

Development Management - Planning Committee
 Report of Head of Planning, Engineering and Transportation, Economy and
 Environment Directorate on 2nd February 2017

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Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Feb-2017

Plans List Item Number: 1.

Reason for bringing to committee: Major application

Location: LAND OFF REEDSWOOD CLOSE (REAR OF ROSE & CROWN PH) WALSALL.

Proposal: ERECTION OF 10 X 1 BEDROOM FLATS WITH 12 CAR PARKING SPACES
(NUMBER OF UNITS REDUCED FROM 12 X 1 BED FLATS TO 10 X 1 BED FLATS)

Application Number: 15/1504

Applicant: Spooner Architects

Agent:

Application Type: Full Application (Major)

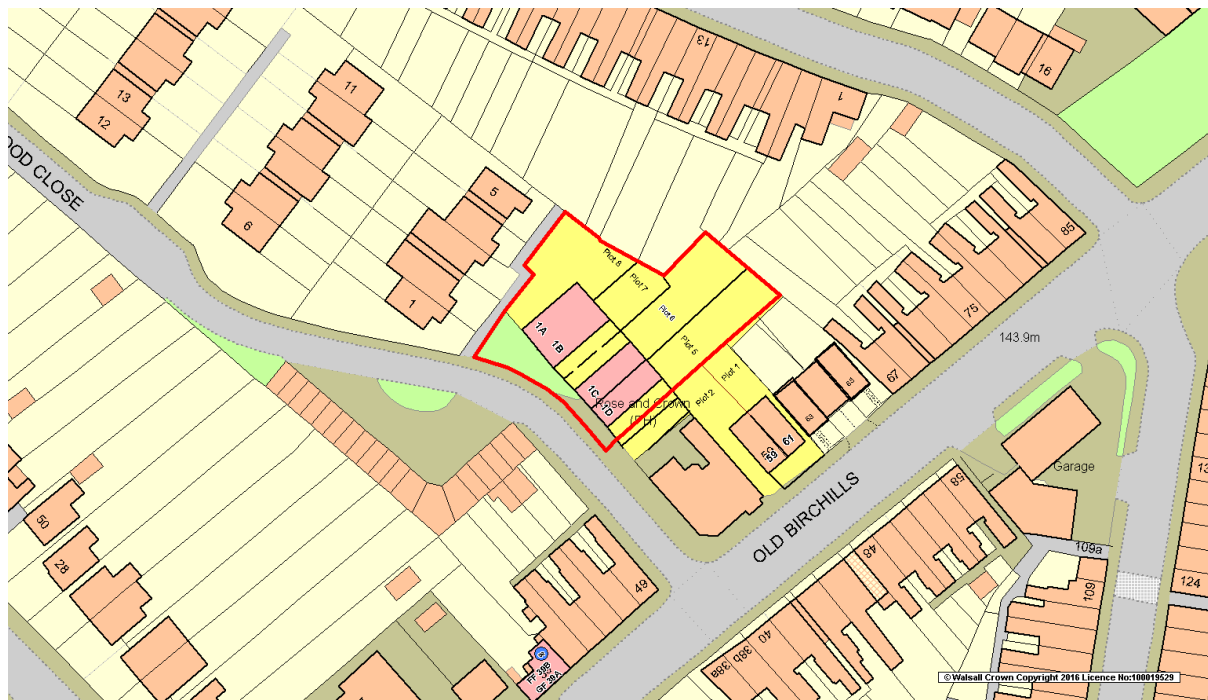
Case Officer: Alison Ives

Ward: Birchills Leamore

Expired Date: 18-Feb-2016

Time Extension Expiry: 14-Apr-2016

Recommendation Summary: Grant Subject to Conditions and a Planning Obligation



Application and Site Details

The proposal is for the erection of 10 x 1 bedroom flats on a site at the rear of the Rose & Crown PH, Old Birchills. The site fronts Reedswood Close. There are 10 parking spaces proposed. The proposals have been amended since first submission to move the building further away from the facing houses 1-5 Reedswood Close by reducing the number of flats from 12 to 10 units.

The site was originally fenced off as part of the pub premises but the fencing has broken and the site is overgrown and in an untidy state. The pub has access gates and yard adjoining the eastern site boundary. There is a wide grass verge in front of the original fence line that adjoins the footway and is presently part of the highway. There is also a telecom cabinet at the back edge of the footway. There is a garage court opposite the site on Reedswood Close. Apart from the pub the surrounding area comprises predominantly terraced housing both modern and Victorian built. The housing at 1-5 Reedswood Close face the site and have pedestrian access only with the exception of number 1 which has introduced a driveway. Some of these dwellings have front projecting ground floor extensions.

The proposed building is two storeys high with a pitched roof and is 12.6m deep X 21m wide. Each flat has a bedroom facing Reedswood Close and a combined living room/dining room/kitchen facing the rear with bathroom and store in the central part of the flat. The design shows brick facing elevations and tiled roof and incorporates a porch canopy above the entrance doors at front and rear of the building.

The proposed building is positioned 4m away from the boundary with the pub gated access with an access drive proposed alongside the boundary leading to rear parking for 5 vehicles (including one disabled space). There are 5 further car parking spaces on the frontage of the proposed flats served by individual driveways. The western side gable of the proposed building is a minimum of 13m away from the facing elevations of 1-5 Reedswood Close. A bin store and drying area are located at the rear of the building and shared garden area to the western side of the building.

A Design & Access Statement, Coal Mining Report and Ground Investigation Report have been provided in support of the proposals.

Relevant Planning History

BC49936P – OUTLINE: Residential development - GSC 12/11/97.

07/1064/FL/W3 - Erection of 7 Houses - Refused 24/07/07 for 3 reasons broadly relating to (1) highway safety reasons in relation to parking, visibility and manoeuvring (2) unsatisfactory design and appearance out of keeping with the surrounding area specifically including lack of landscaping, height and proximity of the buildings, location of bin stores and boundary treatment (3) loss of privacy to surrounding dwellings due to proximity.

07/2732/FL/W3 - Erection of 7 Houses - GSC 17/03/08.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- NPPF 6 - Delivering a wide choice of high quality homes
- NPPF 7 - Requiring good design

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- DEL1: Infrastructure Provision

- 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
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- WM5: Resource Management and New Development

Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T1 - Helping People to Get Around
- T4 - The Highway Network
- T7 - Car Parking
- T8 – Walking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces
- LC8: Local Community Facilities

Supplementary Planning Document

Conserving Walsall's Natural Environment

- Development with the potential to affect species, habitats or earth heritage features
 - NE1
 - NE2
 - NE3
- Survey standards
 - NE4
- The natural environment and new development
 - NE5
 - NE6
- Development with the potential to affect trees, woodlands and hedgerows
 - NE7
 - NE8
 - NE9

- NE10

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

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

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

Policies are available to view online:

Consultations

Coal Authority – No objections.

Housing Strategy – Supports the proposals.

Landscape – Does not support the application due to the poor frontage design without lack of any boundary treatment. A condition is recommended in the event that the proposals are supported to provide details of planting and measures to prevent parking other than in designated parking bays.

Police – No objection in principle but recommends the developer considered Secure by Design accreditation and offers advice on security measures. Secure access gates to the parking area is recommended.

Policy – No objections. This is part of a larger site that has been the subject of a number of planning permissions for residential development and there are already 5 completed houses fronting Old Birchills. The part-implemented permissions would allow a further 4 houses to be built on the Reedswood Close frontage. The current proposal would replace these 4 houses. The principle of residential development has therefore been accepted. The current proposal would not be substantially different from the previous approval and is acceptable.

Pollution Control – No objection subject to imposition of conditions to prevent or minimise environmental impact during the course of building works.

