing targets for Walsall Council and is not considered to have any significantly adverse impact on the character of the area, residential amenity or community and highway safety. Taking into account the above factors it is considered that the application should be recommended for approval.

It is considered there are no adverse impacts that would significantly or demonstrably outweigh the benefits of delivering up to 14 houses in this location. Hence, in this instance the presumption in favour of sustainable development is considered to apply in accordance with the National Planning Policy Framework and most importantly supported by Local Plan.

Positive and Proactive Working with the Applicant

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

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and entering into a Section 111 and Section 106 Planning Obligation to secure an Urban Open Space Contribution of £64,789 and landscape management in perpetuity and subject to:

- No objections from the Lead Local Flood Authority;
- Submission and agreement of additional ground contamination and noise impact information;
- No objections from Pollution Control; and
- The amendment and finalising of conditions.

Conditions and Reasons

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 plans and documents: -

- Design and Access Statement – received 15th January 2021
- Application Form – dated 22nd December 2020
- Arboricultural Impact Assessment & Preliminary Method Statement – dated November 2020
- Drainage Strategy dated – 16th December 2020
- Ecological Appraisal - dated December 2020
- Ground Investigation Report – dated 10th November 2020
- Drawing No. 2258-01-LOCATION PLAN – Title: Location Plan – dated - 08/12/20
- Report: Assessment of Noise from external Sources – dated December 2020
- Notice One – dated – 21/ 12/2020
- Planning Statement – dated 22nd December 2020
- Drawing No. 2258 – FERRERS – Title: House Type Ferrers - 2334 sqft Planning Drawing –dated 02/12/20
- Drawing No. 2258 – HONEYSUCKLE – Title: House Type Honeysuckle - 1833 sqft Planning Drawing – dated - 02/12/20
- Drawing No. 2258 – KELMSCOTT – Title: House Type Kelmscott - 2193 sqft Planning Drawing – dated - 02/12/20
- Drawing No. 2258 – SANDERSON – Title: House Type Sanderson - 2061 sqft Planning Drawing –dated 02/12/20
- Drawing No. 2258 – WARWICK – Title: House Type Warwick - 2164 sqft Planning Drawing – dated - 02/12/20
- Drawing No. 2258 – WORCESTER – Title: House Type Worcester - 2146 sqft Planning Drawing – dated - 02/12/20
- Drawing No. 2258-11-STREETSCENE – Title: Proposed Streetscene (Rev B) – dated 03/12/20
- SCHEDULE OF SUBMITTED DOCUMENTS – dated 22 December 2020
- Drawing No. 2258-03-SITE LAYOUT – Title: Proposed Site Layout (Rev G) – dated 03/12/20
- Drawing No. SK02 – Title: DEVELOPMENT ACCESS -VEHICLE SWEPT PATH – dated -15/12/20
- Drawing No. SK03 – Title: DEVELOPMENT LAYOUT - VEHICLE SWEPT PATH – dated - 15/12/20
- Drawing No. 2258-02-TOPO SURVEY – Title: Topographical Survey – dated - 03/12/20
- BROADWAY NORTH CENTRE: BS5837 TREE SURVEY - Date: September 2020

- Drawing No. SK01 – Title: DEVELOPMENT ACCESS ARRANGEMENTS-dated -15/12/20
- Drawing No.20-051/502B – Title: Engineering Appraisal -dated –Sept 2020

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

3a. Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

3b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house;

- Class A (enlargement, improvement or other alterations),
- Class B (additions to the roof),
- Class C (other alterations to the roof),
- Class E (building incidental to the enjoyment of a dwelling house),
- Class F (hard surfaces incidental to the enjoyment of a dwelling house),

shall be installed in any part of this development.

Reason: To protect future occupiers from potential gas ingress and to safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2, ENV32 and ENV10 of the Walsall Unitary Development Plan.

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

5b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Reason: To ensure the safe and satisfactory operation of the development and in accordance with UDP Policy GP2.

6. The development shall be constructed to meet the following minimum security measures and thereafter retained for the life time of the development:

- Security for residents particularly when entering and leaving.
- External LED lights with daylight sensors to all external doors, including the front and rear walls of houses/lighting to side aspects where there is a driveway.
- Alarm and CCTV installers should be approved by NSI, SSAIB or both.
- Active windows are advised to side driveway aspects for natural surveillance.
- PAS 24: 2016 standard doors for houses and apartments.

Reason: To ensure the safety and security of the development itself and the safety and security of patients, visitors and employees in accordance with Saved Policy GP2 of the

Unitary Development Plan, DW2 of the Designing Walsall SPD and the National Planning Policy Framework.

7. The recommendations and guidelines as detailed in the Arboricultural Impact Assessment & Preliminary Method Statement by Helicopter Trees Professional Arboricultural Consultancy report no.HTL17236-A dated November 2020 (including Tree Protection Plan drawing no. D17236-03 dated 24/11/20), shall be fully implemented and the tree protection fencing erected prior to the commencement of any works on site and retained until the completion of development.

Reason: To safeguard the trees protected by Tree Preservation Order adjacent the site to the west and other trees adjacent the site to the north, east and south.

8. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority to include replacement trees. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

9. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and document -

Ecological Appraisal- dated December 2020

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

10 i) 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 on the site and a timetable for their implementation shall be submitted in writing to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

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

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

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

v) The development shall not be carried out otherwise than in accordance with the approved Remediation Statement.

Reason: To ensure safe development of the site and to protect human health and the environment. In addition, to meet the requirements of the National Planning Policy Framework (2019) 170 and 178 and in compliance with Policies GP2 and ENV32 of the UDP.

11 i. Prior to the first occupation of the development hereby permitted acoustic glazing with a minimum apparent sound reduction property of R'w 38 dB shall be installed to properties fronting Broadway North (plots 1, 2, 3, 13 and 14).

ii. Prior to the first occupation of the development hereby permitted acoustic ventilation with a minimum apparent sound reduction property of Dn,e,w 38 dB in the open position shall be installed to properties fronting Broadway North (plots 1, 2, 3, 13 and 14).

iii. Prior to the first occupation of the development hereby permitted a written Validation report to confirm compliance with parts (a) and (b) of this condition shall be submitted in writing to the Local Planning Authority.

iv. No acoustic insulation, glazing or ventilation shall be installed otherwise than in accordance with parts (a) and (b) of this condition. The approved acoustic insulation, glazing and ventilation shall be maintained for the lifetime of the development

Reason: In order to protect the amenities of the future occupiers of the premises and in compliance with Policies GP2 and ENV32 of the UDP.

12. i. Prior to the development being brought into use an Air Quality Low Emission scheme to install electric-vehicle charging points that has been agreed in writing with the Local Planning Authority shall be fully implemented. This scheme shall be in accordance with the Black Country Air Quality Supplementary Planning Document.

ii. Prior to the development being brought into use a written Low Emission Scheme Validation Statement shall be provided to the satisfaction of the Local Planning Authority that demonstrates the agreed Air Quality Low Emission Scheme has been installed.

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

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

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
- xiii. ADD re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc.

(13)b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and

the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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

14. Notwithstanding the details submitted of the development hereby permitted and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, the proposed en-suite and bathroom side facing windows in all plots within the hereby permitted development shall be obscure glazed to Pilkington (or equivalent) privacy level 4 and there shall be no opening parts lower than 1.7metres from the floor level of the rooms they serve and the windows shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the neighbours and to comply with saved policy GP2 of the Walsall Unitary Development Plan.

15. Prior to the first occupation of any dwelling on the development, all of the required highway works on Broadway North to facilitate safe access to the development shall receive technical approval and be fully implemented to the satisfaction of the Highway Authority. The works shall include;-

- i) Modification of the central lane hatching to facilitate a right turn lane,
- ii) A central island pedestrian refuge with tactile paving,
- iii) The removal of any redundant existing signage.
- iv) Modification of the existing dropped kerb access to align with the new access road as necessary.

The relocation of the existing street lighting column to accommodate the access widening works shall be with the agreement in writing with the Local Planning Authority.

Reason: To ensure the safe and satisfactory operation of the development in accordance with UDP Policy GP2, T4 and in the interests of highway safety.

16. a) Prior to the first occupation of any dwelling on the development, the access road and the parking and vehicle manoeuvring areas serving that dwelling shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or adoptable highway or into any highway or adoptable highway drain.

16.b) These areas shall thereafter be retained and used for no other purpose.

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

17. a) Prior to the commencement of the development, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority including detailing;-

i) where the parking and turning facilities for site operatives and construction deliveries will be located,

ii) full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

17.b) 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.

Notes for Applicant

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to enter into an agreement under S38/S278 of the Highways Act 1980 with the Highway Authority for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team at Stephen.Pittaway@Walsall.gov.uk

Clean and Green

All properties will require a 140ltr grey bin for general waste and a 240ltr green bin for recycling. All bins should be presented at the edge of each property on the day of collection.

West Midlands Fire Service

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. fight fire.
- c. Provision for internal fire facilities for firefighters to complete their tasks.
- d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

Natural England:

England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Severn Trent Water

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

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

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

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

West Midlands Police

The close environment with no through route will assist security.

Alarms and lighting will be important.

There should be open frontages for natural surveillance.

Secure rear gardens, locking side gates located as close to the front building line as possible.