Public Rights of Way – No objection.

Severn Trent Water – No objections subject to a condition to secure drainage details.

Transportation – No objections subject to conditions relating to access, parking and stopping up of highway rights. Part of the development requires stopping up of the highway verge.

Public Participation Response

None received.

Determining Issues

- Principle of residential development
- Layout and Design
- Relationship to surrounding properties
- Access and parking
- Provision for Urban Open Space
- Local Finance Considerations

Observations

Principle of development

Residential redevelopment of this previously developed site in a sustainable urban location is in accordance with the NPPF and BCCS and local development plan policies. The site lies within an established residential area just over 650m from Walsall Town Centre so is considered a sustainable site.

The site is overgrown and untidy and the redevelopment will improve the visual amenities of the area.

Residential development of the site has already been approved as part of a larger site including the new housing fronting Old Birchills. In the circumstances the principle of residential development is already established.

Layout and Design

The proposed building is set between 5.4m and 10.8m from the back of footway in Reedswood Close and utilises the current grass highway verge for driveways and amenity space. The need for a Stopping Up Order to accommodate this layout is discussed later in the report but the principle of this layout is acceptable. It will provide additional surveillance of the garages opposite and improve security in the area as the new flats face the street. It also tidies up a vacant site and provides a reasonable street elevation.

The relationship between the proposed flats and the pub is not dissimilar to the relationship to existing houses fronting Old Birchills. There is no apparent outside pub area that may cause disturbance to future occupiers.

The layout has been amended by omitting 2 flats which has reduced the size of the building to allow a greater distance (13m minimum) between the proposed building and facing elevations of 1-5 Reedswood Close. The gable elevation is over 15m away from the rear facing windows in the pub building. The layout also allows for a minimum of 200m² shared amenity space plus bin storage at the side and rear of the building which is adequate to serve the proposed flats. These space and separation distances meet the recommendations in SPD: Designing Walsall.

The Landscape officer objects as the proposals offer little opportunity for landscaping to the frontage. However, this is not untypical in the area which comprises predominantly terraced housing and it is considered the need for off-street parking outweighs this request by the landscape officer in this instance. There is scope for some tree planting within the amenity areas, albeit not entirely visible from the public realm but a condition is recommended to secure this.

The design is simple with the flat windows and projecting lobbies at ground floor but this is reflective of surrounding housing and the phase one part of the development. The scale and mass of the building is considered acceptable.

The Police have requested secure boundary treatments and a gated access to the parking area at the rear for security purposes. The landscape officer also requests details of boundary treatments. These can be secured by conditions.

A condition to secure drainage details is recommended as requested by Severn Trent Water. A condition to provide a scheme to prevent construction traffic from disturbing neighbours and to restrict construction times is recommended to satisfy pollution control comments.

Given the limited amenity space and requirement to retain adequate off-street parking it is recommended that Permitted Development is removed to prevent conversion to an HMO which may place increased demand on these areas.

Subject to the above comments the layout and design is considered to be acceptable.

Relationship to surrounding properties

The proposed building is positioned so that the gable elevations are a minimum of 13m away from the facing elevations of houses at 1-5 Reedswood Close and 15m away from the facing elevations of the residential accommodation within the Rose and Crown pub. This meets the recommended distances in Appendix D of SPD: Designing Walsall and are considered to prevent any potential harm to outlook, privacy or daylight for the adjoining residential properties. Whilst there is a first floor window and ground floor doorway in the side elevation facing the pub these are non habitable areas and a condition is recommended to secure obscure glazing and prevent any further side facing windows.

On the basis of the above comments the proposed development does not have a significant impact on the amenities of surrounding occupiers.

Access and parking

The proposal incorporates direct driveway access off Reedswood Close crossing a highway verge. This requires a Stopping Up Order to be completed prior to commencement of the development so a condition is recommended to secure this. A note for applicant is recommended to secure necessary footway crossings to align with the new driveways in accordance with highways specifications.

The proposal includes provision of 5 parking spaces to the rear and 5 spaces in front of the building. This is at least 100% parking for the 1 bed flats and given the sustainable location close to the local bus network and Walsall town centre is considered adequate. The Transport officer is satisfied with this level of provision.

The Transport officer has requested a cycle shelter details of which can be secured by condition. There is space within the site to accommodate this.

On balance the access and parking arrangements are considered acceptable and will not have a severe impact on the surrounding highway network.

Provision for Urban Open Space

Under the terms of policies DEL1 of the BCCS and policies GP3 and LC1 of the UDP and SPD: Urban Open Space the proposal triggers the requirement for a contribution towards provision of urban open space. Based on the policy requirements this equates to a contribution of £8,412.00 normally secured by a S106 Agreement.

The developer has indicated that they are prepared to enter a S106 Agreement to secure this provision.

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 10 new homes.

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

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

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice regarding concerns about proximity to adjoining dwellings and highway matters amended plans have been submitted. In light of the submitted details officers are able to support the scheme.

Recommendation Grant permission subject to conditions and subject to a S106 Agreement to secure provision for urban open space.

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.

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

- Location Plan (1519:1) received 07/10/15
- Site Plan (1519:2 Rev A) received 04/04/16
- Ground Floor Plans (1519:3 Rev A) received 04/04/16
- First Floor Plans (1519:4 Rev A) received 04/04/16
- Elevations (1519:5 Rev A) received 04/04/16
- Side Elevation (1519:6) received 07/10/15
- Design & Access Statement received 20/11/15
- Coal Authority Mining Report received 11/01/16
- Ground Investigation Report prepared by Spilman Associates (J15183/01) received 04/04/16

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

3. Prior to the commencement of the development, a highway Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 (as amended), shall be confirmed for the removal of highway rights over the area of highway land within the application site boundary.

Reason: To enable the development to proceed in accordance with the legal provisions for extinguishment of highway rights.

4. Prior to commencement of the development measures for controlling noise, dust, flying debris, and drag-out from engineering and construction activities at the site shall be provided and agreed in writing with the Local Planning Authority. All agreed measures shall be implemented and maintained throughout the duration of demolition operations and construction activities.

Reason: To protect local amenity and minimise environmental impact during development from the outset of development.

5a. Prior to the commencement of the development drainage details for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include measures for incorporation of sustainable drainage techniques (SuDS) where possible.

5b. The development shall be completed with the approved details and retained as such.

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

6a. Prior to the commencement of any built development above damp proof level on any structure full details of all external facing materials shall be submitted to and agreed in writing by the local planning authority.

6b. The development shall be implemented in accordance with the agreed facing materials.

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

7a. Prior to the first occupation of any flat on the development, all driveway and parking areas serving that flat 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. The parking bays shall be clearly demarcated on the ground. One parking space shall be allocated for future electric vehicle parking and the appropriate charging point infrastructure installed to facilitate future installation of the charging point mechanism.

7b. These areas shall thereafter be retained and used for no other purpose.

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

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

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

Reason: To secure appropriate provision in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

9. Prior to the commencement of any built development above damp proof full details of boundary treatments to include provision of security gates to the rear parking area (which shall be positioned so as to allow vehicles to pull off the highway), shall be submitted to and approved by the local planning authority and maintained in accordance with the agreed details thereafter.

Reason: To ensure the satisfactory appearance and improved security of the development.

10a. Prior to the commencement of any built development above damp proof course full details of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority to include the following:

- (i) Proposals to prevent vehicles to access the site other than designated parking bays
- (ii) Tree Planting details: such as species, size, staking and planting details
- (iii) Turf details such as depth of topsoil, seed / turf mix.

10b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such.

10c. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the area.

11. The side facing hall window hereby approved shall comprise of obscure glazing which meets Pilkington level 4 or equivalent, shall non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and be retained thereafter.

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

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

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

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

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

Reason: To protect the amenities of surrounding occupiers.

Notes for applicant - Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing works within the public highway. For further information please contact the Highway Development Control Team on 01922 655927.
3. Highway Stopping Up Orders under S247 of the Town and Country Planning Act 1990 are made by the Government Office. Advice and application forms can be found at: www.gov.uk/government/publications/stopping-up-and-diversion-of-highways
4. Prior to all driveway, parking areas and access ways first coming into use, new vehicle footway crossings to align with the new access points, shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements including the relocation of any statutory undertaker's equipment to accommodate the development as necessary.

Note for applicant – Police

1. The developer should be aware of Secure By Design specifications which will significantly increase the security of the building (doors and windows). Information can be found at http://www.securedbydesign.com/pdfs/SBD_New_Homes_2014.pdf
2. All external door and windows sets should comply with PAS 24 2012 standards. (this includes French doors)
3. All ground floor and accessible windows should contain a pane of laminated glass which complies with BS EN 356:2000 class P1A. This will improve the standard of security to the more vulnerable ground floor windows.

4.All ground floor windows on the properties should have an area of defensible space across their width. This should be made up of densely planted shrubs. This will provide a buffer area between the windows and other public or private space, making it more difficult for offenders to access such windows.

5.Where plants / shrubs are to be used in front of windows or around parking spaces the plants should be such that they grow to no more than 1m in height when mature. Plants and shrubs should also suit the environment they are to be located in terms of soil and light.

6.Access should not be available around the sides and rear of the building, perimeter fencing should be erected to the side of the end plots restricting access, such fencing in should be at least 2.1m in height. Any fencing should be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. Anti-Climb Trellis topping can be incorporated to achieve the required height offering greater protection of the vulnerable rear of the properties e.g. 1.8m fencing plus 300mm anti climb trellis = 2.1m. Fencing should be erected as close to the front building line as possible.

7.Where the public footpath runs alongside this development there is an enhanced risk, experience shows us that offenders will use alleyways of this type as a means to gain cover and access to the rear of properties. Due to this enhanced risk the fencing should be a minimum of 2.4m along this boundary.

8.Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.

9.Due to the national increase in metal thefts where possible lead substitute products should be used.

10.Care needs to be taken that where low level fencing adjoins higher levels of fencing that the lower levels do not create a climbing aid to assist offenders.

11.Rear courtyard parking has been universally accepted as a magnet for crime. Access to the rear parking area will need to be gated. There should be an access control system in place on these gates restricting access to unauthorised persons. The system should be vandal proof, if proximity keys are to be used, they are to be security encrypted to protect against unlawful copying. The gate should ideally be 2.1m in height and its design should eliminate any foot holds or climbing aides.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Feb-2017

Plans List Item Number: 2.

Reason for bringing to committee: Significant community interest

Location: 13A, WODEN ROAD WEST, DARLASTON, WEDNESBURY, WS10 7SF

Proposal: PROPOSED SPRAY BOOTH

Application Number: 16/1600

Applicant: Commercial Trucks Repairs Limited

Agent: Integrated Designs & Associates Ltd

Application Type: Full Application

Case Officer: Paul Hinton

Ward: Darlaston South

Expired Date: 06-Dec-2016

Time Extension Expiry: 11-Jan-2017

Recommendation Summary: Grant permission subject to conditions



Current status

The 5th January Planning Committee resolved to defer this application for one cycle to consider the proposed external materials. In response additional information has been provided:

- Walls of the spray booth will be composite insulation and steel panels in blue to match the existing buildings and both the roof and the extraction flues will be finished in goose wing grey.
- The site at present has two buildings, workshop, 1 (WS1) contains the reception area, and workshop 2 (WS2). The grinding, sanding and repair work takes place in WS1. The vehicles then move to WS2 for final sanding down and preparation prior to painting. Also in WS2, the logos are removed, and then taken for painting before the logo's are reapplied.
- Logos would be reapplied inside the spray booth and no vehicles will leave the site for this part of the process.
- The existing conifers and fencing will be retained.
- The applicant has agreed to have a point of contact for all residents
- No noise generating works will take place in the open air and this will be maintained
- 33 people are employed at Commercial Trucks. An additional 10-15 employees would be needed as part of this £1million investment.
- The intentions are that the spray booth will be for the sole use of Commercial Trucks only.
- Minor vehicle spray (by hand held aerosol cans) is carried out on site but this would cease if the application is approved.
- A retrospective planning application for van hire and sales has been submitted.
- Paints are delivered when they are needed for each contract
- Primers are stored in WS2
- The extraction system is capable of filtering unwelcome vapours so people will be able to open their windows

An example particulate emissions report has been submitted. Pollution Control have considered this additional information and make the following comments:

The re-spraying of road vehicles, or part thereof, is subject to Local Authority control regarding emissions to air, if the company uses in excess of 1 tonne of organic solvents in any 12 month period. Such operations require an environmental permit pursuant to The Environmental Permitting (England & Wales) Regulations 2016 and are classified as Part B Installations. DEFRA have published a General Guidance Manual on Policy and Procedures regarding Part B and other Installations together with industry-specific guidance for vehicle re-spraying operations entitled Process Guidance Note 6/34(11) – '**Statutory guidance for re-spraying of road vehicles**'. This provides for both a consistent approach and base-line standards across England and Wales regarding the regulation of pollutant emissions to air for industrial and commercial operations.

Vehicle re-sprayers fall into a category of simplified permits regulated by the Local Authorities along with petrol stations and dry cleaners in view of their limited potential to cause significant pollution. All Permitted companies are subject to regular inspection by Pollution Control officers and, where appropriate, enforcement action for non-compliance.

Pollution Control's discussions with the company during 2016, being advised of the proposal to install a proprietary spray-booth; as consequence, it would be likely that more than 1 tonne of organic solvent per annum would be used. The company then submitted this planning application and an Environmental Permit application.

The Environmental Permit application includes a guarantee from the spray-booth manufacturer plus supporting stack monitoring data demonstrating compliance with national particulate emission limits. The applicant will be required to use low solvent (i.e. less hazardous and polluting) content materials, termed '*compliant coatings*', in their vehicle re-spraying process. All vehicle preparatory work and spraying of vehicles will be required to be conducted indoors. The new discharge stacks will be required to vent at a height greater than 3m above the roof ridge height of buildings within 15 m of the stack. The applicant was requested to increase the height of stacks serving the vehicle re-spraying booths to 3 metres above the roof ridge height of the adjacent Dreams building which is a standard default requirement for the purposes of dispersing residual pollutants. A condition within the permit will require the company to use Best Available Techniques to prevent or, where that is not practicable, reduce or control pollution. As the spray-booth has not been constructed the Environmental Permit has yet to be issued.

Pollution Control is mindful that there may be some concerns on behalf of neighbouring residents due to potential noise impacts from the new installation. With this in mind, the following conditions are proposed:

1. Extract-ventilation fans shall be located within the building structure.
2. Extract-ventilation fans and associated ductwork, flues and chimney stacks shall be designed and installed to ensure that resulting noise levels do not exceed 55 dB L_{Aeq} _{1hour} and a Noise Rating of NR 50 during operating hours, as determined at a position not closer than 1m from the facade of residential premises. Details of the of proposed extract-ventilation fans and associated ductwork, flues and chimney stacks demonstrating means to achieve this requirement shall be submitted to the local planning authority for written approval and fully implemented during commissioning of the installation.