There is little reference to crime in the design and access statement, and planning statement

External LED lights with daylight sensors to all external doors, including the front and rear walls of houses.

This to provide security for residents particularly when entering and leaving. (SBD Homes 2016 page 40 25.2).

Similar lighting to side aspects where there is a driveway.

Active windows are advised to side driveway aspects for natural surveillance.

Alarm and cctv installers should be approved by NSI, SSAIB or both.

Please see <https://www.nsi.org.uk/> and <https://ssaib.org/>
I would recommend security using the principles of Secured By Design.
Below is a link to secured by design guides, including Housing, police approved crime reduction information.
<https://www.securedbydesign.com/guidance/design-guides>

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

Please see :
https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NE_W_version_2.pdf

Dwelling entrance door-sets (SBD Homes 2019 page 29, 21.1-8).
PAS 24: 2016 standard doors for houses and apartments.
Please see: <https://www.securedbydesign.com/guidance/standards-explained>
For garage / house security.
<https://www.securedbydesign.com/member-companies/accredited-product-search>
Where integral doors exist house to garage ensure security.
Consider combined fire and security door-sets. See attached door-set brochure.

Contaminated Land

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2018; British Standard BS10175: 2011 +A2:2017 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); Land contamination risk management (LCRM) or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

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

CL3

Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority. For example, photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported 'clean cover' materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing should be included in

validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

END OF OFFICERS REPORT



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 29 April 2021

Plans List Item Number: 3

Reason for bringing to committee

Called in by Councillor K Hussain on the grounds that delicate judgement is required and the benefits of the proposed facility outweigh the reasons for refusal and the impact on neighbouring properties is not significant enough to refuse the planning application

Application Details

Location: LAND REAR OF 14-18 MOAT ROAD, WALSALL, WS2 9PJ

Proposal: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A TWO-STOREY BUILDING FOR RESIDENTIAL PURPOSES WITH 13 EN-SUITE BEDROOMS AND ASSOCIATED FACILITIES INCLUDING KITCHENS, LAUNDRY AND LIVING AREAS, TRAINING ROOM AND OFFICE, CHILDREN'S PLAY ROOM, COMMUNAL GARDEN WITH ASSOCIATED ACCESS AND PARKING (SUI GENERIS).

Application Number: 20/1655

Case Officer: Helen Smith

Applicant: Mr Ramzan Sharif

Ward: Pleck

Agent: Mr Graeme Thorpe

Expired Date: 15-Feb-2021

Application Type: Full Application: Minor Use Class Sui Generis

Time Extension Expiry: 01-Mar-2021

Recommendation

Refuse



Proposal

The proposal is for the demolition of existing buildings and erection of a two-storey building for residential purposes with 13 en-suite bedrooms and associated facilities including kitchens, laundry and living areas, training room and office, children's play room, communal garden with associated access and parking (sui generis).

This would be a back land development to provide accommodation for 13 adults and 16 children. The submitted supporting details explain the proposal would be used as a women's refuge. The existing buildings on the site would be demolished to accommodate the new building and parking and landscaping provided.

The two storey building would have a gable room with a two storey front gable feature and there would be a single storey front extension with a pitched roof. Front, side and rear facing habitable room windows are proposed.

The key measurements of the proposed new building are;

- Ground floor area of 236 sq. metres
- First floor area of 216 sq. metres
- 5.3 metres high to the eaves
- 8.5 metres high to the main ridge reducing to 7.3 metres high.

The proposed development would include the following;

- 11 en-suite bedrooms to provide accommodation for one adult and one child in each room
- 1 en-suite family room to accommodate 1 adult and 3 children
- 1 en-suite room to accommodate 1 adult and 2 children
- Office
- Training room
- 2 no. shared kitchens
- Lounge area
- Laundry
- Play Room

5 off-street parking spaces are proposed along with a cycle store to the front of the new building. A gated communal amenity area of 178 sq. metres is proposed located to the rear of the building which would be 3.5 metres deep. The amenity space abuts the rear boundaries of residential gardens serving no's 68 to 76 Drayton Street.

A new 1.2 metres wide footpath is proposed for the entrance drive with a pedestrian gate along with separate vehicular access gates set back 5 metres from the highway. Pedestrian access between 12 and 14 Moat Road to the first floor flats above 14 to 18 Moat Road would be maintained. A bin storage area would be installed adjacent to the entrance gates and two seating benches next to the cycle store.

The proposal states that a maximum of 3 full time equivalent staff members and 1 children's worker would be on site at any one time. Staff hours are proposed to be 09:00hrs to 17:00hrs daily on site. The site will operate an on call system where any resident can call the on-call member of staff should it be required outside the hours of 09:00hrs to 17:00hrs.

Should there be a placement of a new resident outside of the hours of 09:00hrs to 17:00hrs a staff member will be on-site outside of these hours. The planning statement says that from the operators existing experience this will be required on minimal occasions.

The application is supported by the following documents;

- Design and Access Statement
- Planning Statement and Site Management Plan
- Phase I Site Appraisal
- Transport Statement
- Letter of Support from organisations acknowledging the need for such provision in the borough.

Pre-application advice was provided by officers in respect of a proposed 20 bedroom refuge hostel and advice provided that the site location was considered cramped and out of character with the surrounding area and was unlikely to be supported.

Site and Surroundings

The site is a vacant yard once used by a felt roofing company located to the rear of shops and houses. Access to the site is via a driveway located between 18 and 22 Moat Road. The total area of the site is approximately 0.078 ha

There is an existing part two and part single storey building in the yard with a separate single storey garage to the rear of the main building. The site is mostly hard surfaced and surrounded by brick boundary walling.

Moat Road has a mixed character of terraced residential properties facing the car park serving Walsall Manor Hospital. No's 14 to 18 Moat Road are commercial/retail units at ground floor with residential accommodation at first floor accessed from the rear via an external staircase. The application advises that these residents use on street parking as the flats do not have designated parking.

Parking along this part of Moat Road is for permit holders only and the entrance to this site has double yellow lines. The opposite side of the road has double red lines with no parking permitted.

There are residential properties to the North, East and South of the application site. Houses to the north and south of the application site have rear private gardens which share common boundaries with the application site. Habitable room window to window separation distances exceed 24 metres between existing residential dwellings and the proposal.

The site lies within Flood Zone 1 and is within a designated Coal Development Low Risk Area.

Relevant Planning History

16 Moat Road

04/1545/FL/W7 – Change of use to Café– refused permission on 30/09/04 because of a lack of off-street parking and impact of odours on residential properties.

BC33530P - Display of 1 No. Fascia & 1 No. Projecting Illuminated Sign – advert consent granted 09/08/91

14, 16, 18 Moat Road

18/0559 – Two Bed Flat – Incomplete application

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

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

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

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.9 Derelict Land Reclamation
- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users

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

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing
T4: The Highway Network

Supplementary Planning Documents

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

Clean and Green, Waste Management – No objections and have commented that the development would be entitled to 1 x 360ltr bin for waste and 1 x 360ltr bin for recycling and these would need to be presented for collection near the highway by occupiers.

Fire Officer – No objections subject to compliance with Approved Document B, Volume 1, Dwellings, 2019. An informative note can be included, if approved.

Housing Standards – Concerns raised in respect of the size of kitchens for 27 residents and this property will need a HMO licence and will need to comply with Walsall Council HMO Standards.

Lead Local Flood Agency – No objections and have provided their standing advice for low risk of flooding.

Local Highway Authority – No objections subject to the inclusion of planning conditions in respect of access, parking, manoeuvring areas, surfacing and construction methodology, if approved.

Police Architectural Officer – No objections and have provided details of recommended security for the proposal, if approved.

Pollution Control – No objections subject to the inclusion of planning conditions in respect of contaminated land, air quality, construction management and acoustics if approved.

Severn Trent Water – No comments received

Strategic Planning Policy – concerns raised regarding the proposed living environment for residents.

Representations

(Officers' comments in italics)

Three neighbours have objected on the following grounds;

- Overlooking
- Parking
- Disturbance from building works
- No details on the type of people living in the accommodation (*Not a material planning consideration in this instance*)
- Noise and disturbance
- Visual impact on rear gardens from overbearing building
- Increase of traffic
- Value of homes impacted (*Not a material planning consideration in this instance*)
- Dust, heavy traffic and disturbance during construction

Determining Issues

- Principle of Development
- Character, Design and Layout
- Amenity of neighbouring Residents
- Ground Conditions
- Drainage
- Air Quality
- Acoustics
- Access and Parking
- Planning Obligations

Assessment of the Proposal

Principle of Development

The application seeks consent for a residential use on a former commercial site. The site sits within a well-established area consisting of a mix of residential and commercial properties with Walsall Manor Hospital car park opposite. The site is near to a bus route, and within easy walking distance of the centre of Walsall. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP in terms of sustainable transport and reuse of previously developed land.

Whilst reference is made in submitted documents, and in the consultation response from the Council's Housing Standards Team to a House in Multiple Occupation (HMO), the Local Planning Authority considers the proposal falls outside of a HMO use due to the provision of on-site training and office facilities and daily staff presence to support a residential use and is therefore a Sui Generis use. This application has been assessed on this basis,

The proposal is not considered to raise strategic planning policy issues.

Character, Design and Layout

The awkward shaped plot and proposed back land development with a narrow entrance drive is considered fails to respond to the local character by being out of keeping with the established pattern of settlement and surrounding land uses.