The NPPF guides that LPAs should focus on whether the development itself is an acceptable use of the land, and the impacts of the use, rather than the control of processes or emission themselves where these are subject to approval under pollution control regimes. LPAs should assume these regimes will operate effectively. Accordingly, the development in planning terms is considered to be acceptable subject to safeguarding conditions. In addition to the conditions previously recommended two further conditions in regard to the location of extract-ventilation fans and their noise rating are considered necessary and are recommended.

One further letter of representation has been received and is considered within the report below.

As set out in the 5/1/17 supplementary paper, the Coal Authority had withdrawn their objection subject to conditions regarding intrusive site investigation works

Pollution Control have also requested a further condition regarding a ground investigation since the Council's receipt of the Coal Authority comments.

The report has been updated and the planning application is recommended for approval subject to conditions including for the materials to be implemented as now set out, for the company to provide a point of contact for residents, for the spray booth to be for the sole use of the company, an intrusive survey, a ground investigation report and controls over the noise emissions from the spray booth.

Application and Site Details

This application seeks planning permission for the erection of a commercial spray booth within the rear yard area of this commercial vehicle repairs and maintenance company. The spray booth would measure 20.2m by 9.5m with an eaves height of 6.8m and ridge height of 6.3m. Four extraction flues are proposed which would project a further 3.5m above the height of the building. Four inlet flues are also proposed, projecting 1m above the proposed roof. The spray booth would have a metal clad finish with a colour to be agreed by condition.

The spray booth building would have two 5.5m high roller shutter doors, one at the front and one at the rear with two personnel doors to both end elevations. The sides of the buildings have no openings. Two gas burners would be located within the building.

The application site is on the northern side of Woden Road West and forms the end of Wood Banks Industrial Estate. The west boundary of the site is the rear gardens of houses along Dangerfield Lane which are 2-3m lower than the application site and screened from the site by a line of coniferous planting in the control of the applicant. The application site is rectangular with a site office set behind a car park at the front and commercial building immediately to the rear which is used to repair accident damaged HGV cabs and trailers. At the rear of the buildings is a long yard where vehicles are stored pre and post repair. To the west boundary is a large flat roof commercial building, with roof height of approximately 7.8m. The spray booth would be erected on an open part of the site, 27m from the rear of the main building and immediately to the boundary with the large commercial building next door.

The application is supported by the following documents

Design and Access Statement

- Length will accommodate small, medium and large vehicles
- Width will allow operatives to work with ample space to manoeuvre.
- The unit will be 0.7m from the closest boundary fence, 4.3m from the neighbouring unit.
- The spray booth will be 14m from the opposite boundary.
- The unit will allow the company to operate more efficiently.

Site Investigation

- Risk of ground gases due to close proximity of landfill site
- Medium risk to the proposed development from shallow mining activities in the vicinity of the site and further investigation is required in that respect
- Risk of potential contamination to humans and the environment from the past use of the site as a railway line backfilled material
- An intrusive investigation should be carried out to address the issues in the report.

Relevant Planning History

BC55676P - Change of use to operation as a self drive hire business including vans and lorries. Granted 02/05/2000

12/0001/FL - Erection of detached HGV workshop – Refused 27/02/12

Refused on the following grounds:

The application has failed to demonstrate that the proposed building, use of the building or use of the site will not have any detrimental impact on surrounding nearby residential amenity by virtue of associated noise.

12/0846/FL – Change of use to class B2 (general industrial) and the erection of detached HGV workshop. GSC 30/11/12.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- contribute to conserving and enhancing the natural environment and reducing pollution.
-

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 7 - Requiring good design***
- ***NPPF 11 – Conserving and enhancing the natural environment***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- EMP1: Providing for economic growth
- EMP2: Actual and potential and strategic high quality employment areas
- TRAN1: Priorities for 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

Unitary Development Plan

- GP2: Environmental Protection
- 3.6 and 3.7: Environmental Improvement
- ENV10: Pollution
- ENV14: Development of derelict and previously developed sites
- ENV32: Design and Development Proposals
- JP7: Use of Land and Buildings in Other Employment Areas
- JP8: Bad Neighbour Industrial Uses
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW4 Continuity
- DW6 Legibility
- DW9 High Quality Public Realm
- DW10 Well designed sustainable buildings

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

Walsall Employment Land Review

IN118.1 – Wood Banks Trading Estate – Existing High Quality – Has excellent access to the Black Country Spine Road and Black Country Route.

Consultations

Transportation – no objection.

Pollution Control – no objection subject to the use of recommended conditions similar to planning permission 12/0846 in regard to lighting, operating hours, public address facility, no repairs/maintenance external to the building, details of extraction systems, control over future doors and control over the use. In addition conditions are required for the submission of a site investigation and where necessary remediation measures.

Fire Authority – no objection.

Coal Authority – no objection subject to a condition requiring intrusive site investigation works.

An assessment has been submitted and is currently being considered by the Coal Authority whose comments will be reported at the meeting.

Public Participation Responses

Surrounding occupiers notified by letter and site notice displayed.

Two letters have been received from nearby neighbours objecting to the application on the following grounds:

- Existing issues of noise
- Smell will make it more unpleasant
- Concrete fence which provided noise and privacy screen has been removed and replaced with open style railings
- Loss of property value (*not a material planning consideration*)
- In breach of existing planning permissions in regard to perimeter fence
- Proposal is for a substantial building note a Spray Booth (*full details of the proposal are on the submitted drawings*)
- Residents would breath in stench of toxic cellulose paint fumes and particulates
- Building would have to operate continually for 6 days a week to make it viable (*not a material planning consideration*)

- Additional noise and vibration from heavy duty extraction fans, air compressors, pumps and paint washing facilities.
- Environment at severe risk should paint or solvent enter watercourses.
- Impact on wildlife.
- Company operating a vehicle van hire company.

Councillor James has also objected to the application on the grounds of creating noise and air pollution and would be unsightly, inconveniencing household in the close.

A petition with 22 signatures has been received objecting to the application on the grounds of causing nuisance, fumes and particles in the air will make people ill.

Following the previous presentation to committee one further letter has been received making the following additional comments:

- Are there any plans in place for the preparation works prior to spraying taking place? *(Preparation for the spraying of vehicles already takes place within the existing buildings on site prior to currently taking the vehicles off site for spraying)*
- Nothing has been said about the storage of paint and solvents which release vapours
- What monitoring will the Council carry out *(the site would be subject to the controls of the Environmental Permit and recommended planning conditions, both of which would need to be considered for enforcement action if not complied with)*
- Concern that particles and vapours will be carried into the garden and not being able to open windows
- The company would not abide with any orders imposed *(the LPA must assume in good faith that an applicant will comply with any conditions; non-compliance could result in prosecution either through the planning legislation or via a breach of the Environmental Permit)*

Determining Issues

- Principle of development
- Impact upon visual amenity
- Relationship to residential properties
- Impact upon ground conditions
- Car parking, manoeuvring and access arrangements
- Conclusion

Observations

Principle of development

The application site falls within an 'other employment area'. The proposed additional facility to this general industrial use (B2) is consistent with UDP policy JP7. Currently once repaired, vehicles are transported to a site in Wolverhampton where they are re-sprayed. Vehicles are then brought back to site for final completion before being returned to the customer. The spray booth would ensure vehicles can be dealt with on site which would create up to 15 jobs. The Employment Land Review considers the site and the immediate adjoining industrial area as Existing High Quality. BCCS policy EMP2 encourages high quality development that increases employment and encourages investment. The proposal would achieve both. The site continues to be defined as existing high quality, an area of strategic importance for industrial use. The principle of the spray booth is supported.