The largely two storey building would occupy almost the full width and depth of the site and would reduce space to the existing neighbouring dwellings resulting in a cramped and overbearing development which would have a detrimental impact on the visual relationship of the development with neighbouring dwellings and locality.

The site layout is cramped and is considered is likely to be overcrowded with limited secure private amenity space provided for occupiers of the development which includes children. The proposed opening up of the rear amenity space to the public and vehicular access adjacent to a residential property, 22 Moat Road, is considered will bring noise and disturbance to areas of garden land that would be to the detriment of neighbouring occupiers

The proposed private amenity space of 178 sq. metres for a total of up to 29 residents, which includes children, is considered to be inadequate provision and further demonstrates the overdevelopment of this site and the resulting poor living environment for future occupiers contrary to local and national planning policy and guidance.

The proposal is considered will provide very limited facilities for residents with two small kitchens to serve 13 adults and 16 children along with a small laundry, single lounge and small playroom. The Council's Housing Standards Team has concerns with this provision. The design and layout of the current proposal is considered fails to provide an adequate level of amenity for the proposed occupiers in this instance.

The proposed vehicular entrance with gates set back into the site to provide a pedestrian visibility splay between the adjacent buildings is considered would create a hiding place and may encourage anti-social behaviour or be a security risk for occupiers.

The Police Architectural Officer has provided security recommendations for the site should the proposal receive planning consent. Their recommendation includes Secured by Design, the use of toughened/6.8mm laminated glazing, trellis on top of fencing to provide an initial warning noise of any trespass night and day and rule setting for residents to ensure safety and security.

A planning condition could be included requiring refuse bins to be presented on the highway for collection on the required day, if approved.

The proposal for the reasons stated above is considered would have an unacceptable and detrimental impact on the character and appearance of the area.

Amenity of Neighbouring Residents

The proposed development is considered would have an overbearing and shadowing impact on neighbours' private rear gardens because of its close proximity to common rear boundaries and position to the south of houses fronting Drayton Street. First floor habitable room windows would result in unacceptable overlooking of private rear gardens at 68 to 78 Drayton Street and 22 and 24 Moat Road.

The separation distances between habitable room windows in neighbouring dwellings and the proposed development is considered would meet the aims and objectives of the Council's recommended separation distance of 24 metres referred to in Appendix D of Designing Walsall SPD.

The Planning Agent has made helpful changes to the accommodation arrangements to reduce the number of residents for each bedroom, introduce a second shared kitchen, laundry, lounge and play room for the children.

No details of any plant or equipment relating to the use of the kitchens, laundry, bathrooms and office such as extraction fans, air inlet, and air conditioning systems and whether noise will affect nearby residential properties.

Furthermore it is considered that opening up the rear amenity space to the number of residents proposed and the increased use of the vehicular access and new gates between nos 18 and 22 Moat Road will result in significant additional noise and disturbance to an area of garden land that would be to the detriment of neighbouring occupiers.

Given the proximity of residential dwellings and the road infrastructure, there is the potential for local environmental impacts from engineering and construction activities. All of these issues could be addressed by planning condition, if the application is approved, via a Construction Management Plan. Some disruption to residents during a construction project is likely however this is anticipated to be for a short period and a construction management plan would aim to minimise these impacts.

The Local Planning Authority considers that this proposal should be refused permission for the reasons set out above.

Ground Conditions

The Applicant has undertaken a Phase 1 investigation which recommends that an intrusive investigation to investigate contaminated land, ground gas, and geology is undertaken prior to commencement of any development.

Pollution Control officers concur with this recommendation and subject to planning approval will require the inclusion of planning conditions in respect of contaminated land requirements.

Drainage

Severn Trent Water have not provided any comments however if the planning application receives approval a planning condition would be included to require the submission of drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers.

The Lead Local Flood Agency have advised that as the ground floor area of the residential development does not exceed 1000m², and their records show the site to be at low risk of flooding, their Standing Advice in respect of surface and ground water has been provided.

Air Quality

The applicants will be required to agree and install an electric vehicle charging point in accordance with the requirements of the Council's Air Quality Supplementary Planning Document. This can be included in a planning condition if the application is approved.

Acoustics

To minimise vehicle noise from the access road upon neighbouring residential premises, Pollution Control Officers have advised that the applicant would need to install an acoustic boundary treatment.

This can be in the form of a wall or close-boarded fence or other solid material to be agreed in writing with the Local Planning Authority of at least 1.8 metre height, with a minimum superficial density of 10kg per metre squared, which is completely solid from base to top, if the application is approved.

Access and Parking

The Local Highways Authority has commented that 7 parking spaces are provided inclusive of 1 disabled space. As residents are unlikely to be car owners it is considered that the parking provision will mainly be for staff. There are expected to be around 3 staff on site at any one time. On this basis the level of parking provision is considered acceptable. The existing access to the site would be utilised.

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

Planning Obligations

If Members of this Planning Committee were minded to approve this planning application any necessary limitations on occupancy to define the permission i.e. women and their dependents, would require the completion of a Section 106 agreement.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the awkward shaped plot and proposed back land development fails to respond to the local character by being out of keeping with the established pattern of settlement and surrounding land uses. The development fails to demonstrate that there would be no harm to the amenity of the occupants of neighbouring buildings or the intended occupiers of the proposed accommodation. The design and layout of the current proposal is considered would provide a very poor living environment for potential residents. In addition, the proposal is considered would have an unacceptable loss of privacy and have an overbearing outlook for neighbouring residential properties.

As such the development is considered fails to meet the aims and objectives of the National Planning Policy Framework (para 127), policies CSP4, HOU2, ENV2 and ENV3 of the Black Country Core Strategy and saved policies GP2, ENV11, ENV14 and ENV32 of Walsall Unitary Development Plan, policy HC2 of Walsall's Site Allocation Document and Supplementary Planning Document Designing Walsall.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal.

Recommendation

Refuse permission

Reasons for Refusal

1. The awkward shaped plot and proposed back land development with a narrow entrance drive is considered fails to respond to the local character by being out of keeping with the established pattern of settlement and surrounding land uses and fails to provide a satisfactory residential environment with limited secure amenity space for potential future occupiers of the development. The proposal is therefore contrary to the aims and objectives of policies HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, and ENV32 of the Walsall Unitary Development Plan, policy HC2 of

2. The largely two storey building would occupy almost the full width and depth of the site on a constrained plot size when combined with the close proximity to neighbouring residential boundaries is considered would have an overbearing, overshadowing and detrimental impact on neighbours' existing privacy, amenity and outlook along with increased noise and disturbance to residents enjoyment of their private rear gardens. The proposal would be contrary to the aims and objectives of paragraph 127 of the NPPF, Policies HOU2 and ENV2 of the Black Country Core Strategy, policy HC2 of Walsall's Site Allocation Document, and saved UDP policies GP2, and ENV32 and Designing Walsall SPD.
3. The proposal fails to include information regarding plant associated with the kitchen or plant room such as extraction fans, air inlet, and air conditioning systems and whether the noise will affect the nearby residential properties. The Council is unable to assess this element of the proposal with any certainty and is contrary to the aims and objectives of policies HOU2 and ENV2 of the Black Country Core Strategy, and policy HC2 of Walsall's Site Allocation Document saved UDP policies GP2, ENV10 and ENV32.
4. The proposed first floor habitable room windows in the development are considered would result in an unacceptable loss of privacy and have a detrimental overlooking impact on existing houses at the frontage and those at the rear because of the close proximity to rear garden boundaries. The proposal would be contrary to the aims and objectives of paragraph 127 of the NPPF, Policies HOU2 and ENV2 of the Black Country Core Strategy and saved UDP policies GP2, and ENV32, policy HC2 of Walsall's Site Allocation Document, and Designing Walsall SPD.
5. This application fails to demonstrate how increased noise and disturbance to residential occupiers from vehicles entering and leaving the site would be addressed arising from the increased use of the existing vehicular access drive and new gates adjacent to 22 Moat Road including disturbance from vehicle headlights as a result of the intensified use of the site. This would be to the detriment of residents existing amenity and would be contrary to the aims and objectives of paragraph 127 of the NPPF, Policies HOU2 and ENV2 of the Black Country Core Strategy and saved UDP policies GP2, and ENV32, policy HC2 of Walsall's Site Allocation Document, and Designing Walsall SPD.
6. The development would have no staff on site between the hours of 17:00hrs and 09:00hrs most times each day to provide support, management and security. This is considered would be detrimental to the vulnerable occupiers of the development and the amenity of neighbouring residents as there is a risk of threat, jeopardy and disturbance. This would be contrary to the aims and objectives of paragraph 127 of the NPPF, Policies HOU2 and ENV2 of the Black Country Core Strategy and saved UDP policies GP2, and ENV32 and Designing Walsall SPD.

END OF OFFICERS REPORT



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 29 April 2021

Plans List Item Number: 4

Reason for bringing to committee

Major Application and Section 106 Agreement

Application Details

Location: 72 AND 74, BROOK LANE, WALSALL WOOD, WALSALL, WS9 9NA

Proposal: PROPOSED DEMOLITION OF 72 AND 74 BROOK LANE WALSALL WOOD AND THE CONSTRUCTION OF 11 DWELLINGS.