Impact upon visual amenity

This 6.8m high building would be 14m from the rear garden boundary with residential properties along Dangerfield Lane and approximately 39m from the rear windows of the closest houses. The spray booth would have a length of 20.2m. The neighbouring building, known as Woodbanks Trading Estate is 53m from the rear of the houses, with the mature conifer screen between. This unit has a length of 145m. The proposed spray booth would be lower than this neighbouring building and would have a shorter length. While the built form would be closer, it would be viewed in the context of the much larger adjacent commercial building. Therefore the proposed spray booth would not be viewed in obvious contrast to the existing building. The side elevation of the proposed steel clad spray booth building would be finished in blue matching the existing two workshop buildings on site and which are closer to the Dangerfield Lane houses. The roof would be grey, which matches those in the locality and assimilates into the area. It is considered in this context, the appearance of the proposal would have minimal additional visual impact.

The 3.5m high extraction flue would be noticeable as they would project higher than the neighbouring buildings. They are designed in a 2 x 2 layout which minimises clutter when viewed side on as per the outlook of the houses along Dangerfield Lane. The flues have a diameter of 0.7m which when considered against the massing of the much larger building to the rear would not be a significant feature. It is proposed that the flues are finished in a goose wing grey colour, which would soften their appearance. Weight is given that the site is an existing high quality employment area where policies support investment and job creation to maintain the quantum of commercial use. Existing landscaping provides a valuable screen, however this does not form part of any control under planning legislation. The retention of the landscaping is important for this proposal and it is considered in the interests of good planning to recommend a condition that requires the retention of the landscape screen for the length of the proposed building. On balance and subject to this condition the proposal is not considered to have an adverse impact upon visual amenity.

Relationship to adjoining occupiers

The unit would be 14m from the boundary with the gardens with houses along Dangerfield Lane and would be approximately 39m from the rear of the houses. The application is presented as further commercial facility to a site used for general industrial purposes.

This includes HGVs driving up, down and manoeuvring around the yard. The proposed building is viewed in this context. Currently vehicles are brought to site and parked in the rear yard, they are then moved into the building where repairs take place. One repaired, vehicles that need a re-spray are parked within the site before they are taken off-site to be sprayed. They are then returned to site and stored until they are returned to the customer. The proposal would reduce vehicle movements off and onto-site as re-spraying would take place within an enclosed building. The proposal would not generate any further noise and disturbance than existing vehicle movements. In terms of odour the spray booth would use high quality extraction and filtration systems with extraction flue terminating some 10.8m above the ground. Pollution Control raise no objection subject to the use of conditions that were required as part of the 2012 planning permission. They also comment that the Applicant is aware that they will be required to apply for an Environmental Permit under regulation that is overseen by the Pollution Control Section, which controls emissions from the spray-booth, types of paints that can be used, and filtration of emissions to air

In the 2012 planning application an acoustic report was provided that demonstrates if all operations are conducted inside a building, with doors and windows shut then noise should not be a major issue for their activity. It was also considered that other B2 use activities could cause harm to local residential properties and therefore the use was restricted so that other general industrial uses will need to apply for planning permission to protect residential amenity from any future changes.

The applicants explain that the site is operated 08.30-17.00 Monday to Friday with no operations during the weekend – the 2012 planning permission found 07.00-19.00 on weekdays and 07.00 to 14.00 on Saturdays to be acceptable (condition 5). In the context of the existing use and existing high quality industrial estate it is considered that there would be no further loss of amenity to residential occupiers subject to the use and compliance with conditions (as per planning permission 12/0846/FL) in regard to, control over external lighting, operating hours, public address facility, controls over operations within the open yard, details for extraction specification, no additional openings, keeping doors closed and control over the use.

Neighbours raise concern that recently a concrete boundary fence between the application site and the rear gardens of houses has been removed in breach of planning permissions. This fence was not required to be retained as part of previous planning permissions.

Concern has been raised about risk to the environment from spillages and impact on wildlife. Spray booths are designed with impermeable bases to contain any substances should an accident take place. The site is not within a wildlife corridor and operations would be controlled by the environment permit to ensure it operates at appropriately on a day to day basis.

Residents have expressed concern about the storage of paint and solvents, which release vapours. Pollution Control confirms these issues are considered as part of the Environmental Permit where low solvent is necessary.

Concern regarding particles and vapours being carried into the garden and residents are not being able to open windows. The applicant explains that the extraction system is capable of filtering unwelcome vapours so people will be able to open their windows

Pollution Control require full details of the extraction system to ensure it meets appropriate standards to safeguard residential amenity. A condition is recommended. A condition is also recommended to ensure the flues terminate 3m above the roof ridge height of the neighbouring industrial building.

Concern has also been raised that a vehicle van hire company is being operated at the front of the building. The 2012 planning permission is controlled by condition 12 requires that the site is only used for HGV and commercial vehicle repairs and maintenance. The vehicle sales operation is being operated without the required permission. A planning application has been received by the Council who will consult adjacent neighbours so they have an opportunity to comment.

Impact upon ground conditions

The site investigation report notes that shallow mining in the area poses a risk to the proposed development and intrusive site investigation works are required. The Coal Authority concurs with the findings and raise no objection to the application subject to the use of a condition requiring an intrusive site investigation and details of any necessary remediation measures.

Pollution Control notes the findings of the site investigation report and also recommends conditions requiring a further site investigation and where necessary remediation measures and validation.

Car parking, manoeuvring and access arrangements

The proposed spray booth would be located within the rear yard of the site in an area currently used for storage. Sufficient space would continue to exist for the manoeuvring and parking of commercial vehicles around the site.

Due to vehicles being repaired and re-sprayed wholly on site, the proposal would result in a reduction of vehicle movements as they would not longer need to be transported to Wolverhampton and back. Highways raise no objection.

Conclusion

The proposed spray booth would be consistent with the existing high quality employment area designation. The design in visual terms would be comparable with its surroundings with the use of appropriate materials to assist assimilation with adjacent industrial buildings. The spray booth requires an Environmental Permit issued by the Council's Pollution Control team who who would also be responsible for its enforcement, are satisfied that the spray booth use would not cause detrimental harm to the amenity of neighbouring residents, subject to safeguarding planning conditions. The proposal would not give rise to conditions prejudicial to highway safety. In weighing the overall planning balance, including the concerns of the residents and planning committee, against the Council's own policies, national planning guidance, that the spray booth use would benefit from an Environmental Permit, the delivery of new jobs, the financial investment to help a local business expand within an existing industrial estate, it is considered that the planning application be recommended for approval subject to safeguarding conditions

Positive and proactive working with the applicant

Officers have worked with the applicant's agent, securing additional information to enable support to be given to the proposal.

Recommendation: Grant permission subject to conditions.

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

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

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

- Location, block and proposed elevations received 12/10/16
- Site layout plan received 20/1/17
- Phase I Geo-Environmental and Coal Risk Report received 16/12/16
- Supporting letter received 16/1/17.

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

3a. Prior to the commencement of the development drainage plans for the disposal of surface water shall have first been submitted to and approved in writing by the Local Planning Authority.

3b. The approved details shall be implemented before the development is first brought into use.

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

4a. Prior to the commencement of development a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority, as recommended in the 'Phase I Geo-Environmental & Coal Risk Site Assessment Report', Report No. PKS/153/16/woden, 15 November 2016, by Integrated Designs and Associated Ltd. (see Note for Applicant CL2).

4b. 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 to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

4c. The remedial measures as set out in the 'Remediation Statement' required by part b) of this condition shall be implemented in accordance with the agreed timetable.

4d. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part a) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part b) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

4e. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

5a. Prior to the commencement of development an intrusive site investigation confirming the shallow mining conditions and any remediation measures required to ensure the safety and stability of the proposed development shall have first been submitted to and approved in writing by the Local Planning Authority.

5b. The development shall be undertaken in accordance with any approved remediation measures.

Reason: To ensure the safety and stability of the development.