Application Number: 20/1006

Case Officer: Leon Carroll

Applicant: N. Baird

Ward: Aldridge North And Walsall Wood

Agent: Spooner Architects

Expired Date: 01-Dec-2020

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

Time Extension Expiry: 26-Jan-2021

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a Section 106 Agreement to secure Urban Open Space financial contribution and subject to

- The amendment and finalising of conditions;
- The submission of an updated drainage plan to reflect the revised layout at Plots 1 and 2.
- No objections from a statutory consultee on the above revision.



Proposal

The proposal relates to the demolition of two existing bungalow dwellings and the construction of 11 dwellings along with access road. The proposal features 6 semi-detached and one detached dwelling facing onto Brook Lane with a further 4 detached dwellings arranged around a small cul-de-sac with a turning head for vehicles. The 6 semi-detached dwellings will each have three bedrooms, whilst the detached dwellings will comprise 2 four bedroomed dwellings and 3 five bedroomed dwellings.

Site and Surroundings

The existing site originally contained two detached bungalow dwellings set in large gardens. No 74 is now derelict and boarded up whilst No 72 has already been demolished. To the west of the site is allocated open space whilst to the north is the A461 Lichfield Road. Walsall Wood local centre is located to the south west of the application site with Streets Corner local centre lying to the north. The surrounding area is generally residential in character with some commercial uses along with a primary school located to the east on Brook Lane.

Relevant Planning History

No.72: 06/2121/OL/E12 - Outline: Demolition of existing bungalow and outbuildings and provision of residential development of 2 semi-detached bungalows. Layout and access only to be determined. GSC 7th February 2007.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development

- ENV25: Archaeology
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and Use of Water Resources
- T7 - Car Parking

Black Country Core Strategy

- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing
 OS1: Open Space, Sport and Recreation
 EN1: Natural Environment Protection, Management and Enhancement
 EN3: Flood Risk

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Open space, sport and recreation

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

Air Quality SPD

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

Consultation Replies (*Officer comments in italics*)

Archaeology

No objection to the proposal in principle, however the site is located in an area of potential archaeology due to settlements in this area in the post-medieval period. A condition is therefore recommended requiring a programme of archaeological work to identify and record any archaeology prior to and during development.

Highways England

No comments to make

Historic England

No comments to make

Lead Local Flood Authority

The LLFA is satisfied with the submitted proposals and have no objection to the granting of planning permission subject to a condition to secure the implementation of the drainage scheme (*A further re-consultation will be carried out upon receipt of an amended scheme to reflect the latest revised development layout*).

Local Highways Authority

In principle the Highway Authority has no objections to the development subject to conditions to ensure the safe operation of the development are provided.

Natural England

No objection.

Pollution Control

A construction management plan has been submitted as part of the application that details how dust, flying debris, and drag out onto the highway will be dealt with during the construction phase. No description is made however detailing either hours of work. It is therefore necessary for the applicant to include information on working hours, or for a condition to be included within any permission granted.

The application states electric vehicle charging points will be provided for each dwelling. Please include conditions requiring an Air Quality scheme to be provided.

Severn Trent Water

STW have no objections to the proposals subject to the inclusion of a drainage condition:

Strategic Planning Policy

The proposal would make more effective use of land to increase the supply of housing so is potentially supported by the NPPF, in particular paragraphs 59, 117 and 118. Number 74 has previously had planning permission for two dwellings, reference 06/2121/OL/E12, although this has long lapsed.

West Midlands Police

WMP recommend a number of security measures including LED lights with daylight sensors to the front and rear of the proposed dwellings, and that boundary treatments should include secure fencing and gates.

Representations

4 letters of objection were received. Grounds for objection were as follows:

- Traffic congestion, pedestrian safety and lack of parking at start and end of school day.
- Design not in keeping with surroundings.
- Loss of trees.
- Loss of privacy.

Determining Issues

- Principle of development
- Design, Appearance and Impact on Local Character
- Impact on Amenity
- Highway Safety
- Flood Risk and Drainage
- Protected Species and Biodiversity
- Trees
- Planning Obligations
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The National Planning Policy Framework explains the importance of a sufficient amount and variety of land coming forward to boost the supply of homes. Paragraph 117 of the Framework requires LPA's to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 118(c) of the Framework further advises that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

Policy HC2 of the Walsall Site Allocations Document sets out the LPA's approach to the provision of housing on other previously developed sites not allocated for housing. Residential development on such sites will be encouraged provided it complies with additional requirements set out in the policy, including that the site is not allocated or safeguarded for other purposes, and that a satisfactory residential environment can be achieved, where people will choose to live, that will contribute to achieving the Vision, Sustainability Principles,

Spatial Objectives and Spatial Strategy of the BCCS and take account of other policies of this Plan.

The site is not allocated for other uses and is located in a sustainable location close to local centres and surrounded by existing housing. The site is approximately 250m from the amenities of Walsall Wood Local Centre and 160m from the nearest public transport. There are also a selection of schools and child care facilities within walking distance. The site is already in residential use, and the proposal would make more effective use of the land, making a contribution to local and national housing targets.

Part b) of SAD policy HC2 states that the design of developments on all sites should take account of its context and surroundings. Each site should achieve a density of at least 35 dwellings per hectare, except where a lower density would be in keeping with its surroundings, or part of the site is needed to provide open space or other facilities in accordance with other policies of this Plan.

The submitted proposal is for 11 dwellings on a 0.38 hectare site which provides a housing density of 28.94 dwellings per hectare. Whilst this falls short of the density requirement set out in policy HC2, the proposal as submitted provides a housing layout which is in keeping with the existing local character and spatial relationship between nearby dwellings. It is considered that a higher density of dwellings in this location would be poorly related to the local environment and would result in an overdevelopment of the site. Furthermore there are existing foul water sewer which crosses the site at its western edge in a north to south direction which would prevent the construction of new building in this location. The site is therefore somewhat constrained in available building land, and the layout has been designed to take advantage of this by positioning larger detached dwellings with corresponding larger rear gardens in the location of the existing sewer, whilst a higher density is achieved by the semi-detached dwellings with smaller curtilages on the Brook Lane frontage of the development.

Taking the above into consideration the development of the site for housing is considered acceptable in principle subject to all other material considerations set out in this report, and in accordance with policies HOU1 and HOU2 of the Black Country Core Strategy, policy HC2 of the Walsall Site Allocation Document and the National Planning Policy Framework.

Design, Appearance and Impact on Local Character

The proposed development essentially comprises two parts with a linear form of development of 3 pairs of semi-detached dwellings and one detached dwelling on the Brook Lane frontage and a cul-de-sac to the rear of those dwellings with 4 detached houses arranged around a turning head. The Brook Lane frontage replicates the character of dwellings on the opposite side of the road in terms of layout. The layout of the 4 detached dwellings in the rear of the site is considered to be acceptable and provides for easy vehicular access and natural surveillance with all 4 dwellings facing into the turning head.

The design of the proposed dwellings is modern in appearance but with traditional features including dual pitched roofs with gabled sides whilst the detached dwellings have a front facing gable. The existing dwellings on Brook Lane are of varied ages and designs, with simple bungalows and larger detached and semi-detached houses. The proposed semi-detached dwellings are to be faced with red brown brick with interlocking concrete roof tiles, whilst the 5 detached dwellings are to be faced with red brown brick and render, again with concrete interlocking roof tiles. The proposed design, layout and use of materials are considered to be in keeping with the local vernacular and to maintain the character of the area. The proposal is therefore in accordance with saved policy ENV32 of the Walsall Unitary Development Plan and policies HOU2 and ENV3 of the Black Country Core Strategy.

Impact on Amenity

There are no dwellings to the north west or south west of the application site. Immediately to the north east of the site is No 70 Brook Lane whilst directly opposite the development on the south east side of Brook Lane are 6 dwellings, Nos 79a to 89 Brook Lane. In terms of overlooking or loss of privacy, No 70 Brook Lane is positioned to the south east of Plot 11 with the front elevation of Plot 11 facing toward the rear of No 70. However, a separation distance of 25m between the two dwellings is considered sufficient to prevent any loss of privacy. The Brook Lane frontage achieves a minimum separation distance of 23.4m, that being between Plot 3 and Nos 85-87 Brook Lane. Taking into consideration the fact this is a front facing relationship across the highway, this separation distance is considered to be adequate. Distances between the rest of the Brook Lane frontage and dwellings opposite are all in excess of 25m.

No 70 Brook Lane is closest to the development being located alongside its eastern corner close to Plots 1 and 2. No 70 is a bungalow dwelling with a dual pitched roof and side facing dormer windows. Following a request from officers, in order to reduce the impact on the south west facing dormer window to No.70, Plots 1 and 2 have been positioned further back from Brook Lane to preserve the outlook from the window. Whilst the front corner of Plot 1 would be 4.7m from the face of the dormer window, it is likely that this neighbour's habitable room at first floor is served by dual aspect windows on both sides thus retaining an overall acceptable level of outlook and natural light to this room. On balance and in the absence of any evidence to the contrary, the proposal is not considered to result in significant additional loss of outlook or overshadowing to this neighbour. No objection was received from the occupants of No 70 Brook Lane to the original plans.