6a. Prior to their installation details of any extraction system for the purposes of industrial odour, fume, smoke, ash, grit or dust control shall be first submitted and approved in writing by the Local Planning Authority (note – this does not include flues used for the heating of buildings). Extract-ventilation fans shall be located within the building structure.

6b. Only the approved details shall be installed and shall thereafter be retained.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring residential occupiers.

7a. Prior to their installation details of extract-ventilation fans and associated ductwork, flues and chimney stacks shall be first submitted and approved in writing by the Local Planning Authority. They shall be designed and installed to ensure that resulting noise levels do not exceed 55 dB $L_{Aeq\ 1hour}$ and a Noise Rating of NR 50 during operating hours, as determined at a position not closer than 1m from the facade of residential premises.

7b. Only the approved details shall be fully installed and shall thereafter be retained.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring residential occupiers.

8. The building hereby approved shall closely match in colour to the existing buildings on site as they exist at the time of this application. For the avoidance of doubt the walls shall be blue and roof/extraction flues goose wing grey and retained thereafter.

Reason: To ensure the satisfactory appearance of the development.

9a. Prior to their installation, details of any new lighting and modifications to existing external lighting shall be submitted to and approved in writing by the Local Planning Authority. Details submitted shall ensure that lighting is directed away from residential properties and as such shall comply with the recommendations by the Institute of Lighting Engineers\Professionals for the reduction of light pollution.

9b. The lighting shall be implemented in accordance with the approved details and retained thereafter.

Reason: To avoid light pollution to neighbouring residents

10. The extraction flue shall terminate 3 metres above the roof ridge height of the adjacent existing industrial building immediately to the east of the application site.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring occupiers.

11. Upon first occupation of the development hereby approved the operators of the site shall at all times during working hours have an appointed Liaison Officer available to be contacted by neighbouring residents. The details of the Liaison Officer including contact details shall have first been shared in writing with adjacent residential occupiers. The Liaison Officer shall thereafter remain throughout the life of the development hereby approved.

Reason: In the interests of residential amenity.

12. Permitted operating hours including collections, deliveries and despatches shall be: 07.00 to 19.00 weekdays excluding Bank Holidays and Public Holidays; 07.00 to 14.00 on Saturdays and not at all on Sundays or Bank and Public Holidays.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring residential occupiers.

13. No public address facility shall be installed internally or externally on the application site.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring residential occupiers.

14. No manufacturing, vehicle re-spraying, fabrication, production, servicing or associated operation(s) other than essential building maintenance shall take place external to the building structure.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring residential occupiers.

15. No new windows or doors shall be installed in the façade of the building, facing the properties (gardens) on Dangerfield Lane.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring residential occupiers.

16. Doors to the spray booth shall remain closed except for when being used for ingress and egress.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring residential occupiers.

17. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any succeeding legislation, the site shall be used solely for the purposes of HGV and commercial vehicles repairs and maintenance and for no other purpose within Use Class B2.

Reason: The site may not be suitable for other operations, having regard to the relationship of the site to neighbouring residential properties on Dangerfield Lane.

18a. The conifer planting along the boundary of the application site and the rear gardens of houses along Dangerfield Lane shall be retained for a length parallel with the spray booth hereby approved.

18b. Should any tree die, is removed, or become seriously damaged or diseased, it shall be replaced as soon as practicable with others of similar size and species.

Reason: In the interests of visual amenity.

19. The spray booth hereby approved shall only be used as an ancillary facility by the company occupying the site and at no point shall it be used or operated as a separate or independent operation.

Reason: To define the permission in the interests of highway safety and residential amenity.

Notes for applicant

CL1 - Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 +A1:2013 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2 - When making assessments of any contaminants identified as being present upon 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. 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.

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FIRST STOP SHOP
28 OCT 2016

Petition AGAINST planning application 16/1147 Car park off Sister Dora Gardens, St Matthews

We the undersigned being residents of Sister Dora Gardens, Vicarage Place and surrounding streets ask Walsall Council to refuse planning application 16/1147 on the basis of increased traffic, lack of parking, impact on the privacy of existing residents and the application being inappropriate for the location.

NAME	ADDRESS	SIGNATURE
	56 vicarage place	
	56 vicarage place	
	56 vicarage place	
	57 vicarage place	
	57 vicarage place	
	57 vicarage place	
	57 vicarage place	
	57 vicarage place	
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	57 vicarage place	
	57 vicarage place	
	57 vicarage place	
	57 vicarage place	
	Flat 15 The Herbage	
	8 SISTER DORA GARDENS	
	58 VICARAGE PLACE	
	55 VICARAGE PL	
	54 VICARAGE PLACE	

ECONOMY AND ENVIRONMENT
28 OCT 2016
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Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Feb-2017

Plans List Item Number: 3.

Reason for bringing to committee: Significant Community Interest

Location: COALPOOL SUB POST OFFICE, 136A-136B, DARTMOUTH AVENUE, WALSALL, WS3 1SP

Proposal: CHANGE OF USE FROM POST OFFICE TO HOT FOOD TAKEAWAY.

Application Number: 16/1602

Applicant: Mr & Mrs Johal

Agent: Paul Clifton Associates

Application Type: Full Application

Case Officer: Barbara Toy

Ward: Blakenall

Expired Date: 25-Jan-2017

Time Extension Expiry: 10-Feb-2017

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The site is situated on the southern side of Dartmouth Avenue and comprises a retail shop at ground floor with residential accommodation above. The retail shop is currently used as a post office. The shop sits within a block of 4 shops in a two storey building angled across the corner at the junction of Coal Pool Lane. Other shops within the block comprise a convenience store, pharmacy and Chinese takeaway. A parking area for the shops is situated on the angled front forecourt area and provides parking for approx 16 cars, including two disabled spaces. The site is within the Coalpool/Ryecroft local centre.

On the opposite corner of Coal Pool Lane is a vacant site with two storey residential houses to the south east in Coal Pool Lane. To the west of the block is a pair of semi detached retail shops with residential above, one operating as a taxi booking office and the other is vacant. Beyond is St Thomas R C Church and school. Opposite on Dartmouth Avenue/Coal Pool Lane are further retail shops on each corner, one of which (2 Ryecroft Place) is operating as a chip shop, with residential surrounding and a further vacant site formerly occupied by Dartmouth House.

This application proposes the change of use of the A1 retail shop to A5 hot food takeaway. This is a speculative application as no end user has been secured to date. The use would require no external alterations to the premises, just internal alterations. The property already has a small angled enclosed yard area to the side/rear which would be utilised for refuse bins. It is proposed that the use would be open 1100 – 2300 hours Monday to Friday, 1100 - 2330 hours Saturday and 1700 – 2200 hours on Sunday and is likely to employ 2 full time staff. As this is a speculative application no specific details of fume extraction equipment/flue are known at this time.

The agent has confirmed that the frontage parking area provides general parking for the shops with no specific spaces allocated to each shop.

A Design and Access Statement has been submitted in support of the proposals. This confirms that the post office is in decline and cannot support a separate retail unit. Post Office Counters Ltd have agreed that the post office can be moved into a small kiosk unit within the adjoining convenience store and will continue to be operated by the applicant.

Relevant Planning History

BC17360P, erection of 2 shop units with 2 flats over, granted subject to conditions 30-07-86.

BC61075P, change of use to hot food takeaway, granted subject to conditions 19-07-00.

Relevant Planning Policy Summary

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

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV3: Design Quality

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

- GP2: Environmental Protection
- S1: Definition of Town Centre Uses
- S2: Hierarchy of Centres
- S5: The Local Centres
- S6: Meeting Local Needs
- S8: Housing in Town Centres
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food & Drink) Outlets.
- ENV10: Pollution
- ENV32: Design and Development Proposals
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

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

Consultations

Transportation – No objections.