The proposed development provides a suitable level of amenity for future occupants, with each plot achieving a rear garden size of 68m² or above in accordance with the guidance in the Designing Walsall Supplementary Planning Document. The proposal is therefore in accordance with saved Policy GP2 of the Walsall Unitary Development Plan and paragraph 127(f) of the National Planning Policy Framework.

Highway Safety

Following the resolution of some minor details relating to the site layout the Highway Authority is supportive of the proposed development. A number of planning conditions have been suggested to ensure the safe operation of the development, including the retention of visibility splays at all access points and the provision of a refuse bin collection point near the entrance to the private access road, for use on bin collection days. The proposed development is not considered likely to result in significant increases in traffic movements nor will it harm highway safety. Parking controls are in place along Brook Lane which is a relatively narrow road, including along the opposite side of the road to the proposed development. Cars currently park along the frontage of Nos 72-74 Brook Lane when dropping off and collecting children from the nearby primary school. However the proposed Brook Lane frontage will remove the ability for parents to park along this stretch of the lane and will therefore improve visibility for pedestrians and vehicles at peak times. The proposal is therefore considered to be in accordance with saved policies GP2, T7 and T13 of the Walsall Unitary Development Plan.

Flood Risk and Drainage

The site is not in a location known for flooding and is in Flood Zone 1. However the Lead Local Flood Authority initially objected to the proposal due to inadequate information relating to drainage and flood risk due to surface water run off. The applicant subsequently provided a comprehensive foul and surface water drainage strategy and the LLFA advised that it was in support of the proposal provided the submitted drainage details were implemented prior to first occupation of the development. This will be secured via a planning condition, however the recent submission of an amended layout to take account of neighbouring amenity will require an amended drainage plan. The LLFA will be further consulted once this has been received.

Protected Species and Biodiversity

The application was accompanied by a Phase 1 bat survey which inspected the existing buildings and surroundings on site and which found no evidence of bats.

The survey also concluded that the existing buildings on site provided poor roosting potential. However the report recommended precautionary measures during construction which will be secured via a planning condition, including that a licensed ecologist should be present to oversee the removal of the tiles on the roof of No 74 and the hanging tiles on the garage in the garden of No 72. If there is any evidence of bats during removal of the tiles work must stop and if it is not possible to reinstate the roost sites it may be necessary to obtain and appropriate derogation licence from Natural England.

Furthermore all work should be carried out carefully with the expectation that bats may be found. If bats are observed within the buildings at any time Natural England (0300 0601582) or the ecologist for this project must be contacted. Work must cease immediately and it may be necessary to obtain a European Protected Species Licence from Natural England before work can proceed.

A condition would be added to ensure works are carried out in accordance with the recommendations of this report to safeguard local bat populations.

Trees

There is no special protection afforded to the trees on site or adjoining the western boundary, and approximately 6 trees along the Brook Lane frontage will be removed in order to facilitate the development. These trees have some amenity value and contribute to the character of the street scene, however it is considered that the loss of these trees can be offset via a scheme of replacement planting which will be secured by planning condition. The belt of mature trees which run along the western boundary of the site is to be retained. A further planning condition requiring the submission for approval of appropriate tree protection measures during construction will also be added to the decision notice.

Planning Obligations

The proposed development of 11 dwellings triggers the requirement for a contribution to the provision of Open Space. In this case the required commuted sum for Urban Open Space amounts to £34,358 which will be secured via a Section 106 legal agreement. The location(s) on which this sum will be spent will be agreed with ward councillors.

Local Finance Considerations

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

This application proposes 11 new homes.

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

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

Conclusions and Reasons for Decision

The proposal will make more effective use of the existing site and contribute to local and national housing needs. The development is of a good standard in terms of design and appearance, and will not have significantly adverse impacts on residential amenity and will provide a satisfactory standard of living for future occupants. The proposal will not result in harm to highway safety, ecology or trees and subject to receipt of a final amended drainage layout will not increase flood risk on or adjacent to the application site.

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

Positive and Proactive Working with the Applicant

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

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a Section 106 Agreement to secure Urban Open Space financial contribution and subject to

- The amendment and finalising of conditions;
- The submission of an updated drainage plan to reflect the revised layout at Plots 1 and 2.
- No objections from a statutory consultee on the above revision.

Conditions and Reasons

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

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

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

- Topographical Survey Dwg No 2006:01 received 18th August 2020
- Site Layout Dwg No 2006:02 Revision A received 16th April 2021
- Proposed Side Elevation Plots 1,2,4,5,6,7 Dwg No 2006:04 received 18th August 2020
- Proposed Plans and Elevations Plots 3, 8 and 10 Dwg No 2006:05 received 18th August 2020
- Proposed Elevations Plots 3, 8 and 10 Dwg No 2006:06 received 18th August 2020
- Proposed Plans and Elevations Plot 9 Dwg No 2006:07 received 18th August 2020
- Proposed Elevations Plot 9 Dwg No 2006:8 received 18th August 2020
- Proposed Plans and Elevations Plot 11 Dwg No 2006:09 received 18th August 2020
- Proposed Elevations Plot 11 Dwg No 2006:10 received 18th August 2020
- Proposed Garage Plans and Elevations Dwg No 2006:11 received 18th August 2020
- Site Location Plan Dwg No 2006:13 received 18th August 2020

- Proposed Plans and Elevations Plots 1, 2, 4, 5, 6 and 7 Dwg No 2006:14 received 11th December 2020
- Proposed Brook Lane Elevation Dwg No 2006:15 received 11th December 2020
- Phase 1 Bat Survey (Ridgeway Ecology dated 16th June 2020). Received 18th August 2020

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

3. a) Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

b) The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

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

4. a) Prior to the commencement of the development hereby permitted an Air Quality Low Emission Scheme to install electric-vehicle charging points shall be submitted in writing to and approved in writing by the Local Planning Authority. This scheme shall be in accordance with the Black Country Air Quality Supplementary Planning Document.

b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained for the lifetime of the development.

c) Prior to the development being brought into use a written Low Emission Scheme Validation Statement that demonstrates the agreed Air Quality Low Emission Scheme has been installed shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

5. a) Notwithstanding the details already submitted and prior to the commencement of the development hereby permitted a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary portacabins and welfare facilities for site operatives
7. Site security arrangements including hoardings

8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
9. Measures to prevent flying debris
10. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
12. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

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

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

6. Notwithstanding the submitted details, the hereby permitted development shall not be carried out other than in accordance with the recommendations and measures contained within the submitted 'Phase 1 Bat Survey (Ridgeway Ecology dated 16th June 2020)', received 18th August 2020.

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

7. a) Prior to the commencement of development:

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

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

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

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

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

8. The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the following documents has been implemented:

- Proposed Drainage Strategy – M20.315-201-P2 (19/02/2021)
- Proposed Drainage Layout – M20.315-200-P2 (19/02/2021)
- Storm Drainage Details Calculations – M20.315-SD1-SD9 (19/02/2021)
- Drainage Details – M20.315-210 (19/02/2021)

Thereafter, the drainage scheme shall be retained and maintained in accordance with the submitted management and maintenance plan (M20.315-201-P2 – 19/02/21) by The Sprigg Little Partnership Limited.

Reason: In the interests of sustainable drainage and the prevention of flood risk in accordance with saved policy ENV40 of the Walsall Unitary Development Plan, policy ENV5 of the Black Country Core Strategy and policy EN3 of the Walsall Site Allocations Document.

9. a) Notwithstanding the submitted details shown on Site Layout drawing 2006:02 Revision A received 16th April 2021 and prior to the commencement of the development hereby permitted, details of a Refuse Bin Collection Point to be provided near the entrance to the private access road, for use on bin collection days shall be submitted in writing to and approved in writing by the Local Planning Authority.

b) The development shall not be carried out otherwise than in accordance with the approved details.

Reason: On the basis that the access road is to remain private and it has not been demonstrated that a Council Refuse Vehicle can access and turn within the development, so collection will be undertaken from Brook Lane.

10. a) Prior to the first occupation the development hereby permitted, the parking and vehicle manoeuvring areas serving that each dwelling shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

b) These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development and in accordance with saved policies GP2, T7 and T13 of the Walsall Unitary Development Plan.

11. Prior to the first occupation of Plots 2, 8, 9, 10 and 11, the main access road and footway shall be fully implemented being consolidated, hard surfaced and drained so that surface water run-off from the road does not discharge onto the highway or into any highway drain.

Reason: To ensure the safe and satisfactory operation of the development and in accordance with saved policy GP2 of the Walsall Unitary Development Plan

12. Prior to the main access road first coming into use, a vehicle footway crossing to align with the new access shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements.

Reason: To ensure the satisfactory completion and operation of the access, in accordance with saved policy GP2 of the Walsall Unitary Development Plan, and in the interests of highway safety.

13. Prior to the first occupation of Plots 1 to 7, vehicle footway crossings to align with the new accesses shall be installed in accordance with the Council's footway crossing specification

SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements

Reason: To ensure the satisfactory completion and operation of the access, in accordance with saved policies GP2, T7 and T13 of the Walsall Unitary Development Plan and in the interests of highway safety.

14. Each vehicular access point on the development shall, at all times, provide 2.4m x 3.4m pedestrian visibility splays, measured from the centre of each access at the back of the reconstructed footway, within which no planting or structures exceeding 600mm in height above footway level shall be permitted.

Reason: To provide adequate inter-visibility at the proposed remodelled access points in the interests of highway safety and saved policy GP2 of the Walsall Unitary Development Plan

15. Notwithstanding the information shown on submitted plans, the development hereby permitted shall not be carried out otherwise than to meet the following minimum-security measures and thereafter the security measures shall be retained;

- All external doors to individual flats and the external doors to the building to be PAS24; 2016
- All ground floor windows and over accessible roofs to be PAS24; 2016
- All ground floor windows and over accessible roofs to have not less than one pane of 6.4mm laminated glass.
- There should be an area of defensible space in front of all ground floor rear facing windows
- No Lead or metal should be used on the ground floor,
- Dusk until dawn lights (white light source) to be installed adjacent to each external door
- Mail boxes shall be located at the primary entrance/exit lobby point of the building, covered by CCTV, 1.5mm steel letterboxes of robust construction, lockable individual letterboxes, secure, anti-identity theft proof and wall mounted
- All external doors including those to the shared passage shall have a door entry phone system and electronic lock release
- All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)

Reason: To ensure the safety and security of the development and its occupiers in compliance with NPPF 12 and saved policy ENV32 of Walsall's Unitary Development Plan.

END OF OFFICERS REPORT



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 29 April 2021

Plans List Item Number: 5

Reason for bringing to committee

Council Application

Application Details

Location: 4 BLAKENALL HEATH, BLAKENALL HEATH PRECINCT, WALSALL, WS3 1HL

Proposal: ERECTION OF PROTECTIVE WINDOW MESH TO WINDOWS ON THE FIRST FLOOR AND SECOND FLOOR.

Application Number: 20/1356

Case Officer: Leah Wright

Applicant: Walsall Metropolitan Borough Council

Ward: Bloxwich East

Agent: Baily Garner LLP

Expired Date: 24-Jan-2021

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

Time Extension Expiry:

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

- Submission of a revised design for an acceptable form of window grilles; and
- Finalising of conditions.



Proposal

This application proposes the erection of protective window mesh/grilles to windows on the first and second floor at 4 Blakenall Heath.

A Design and Access statement was submitted to support the application stating that Walsall Council have an ongoing problem with bricks being thrown through the unit windows and thus they are constantly having to replace the windows.

At present, the windows are boarded up by MDF and as such, this proposal is seeking a more permanent solution to the effects of anti-social behaviour at the site.

It has been expressed by officers that the present design of the grilles is not acceptable and would result in a development which appears unattractive and incongruous, being a detriment to not only the subject property but to the parade of units and surrounding area.

It is however noted that the grilles are necessary to combat the ongoing issue of security and crime at this site.

Site and Surroundings

Number 4 Blakenall Heath is the end unit within a parade of 4 units. The parade is three storeys high with commercial on the ground floor and residential above. The units are sited within the Bloxwich area of the West Midlands which lies 2.5 miles from Walsall Town Centre. The overall site measures 0.019ha, most of which is a commercial unit. The proposed site for the works measures approximately 120sqm.

The site can be accessed by pedestrians from Blakenall Heath and there is vehicular access located to the south of the block.

4 Blakenall Heath benefits from single storey extensions.

The surrounding area is characterised by residential to the west and commercial shops to the east.

The site is not within a Conservation Area nor is it a listed building.

Relevant Planning History

07/0410/AD/E6-1 no. internally illuminated fascia sign 4457mm wide, 1036mm (maximum) height and set 495mm from wall in front of roller shutter box- **Grant**

04/1879/FL/E5-Demolition of existing public convenience. Removal of existing canopy - 1-4 Blakenall Heath. Proposed Public Convenience - adjacent 5 Blakenall Heath. Proposed canopy - 1-4 Blakenall Heath. Environmental Improvements - Paving, lighting, furniture & fencing- **Grant**

04/0891/AD/E6-New signs on front and side of building- **Grant**

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 12 – Achieving well-designed places**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- GP2: Environmental Protection
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres

Black Country Core Strategy

- CSP4: Place Making
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN5: District and Local Centres
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Site Allocation Document

- SLC1: Local Centres

Designing Walsall

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

Supplementary Planning Documents

- Shopfronts (2014)

Consultation Replies

Designing Out Crime - No comments received.

Area Partnership Team – No comments received.

Representations

No representations received.

Determining Issues

- Design and character of the property and surrounding area
- Amenity of nearby residents

Assessment of the Proposal

The NPPF has three overarching objectives, which are independent and need to be pursued in mutually supportive ways.

At section 2 of the NPPF (Achieving sustainable development) reference is made to a social objective. It states that support to strong vibrant communities can be achieved by fostering a well-designed and safe built environment.

At section 7 (Ensuring the Vitality of Town Centres) it states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption.

At Section 8 (Promoting healthy and safe communities) it states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

At Section 12 (Achieving well designed places), it states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Policy ENV32 of the Unitary Development Plan (UDP) states that poorly designed development or proposals which fail to properly take into account of the context or surroundings will not be permitted. The policy goes on to further explain that when assessing the quality of design of any development proposal, the Council will use some or all of the criteria. There is specific mention here in the criteria to community safety and security which is the key to this proposal.

Policy ENV35 of the UDP refers to proposals for grilles and lists a number of factors that Council will take into account. Notably these include the character of the area in which they are located, the prominence of the building, whether the building is subject to surveillance by CCTV, and any proposals and initiatives for the enhancement of the centre in which they are located.

It is considered that grilles can have a significant effect on the appearance of an area. The shopfront SPD makes significant reference to security stating that security has always been a serious consideration in retail due to the risk associated with commercial goods. The fear of crime in conjunction with a rise in antisocial behaviour in modern society has resulted in a drive towards the use of aggressive security and surveillance measures.

Excessive security does, however, encourage crime itself as it suggests that valuable goods are present. It goes on to further explain that grilles should use frames that align with the mullions and transoms of the window behind and should be fixed sensitively into the masonry joints so as not to irreversibly damage the building.

Grilles should always sit within the window reveal and not be proud of the elevation or extend further down than the window cill. Further, Secure By Design certificated grilles are the preferred choice and should be certified to LPS1175 security rating 2 (minimum) and installed in accordance with the manufacturers specifications.

Policy DW2 of the Designing Walsall SPD, Safe and Welcoming Places, makes reference to the fact that residents must feel safe and secure in their homes and going about their daily life. It goes on to explain that opportunities for crime against property and the occupants of buildings must be minimised without compromising the visual quality of the townscape and landscape.

On balance, taking into account the specific nature of the ongoing issues at this site, it is considered that the principle of window grilles at this location being both commercial and residential in nature, is acceptable in this instance and evidenced by the above reference to national and local policy. This is however subject to receipt of a revised and improved design to ensure their appearance minimises the potential for any increased fear of crime in the locality by introducing improved materials, design and finish of the grilles.

Design and Character of the proposal

The proposed window grilles are to be installed to each window of the property and ground and first floor. The largest window, which is sited to the front elevation of the property at first floor, measures 2x2m. The grilles are considered to be modest in size and would not be excessive in nature.

Subject to their final design, they would not visually detract from the character and setting of the property or the existing parade. A planning condition would be attached to ensure the external finishing of the proposed works and the submission of details of materials.

It is considered the works would not significantly alter the building, nor would they result in changes to the layout of the development nor would it give rise to the number of inhabitants or vehicles to the site. Further the occupants of the property will still be able to open windows for natural ventilation, whilst protecting the glazing.

As such, they would serve the purpose of designing out crime without significantly compromising the visual quality of the building and surrounding area, subject to a revised design as mentioned above.

Amenity of nearby residents

The window grilles would not give rise to an impact on the amenity of residents in terms of an overbearing/overshadowing impact.

The erection of window grilles would not detrimentally impact the visual amenity/ outlook of surrounding residents subject to conditions to secure the design of the grilles at all elevations in accordance with the amenity requirements of saved UDP policy GP2.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance, and the specific circumstances of this site and ongoing issues, it is considered that the erection of window grilles, subject to their final design, to the first and second floor would not cause any significant increase in fear of crime or result in any negative visual impact or result in any loss of visual amenity or loss of privacy for neighbouring occupiers subject to the below conditions.

As such the development is considered to meet the aims and objectives of the National Planning Policy Framework NPPF2,4,7, 8 and 12, BCCS policies CSP4, CEN1, CEN2, CEN3, CEN4, CEN5, ENV2 and ENV3, Policies, ENV14, ENV32, ENV35, GO2, S1, S2, S3, S5 of the saved Unitary Development Plan, the Shopfront SPD and the Designing Walsall Policies DW1, 2, 3 and 10.

The use of safeguarding conditions in respect of the approved materials and plans will ensure that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

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

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding the design of the window grilles amended plans have been requested to enable full support to be given to the scheme.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:
 - Submission of a revised design for an acceptable form of window grilles; and
 - Finalising of conditions.

Conditions and Reasons

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

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

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

1100 REV 01- Site Location and Block Plan – Received 30/10/2020

4400 REV 01- Existing elevations– Received 30/10/2020

4200 REV 01- Existing plans – Received 30/10/2020

Design and Access Statement – Received 30/10/2020

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

3a: Notwithstanding the details as submitted, and prior to commencement of the development hereby permitted, a revised design of window grilles shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a schedule of materials to be used in the construction of the window grilles, including details of the colour, size, texture and material and specification.