Environmental Health – No objections subject to conditions to ensure details of odour control, fume extraction and ducting are submitted for approval prior to installation, to control any externally located plant, ensure adequate refuse storage and to restrict hours of opening and hours of delivery to the site.

West Midlands Police – No objection. It is recommended that the applicant is made aware of the security benefits of Secure by Design as the property is within an area of high levels of crime and anti social behaviour. Recommendation for CCTV system to monitor activity within and outside the hot food shop as well as a number of more specific recommendations regarding security measures and procedures.

Public Participation Responses

Six objections received.

Objections:

- Only a supermarket and chemist, no other suitable shops in the centre
- Already a chip shop and Chinese takeaway in the centre and 2 off licences within 200 yards.
- Already social problems from the existing takeaways in the area, another will compound this
- Do not need another business mainly evening opening.
- Already a huge problem of litter, another takeaway will add to this problem
- 2 schools within close proximity, will encourage unhealthy eating amongst pupils
- Already groups of young people hanging around in the evenings causing a nuisance at night, another late opening business will make this worse, groups of youths already intimidating to residents.
- Already noise pollution from the shops and taxi business, don't require more
- Concerns at the loss of the post office

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

Determining Issues

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

Observations

Principle of the use

The proposed A5 use is defined in Policy S1 of the UDP as a town centre use. Policy S10 also defines hot food takeaways, restaurants and other food and drink outlets as appropriate in a town, district or local centre, but must not adversely affect the amenities of existing residents through noise, smell or disturbance. The site is within the Coalpool/Ryecroft local centre, and comprises a retail unit that will become vacant in the near future when the post office moves.

The post office business can no longer sustain the upkeep of a separate retail unit and approval has been given by Post Office Counters Ltd to move the post office service into the adjoining supermarket/convenience store also operated by the applicant.

Policy S10 further advises that opening hours should be restricted to 2300 hours Monday – Friday and 2330 hours on Saturday and Sunday opening considered on its own merits.

Whilst there are two other hot food uses within the centre, one is situated at the opposite end of the block of shops and one is situated at 2 Ryecroft Place on the opposite side of the road to the application site. It is considered that the proposed use would not have an adverse cumulative impact on the centre.

The proposed use is considered acceptable in principle and would not adversely impact on the vitality of the local centre as the premises would be open from 1100 hours and would make use of what will be a vacant unit in the near future.

The principle of the use complies with policy and was previously established with a planning approval in 2000.

Design and Layout

The proposals would require no external alterations to the shopfront, so the appearance of the property within the frontage would remain unchanged. The property has an existing yard to the rear accessed via an entry to the side of the shop, which would accommodate the refuse bins.

As this is a speculative application with no end user yet identified no details of fume extraction equipment have been submitted as the requirements for the specific food type are unknown. A condition is therefore recommended to ensure that details of appropriate odour control and fume extraction including any external ducting are submitted for approval and installed prior to first use. This addresses pollution control officer requirements.

Objectors have expressed concerns about the existing litter within the area and that the proposals are likely to exacerbate this. A condition is recommended to ensure that a litter bin is provided within the forecourt of the premises together with a management plan for litter and refuse.

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

Amenities of the Surrounding occupiers

There are flats above the shops within the block, including the application premises and above the two shops immediately to the west of the site with the closest dwelling houses opposite the church in Dartmouth Avenue, approx 65m away.

Policy S8 of the UDP recognises that the level of residential amenity in a centre may not be the same as that expected in suburban locations. The policy further recognises that housing in a centre should support and not prejudice the retail, commercial and leisure functions including the growth of the evening economy. It is considered that the proposed use would sit alongside the existing uses in the area and would be unlikely to have any significant additional adverse impact on the amenities of the surrounding occupiers over that of the existing situation.

Objectors have raised the issue of existing problems of youths hanging around the shops. West Midlands Police are aware of the high level of crime and anti social behaviour in the immediate area but recommend a number of security measures that should be implemented as a deterrent. It is considered that an additional late night use would be unlikely to have any significant additional impact over the existing situation and the recommended security measures may help the existing situation.

Objectors have raised the issue of the proximity of the proposed use to two local schools and the possible impact on the health of pupils. Edgar Stammers and St Thomas schools are both infant and junior schools with children at an age when they should be under adult supervision out of school, the proposed hot food use should therefore not directly impact on the health of these children given they will be supervised by adults. There is no specific planning policy to require consideration of the proximity of such uses to schools or relating to healthy lifestyles which deter a favourable consideration of this planning application.

It is considered that the proposed use would not adversely impact on the residential amenity over and above that of the existing situation within the local centre from the existing uses and opening hours.

Access and Parking

The block of shops already has an existing parking area on the frontage for approx 16 cars and two disabled spaces, accessed from either side off Coal Pool Lane and Dartmouth Avenue. This is a communal parking area that would provide more than sufficient parking for the proposed use and the Transportation officer has no objections.

Positive and proactive working with the applicant

Officers have liaised with the applicant's agent during the course of the application to obtain additional information and enable them to support the proposals

Recommendation:.Grant permission subject to conditions

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

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

2. The development hereby approved shall be built in accordance with the following plans:
Site Location Plan and Block Plan submitted 12th October 2016
Existing and Proposed Plans Drawing 16112.1 submitted 12th October 2016
Design and Access Statement submitted 12th October 2016

Reason: To define the permission.

3a. Prior to first use of the premises for the use hereby approved details of a litter bin outside the property (including mechanisms for emptying) shall be submitted to and approved in writing by the Local Planning Authority.

b. Once agreed the bin shall be installed and thereafter retained and operated in accordance with the approved details.

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

4a. Prior to the first use of the premises for the use hereby approved details of arrangements for internal air extraction, odour control, and discharge to atmosphere from kitchen cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority.

b. The odour control scheme shall be designed to prevent harm to the amenities of surrounding occupiers.

c. The scheme shall be installed in accordance with the agreed details.

d. Once installed the equipment shall thereafter be maintained in accordance with the manufacturer's guidelines, such guidelines having previously being agreed in writing by the Local Planning Authority.

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

5a. Prior to the first use of the premises for the use hereby approved a noise assessment for any externally located plant or equipment shall be undertaken, submitted and agreed in writing with the Local Planning Authority.

b. Once agreed the mitigation measures shall be installed in accordance with the approved details and thereafter maintained.

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

6a. Prior to the first use of the premises for the use hereby approved details of a scheme of acoustic insulation to be installed to prevent adverse impact upon upper floor residential uses shall be provide to and agreed in writing by the Local Planning Authority.

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

Reason: In order to protect the amenity of the immediate residential occupiers.

7a. Prior to the first use of the premises for the use hereby approved details of a method to prevent greases entering the drainage system have been submitted to and approved in writing by the Local Planning Authority.

b. The premises shall not be open for business until this approval has been given and approved details have been fully implemented.

c. The approved equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirement.

Reason: To prevent grease entering into the drainage system in the interests of the free flow, capacity and the prevention of pollution of the system.

8a. Prior to the first use of the premises for the use hereby approved details of security measures to be implemented to reduce the incidents of crime at the premises, to include CCTV shall be submitted to and approved by the Local Planning Authority in conjunction with West Midlands Police.

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

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

9. The premises shall not be open for business outside the hours of 0900 to 2300 hours Monday to Friday, 1100 to 2330 hours on Saturdays and 1700 – 2200 hours on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the occupiers of adjoining premises.

10. No deliveries shall be taken at or dispatched from the site outside of the hours on 0700 – 2300 hours Monday to Friday.