3b: The window grilles hereby permitted shall use frames that align with the mullions and transoms of the existing window behind and should be fixed sensitively into the masonry joints. The grilles shall be installed to sit within the window reveal and not be proud of the elevation or extend further down than the window cill.

3c. The development shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be maintained and retained for the life time of the development.

Reason: To provide a satisfactory means of safety and security and to ensure a satisfactory appearance of the development, in compliance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan, BCCS Policies CSP4, ENV2 & ENV3, DW2, DW3 & DW10 of the Designing Walsall SPD, the Shopfront SPD and the National Planning Policy Framework.

4: The window grilles shall not be installed other than in accordance with Secure By Design certificated grilles to LPS1175 security rating 2 (minimum) and installed in accordance with the manufacturers specifications.

Reason: To ensure a high level of security of the grilles hereby approved and to safeguard the amenities of the area and the occupiers of the neighbouring properties in compliance with the Shopfront SPD and saved policies GP2 and ENV35 of Walsall's Unitary Development Plan and policy DW2 of the Designing Walsall SPD.

END OF OFFICERS REPORT



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 29 April 2021

Plans List Item Number: 6

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 26, GILLITY AVENUE, WALSALL, WS5 3PJ

Proposal: FIRST FLOOR FRONT, SIDE AND REAR EXTENSION, PLUS 2 STOREY REAR EXTENSION

Application Number: 21/0076

Case Officer: Rebecca Rowley

Applicant: Jaz Phal

Ward: Paddock

Agent: Pritpal Chana Architects Ltd

Expired Date: 07-Apr-2021

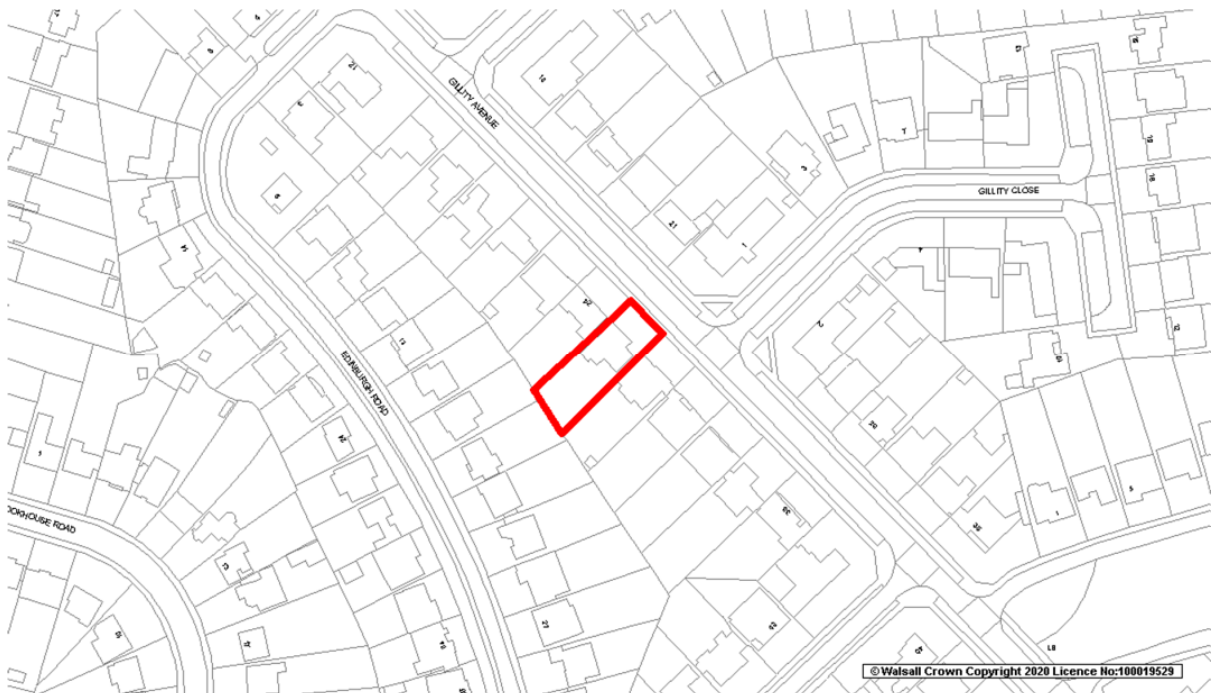
Application Type: Full Application: Householder

Time Extension Expiry:

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions subject to:

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



Proposal

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

Two Storey Rear Gable Extension and stepped back two storey extension with Hipped Roof

To create an extended open plan living, dining and kitchen area on the ground floor and allow internal rearrangements for the creation of 2 new bedrooms on the first floor.

- Max Depth: 5.1m
- Width: 8.5m across the full depth gable elevation plus an additional 1.5m width stepped back by 1.2m behind the gable elevation with a lower hipped roof over
- Height to eaves: 5.7m
- Gable Height: 7.5m
- Hipped roof height: 6.8m

A 0.4m deep bay is proposed on the ground floor rear elevation as well as a 0.4m deep decorative parapet surrounding the ground floor of the gable elevation.

Ground floor windows are proposed to serve the kitchen and dining areas plus 2 first floor bedroom windows.

Two Storey Side and Front Extension with main gable roof, rear hipped roof and central front gable feature

To create a new front gallery porch and landing area, an entertainment room and shower room on the ground floor and extend bedrooms and create en-suite bathrooms on the first floor

- Width from side elevation: 3.5m
- Width across principal elevation: 8.5m
- Depth from front elevation: 3m
- Depth along the side elevation: 11.2m
- Height to eaves: 5.2m (as existing)
- Main roof height: 7.1m (as existing)
- Front gable height: 6.8m

Front windows are proposed to serve a new bedroom and gallery landing on the first floor and a new entertainment room on the ground floor. One new side facing window is proposed to serve the ground floor shower room and one side facing first floor en-suite bathroom window.

Replacement Roof at the Rear

The flat roof of an existing section of single storey rear extension will be replaced with a hipped roof. There would be no increase in the depth of this section.

- Height to eaves: 2.8m
- Height: 3.4m

Site and Surroundings

The application dwelling is a 3 bedroom detached house of overall simple design with side gables to the main part of the building with an attached flat roof single side garage. At the ground floor, the garage and porch project 3m in front of the remainder of the principal elevation. A rear extension has been added to the back of the garage, projecting 4m beyond

the remainder of the rear elevation. Facing materials are light brickwork, cream rendering on the first floor of the principal elevation and plain clay roof tiles. There is a driveway and grassed area in front of the house with sufficient space on the hard surfaced section to park 2 vehicles.

The adjacent dwelling to the south east side is detached two storey house no. 28 Gillity Avenue. There is a separation distance of 1.6m between the buildings. The principal elevation is in approximate alignment with the application dwelling. The rear elevation is 1.8m deeper adjacent to the shared boundary with a further 1.8m deep single storey extension in the centre of the rear elevation.

The adjacent dwelling to the north west side is detached two storey house no. 24 Gillity Avenue. There is a separation distance of 2.2m between the buildings. The principle elevation is aligned with the application dwelling. The two storey rear elevation is 3m shallower than the two storey rear elevation of the application dwelling. It also has a rear conservatory which is sited 4m shallower than the ground floor of the application dwelling adjacent the shared boundary.

Opposite the application dwelling is the side elevation of no. 1 Gillity Close with a separation distance of 35m across the highway.

The rear boundary of the application site borders the rear garden of no. 19 Edinburgh Rd with a separation distance of 36.5 m to the nearest dwelling.

Houses along Gillity Avenue are detached houses of varying size and design including front projecting gable features. The area has an evolving character with a number of replacement dwellings having been approved in the locality.

Relevant Planning History

At Application Site

- 37106 – extension [unspecified] – granted permission 20/12/1972
- BC12189 – erection of kitchen and utility room [single storey rear side extension] – granted permission – 21/06/1979

At 28 Gillity Avenue (adjacent neighbour)

13/1609/FL - 2 storey side, rear, single front, side and rear extension (amendments to previously approved application 13/0968/FL). – granted permission – 16/01/2014

At no. 21 Gillity Avenue (opposite the application site)

- 18/0604 - Two storey front, side and rear extensions. – granted permission – 04/07/2018
- 19/0365 - Two storey front, side and rear extensions, amending 18/0604 to replace roof 0.5 metres higher than approved, making changes to the roof shape – granted permission – 14/05/2019
- 20/0586 - Non material amendment to 19/0356 for removal of first floor square bay windows to be replaced with standard windows. – approved 13/07/2020

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

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

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Supplementary Planning Document

Conserving Walsall’s Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Designing Walsall

- DW3 Character
- Appendix D

Consultation Replies (*Officer comments in italics*)

Local Highway Authority

Supports the application, subject to a condition to secure three off road parking spaces on the front driveway. A note for the applicant has also been included.

Pollution Control

Pollution Control requires the applicant to address installation of any solid fuel appliance (*the applicant has confirmed that there is no intention to install any type of solid fuel burner*).

Representations

5 representations were received from 5 separate addresses raising the following concerns:

- The large glazed panel on the front is too big
- People will be able to look through
- It does not match the houses in the Park Hall community
- Blocking sunlight
- They already have loads of cars
- They will be able to look into gardens behind
- Please minimise this house to a smaller extension

Concerns were also raised regarding the construction process including noise, pollution, lorries, tractors, damage to grass verges and general concerns regarding construction taking place for a long period of time in the area. Will the Council clean the roads and fix the lawns? There should be limits on the length of time of construction.

Following a second consultation for the amended proposal one further representation was received expressing support for modernisation of the local area with a lovely designed house.

The neighbour re-consultation period expires on 22nd April 2021. Any additional new representations will be covered in the supplementary paper.

Determining Issues

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

Design of Extension and Character of Area

Many houses in the locality have been extended significantly, both in terms of size and design, including some replacement dwellings. At no 21, Gillity Avenue, opposite the application site, construction is currently underway for a similar design of extension to the front elevation with a more prominent central gable feature than this proposal and a larger first floor gallery landing window. Therefore the principal of this proposal is consistent with the evolving character of the locality.

The extended front building line would not project beyond the limit of the existing front building line, so would retain the prevailing building line of the row of houses.

The existing main roof with side gables would be extended across and the height retained. The addition of a front gable feature would reflect the design of the principal elevations of a number of local dwellings, some of which are original features and some added following extensions. The gable feature would be subservient and incorporated into a two storey front extension, rather than a stand-alone protruding gable feature, so as not to detract too far from the relatively simple character of the original dwelling. Concerns have been raised regarding the design of this proposal being incongruous with other houses on the Park Hall estate. The original proposal has been significantly reduced from what could have been considered a replacement dwelling on account of how little of the original dwelling would have been retained.

Further amendments have been made to this proposal to reduce the size of the first floor gallery landing window and to remove a decorative projecting parapet from the ground floor of the principal elevation which was considered would have been an incongruous addition that would cause harm to the character of the dwelling.

The width at ground level would not exceed the existing width and the separation distance from the side elevations to the side boundaries would exceed 0.9m on both sides, which exceeds the requirements set out in the SPD Designing Walsall Appendix D. This is considered would limit the potential for terracing effect.

Proposed roof tiles would match the existing roof. Facing materials would be a mix of light bricks to match the colour of the original rendering and white rendering in locations specified on the submitted plans. As facing materials could have been altered without the requirement for planning permission and the proposed colours would reflect the colours of the existing dwelling, it is considered that these materials will be acceptable.

Whilst the rear extensions present more of a modern overall appearance and include timber panelling and a projecting parapet feature to the rear gable elevation, this will not be visible from main public vantage points and is considered would not cause harm to the character of the locality, and would not warrant a refusal in this instance.

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

Amenity of Nearby Residents

Concerns have been raised regarding the impact of the proposed extensions on sunlight availability to neighbouring sites. The front and rear extensions would not breach the Council's adopted 45 degree code as outlined in the SPD Designing Walsall Appendix D for any front windows, for any rear windows at neighbouring no. 28 or for first floor windows at no. 24. The 45 degree code is already breached for ground floor windows at neighbouring no. 24 by the existing application property and there would be no further increase to the depth of this elevation, so this neighbour's outlook would be retained as existing.

It is considered that the impact on neighbouring amenity in terms of outlook and sunlight availability would be acceptable. The rear gardens of this row of houses have a south westerly orientation. Therefore, sunlight is directed towards the opposite elevations of the houses throughout the morning and the middle of the day. In the afternoon, when the sun moves round to face the rear gardens of these houses it is considered that the impact on sunlight availability to neighbouring occupants would not cause sufficient harm to warrant refusal of this proposal.

A concern was raised regarding the potential for overlooking rear gardens. The separation distance from proposed new habitable room windows on the front and rear elevations exceeds the required separation distance of 24m to any opposite neighbouring habitable room windows as outlined in the SPD Designing Walsall Appendix D. The relationship of rear windows to adjacent neighbouring gardens would be consistent with rear window to garden relationships that could be expected in such residential areas.

Concerns were raised regarding the potential for looking into the landing window on the first floor front elevation of the dwelling. From an amenity point of view, this window would serve a non-habitable room so is considered would not cause significant harm to privacy by way of overlooking. Furthermore, it exceeds the required separation distance for habitable room windows from opposite houses. Proposed rooflights in the roof slopes above the front gable feature would serve the purpose of allowing additional light into this area and would be above the line of sight to be affected by overlooking or create overlooking.

Internal re-arrangements at the ground and first floors would create a number of new bathroom/en-suite bathroom windows. A condition will be included to ensure that these windows are obscurely glazed to protect the amenity of occupants. One side facing external door is proposed in the elevation looking towards no. 24. This door would be in a similar location to an existing door and is considered would cause no further harm to the amenity of neighbouring occupants.

A side facing window is proposed looking towards the blank two storey side elevation of no. 28 to serve a bedroom. The outlook from this window and light availability for the occupants of the application dwelling is considered poor but as this would be a secondary window to the main front window is considered acceptable. There are no habitable room side facing windows in this elevation at no. 28 so no potential for loss of privacy to the occupants of no. 28 by way of over-looking.

Pollution Control Officers requested the provision of a condition in the event of installation of any type of solid fuel burner in the extended dwelling to protect the environment and the amenity of nearby occupants. The applicant has confirmed that there is no intention to install any type of solid fuel burner in the extended dwelling.

A number of concerns that have been raised regarding the harm caused by construction are not material planning considerations in the balance of this assessment.

It is considered that this proposal sufficiently meets the amenity requirements of saved UDP policy GP2.

Protected Species

The site does not fall within any bat buffer zone and nearby surveys that have been completed either ruled out the presence of bats or did not require any further survey on the grounds of insufficient green infrastructure, including a survey at the next door but one neighbouring house, no 28 Gillity Avenue. Therefore on this occasion it is considered that the provision of a bat survey was not required. As there are some mature trees in neighbouring gardens nearby, a condition will be included to ensure that any works to the roof are carried out with precautions in case of the presence of bats in the roof space.

Parking

A concern was raised regarding the existing number of cars at this dwelling. In accordance with the requirements of saved UDP policy T13, a 5 bedroom dwelling requires a minimum of 3 off road vehicular parking spaces. The Local Highway Authority has expressed their support for this proposal subject to the inclusion of a condition to secure consolidation of the space available on the front driveway of the site for the provision of 3 off-road vehicle parking spaces on the driveway which would account for the loss of the single garage parking space. This condition would be included in line with this recommendation.

Conclusions and Reasons for Decision

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

The use of safeguarding conditions in respect of the materials and plans to maintain its appearance and obscured glazing to maintain privacy will further ensure that the neighbours amenity is protected, safeguarding of local bat populations and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the incongruous nature of a proposed front parapet feature and the size of the proposed first floor front gallery landing window, as well as a breach of the 45-degree code at the rear, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions subject to:

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

Conditions

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

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

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

- Location and Site Plan, drawing no. 276-00-099 REV E, submitted 16/04/2021
- Proposed Ground Floor Plan, drawing no. 276-00-104, REV E submitted 25/03/2021
- Proposed First Floor Plan, drawing no. 276-00-105, REV G submitted 16/04/2021
- Proposed East and West Elevation, drawing no. 276-00-106 REV F, submitted 16/04/2021
- Proposed North and South Elevations, drawing no. 276-00-107, REV F, submitted 16/04/2021

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

3a. Notwithstanding the details as submitted, the development hereby permitted shall not be carried out otherwise than in accordance with providing a minimum of three off road parking spaces measuring 4.8m by 2.4m with the parking area being consolidated, hard surfaced and drained so that surface water run-off from the parking area does not discharge onto the highway or into any highway drain.

3b. This area shall thereafter be retained for the purposes of parking motor vehicles for the lifetime of the development hereby approved and shall thereafter be retained used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development and the loss of the garage space with the increase from 3 to 5 bedrooms, in accordance with UDP policy GP2, T7 and T13.

4: The walls and roofs of the development hereby permitted shall not be constructed other than in accordance with the following details:

- Facing brickwork and white painted render that match in size colour and texture, those which are used in the existing building as specified on Proposed Elevations Plans 267-00-106 and 267-00-107;
- Plain clay roof tiles that match, in size, colour and texture, those which are used in the existing building;

and the facing materials shall thereafter be retained for the lifetime of the development.

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

5: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no side facing windows, doors, or other openings other than those shown on the approved plans, shall be installed in any part of this development.

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

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

The ground floor shower room window facing no. 24 Gillity avenue;

The first floor en-suite bathroom window facing no. 24 Gillity Avenue;

The first floor ensuite bathroom window facing no. 28 Gillity Avenue, and

The first floor bathroom window facing no 28 Gillity Avenue,

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

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

7a. All workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise than with the use of hand tools. All roof tiles, flashing and ridge tiles shall be listed carefully (and not dragged or slid) and the undersides examined for bats or bat droppings.

7b. If during the construction period bats or evidence of bats or their roosts are found:

i. bats shall not be handled or touched

ii. the vicinity of the roost shall be immediately reinstated.

iii. no further destructive works shall be carried out until the need for Natural England licence has been established.

iv. Within one week of finding bats or evidence of bats or their roosts, a written report by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy shall be submitted in writing to and approved in writing by the Local Planning

Authority. The report shall record what was found, and propose appropriate mitigation measures, including a timetable for their implementation

v. Work shall not continue otherwise than in accordance with the approved mitigation measures and the approved timetable

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

Notes for Applicant

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

END OF OFFICERS REPORT