Reason: To safeguard the amenities of the occupiers of adjoining premises.

Note to Applicant

Environmental Health

The main activity at these premises is such that Walsall Council Environmental Health would enforce the requirements of Food Safety and Hygiene (England) Regulations 2013 and relevant European Community Regulations and Health and Safety at Work etc. Act 1974.

The premises is required to comply with the requirements of this legislation and the application should consult with Environmental Health regarding legal requirements.

West Midlands Police

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

Recommendations for this site:

If the premises is to have any replacement doors or windows during the refurbishment then I recommend all ground floor windows and any accessible windows should have at least one pane of 6.4mm laminated glass and I recommended the developer to be made aware of and fit the PAS 24:2012 doors.

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

I also recommend some form of Fogging device is fitted as this will assist in any Robbery type offence as this Neighbourhood has a high proportion of this type of crime. Make sure staff can both see and be seen, displays and posters should not obscure the line of vision, staff need to be able to see if anyone is acting suspiciously outside the premises and anyone outside should be able to see if there is a problem occurring inside.

Consideration also needs to be given to cash handling on site keep as little cash as possible on the premises with a minimum in each till, put notices up to this effect so offenders are aware the risks far out way the rewards. Do not count cash in view of the public always do it in a back office and use drop boxes from the tills rather than removing money trays containing large amounts of cash. The safest method of cash collection is through recognised cash carrying companies.

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

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

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

The bin storage area gates must remain locked as there is potential for offenders to start bin fires in West Midlands at the moment.

Notes for Applicant

- **Environmental Health**
The main activity at these premises is such that Walsall Council Environmental Health would enforce the requirements of Food Safety and Hygiene (England) Regulations 2013 and relevant European Community Regulations and Health and Safety at Work etc. Act 1974. The premises is required to comply with the requirements of this legislation and the application should consult with Environmental Health regarding legal requirements.
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Due to the high crime experienced in this area that the developer should be made aware of the security benefits that can be achieved on this site through adopting the principles of Secure By Design. Information can be found at www.securedbydesign.com

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The bin storage area gates must remain locked as there is potential for offenders to start bin fires in West Midlands at the moment.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Feb-2017

Plans List Item Number: 4.

Reason for bringing to committee: Significant community interest

Location: FORMER CO OPERATIVE RETAIL SERVICES LTD, 198, WALSALL WOOD ROAD, ALDRIDGE, WALSALL, WS9 8HB

Proposal: CHANGE OF USE FROM RETAIL STORE TO WINE BAR, INCLUDING NEW SHOPFRONT AND ALTERATIONS TO REAR ACCESS.

Application Number: 16/1313
Applicant: Nicky Blackwell-Morgan

Case Officer: Devinder Matharu
Ward: Aldridge Central And South, Aldridge North And Walsall Wood
Expired Date: 15-Feb-2017

Agent: DPM (Design Project Management) Services

Application Type: Full Application

Time Extension Expiry: 07-Feb-2016

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The proposal is for change of use from a retail store (former Co-Op Funeral Care) to a wine bar including a new shop front and alterations to the rear access.

The premises are located on the western side of Walsall Wood Road within Lazy Hill Local Centre and are accessed off a service road. The building is within a row of purpose built two storey flat roof shops but is a larger unit projecting beyond the other units to the front and rear. There is a solid roller shutter across the shop window at the front. The applicant advises the first floor is under separate ownership and comprises 2 flats and 1 bedsit.

The proposed drawings include internal changes to incorporate a food preparation area, beer store and male/female/disabled toilets but these internal changes do not require planning permission. The resulting lounge/bar area is 88m². The proposed windows are to be amended to include a 0.6m high brick stall riser with window above and replacement double doors. The roller shutter is to be retained. Proposed window alterations are proposed to the toilets in the side and rear elevations, new door to the lobby and beer store in the rear elevation and an extended stepped landing increasing from 4m to 6.8m wide. A food extraction flue is included on the rear elevation terminating 1m above the roof.

The adjoining shops are predominantly Class A1 retail units including a hair salon, beauty salon and chiropodist but also a hot food take-away (Class A5). There is a large Co-Op store opposite plus other retail units plus another hot food take-away.

There are car parking spaces available in the service road immediately in front of the row of shops and further car parking to the rear. The applicant identifies that 20 car parking spaces are available.

The proposed hours of opening to the public are between 8am-2am every day with staff occupying the building 30 minutes either side of these proposed hours. The license application however stipulates 09.00 to 1.00am daily.

A Design & Access Statement has been provided which describes the site, informal pre-application advice sought and the proposals including design and access.

A Supporting Statement has been provided in response to objector's representations. They consider the proposal will replace a lost asset (The Cedar Tree PH) with a small venue serving not only alcoholic drinks but hot beverages and soft drinks and growing menu to suit customer needs. They hope to cater for elderly persons in the area and offer a disabled toilet facility not currently available in Lazy Hill local centre. The evening clientele aimed for is 30+. Bar, waiting and kitchen staff will be employed. The property has been empty for 2 years. There is ample parking but the site is well served by taxi, public transport and pedestrian traffic.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 2 - Ensuring the vitality of town centres***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 7 - Requiring good design***
- ***NPPF 12 - Conserving and enhancing the historic environment***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- CEN2: Hierarchy of Centres
- CEN5: District and Local Centres
- CEN6: Meeting Local Needs for Shopping and Services
- CEN8: Car Parking in Centres

- 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
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM5: Resource Management and New Development

Unitary Development Plan

- GP2: Environmental Protection
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S5: The Local Centres
- S6: Meeting Local Needs
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets
- T1 - Helping People to Get Around
- T4 - The Highway Network
- T7 - Car Parking
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- 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
- DW10 Well Designed Sustainable Buildings

Policies are available to view online:

Relevant Planning History

BC52099P – Proposed single storey extension to rear of existing shop – Refused 25/03/98

BC56431P - Single storey extension to rear of existing shop & provision of car parking spaces – GSC 15/02/99

Rear of 198

BC27859P – Single storey workshop/store/garages – Refused 05/12/89

BC35805P – Day Nursery & Play Area – Refused 07/07/92

Display of adverts (2004, 2009 & 2016)

Consultation Replies

Environmental Health – No objections. Conditions are recommended to secure details of extraction and odour control, noise mitigation for plant, facilities for waste storage, restriction of hours to Sunday to Thursday 09.00 to 23.00 and Friday and Saturdays 09.00 –to 23.30 hours. The activity would need to comply with Food Safety Hygiene (England) Regulations 2013.

Fire Service – No objections subject to adequate water supply.

Policy – No objections. The proposed use is appropriate within a local centre and helps to bring life to the centre in the evenings. The proposal also introduces a leisure use within the centre which is welcomed and is of a scale that is appropriate within the local centre.

Pollution Control – No objection subject to securing measures for sound reduction between the proposed wine bar and first floor residential premises. The activities at a wine bar have the potential to give rise to significant noise and odour emissions which could impact on the occupiers of residential premises in the vicinity. As Environmental Health regulates noise/odour emissions from business premises they should be consulted.

Transportation – No objections. Parking provision requirements is based on the gross floor area which is 184sqm. UDP policy T13 requires 16 spaces for existing shop and 10 spaces for the wine bar. The proposal therefore generates a lower parking requirement than the existing use. The building fronts onto a private shared parking/service road area which can accommodate around 20 cars. Taking into account the proposed use is likely to be busiest in the evenings and weekends it is considered that the proposals will not have severe transportation implications and is acceptable.

Representations

A press notice was published, site notice displayed and direct neighbour notifications within a 100m radius of the site carried out. There have been 20 letters of objection and 1 letter of support which are summarised as follows:

Objections

- More appropriate to locate in Aldridge a District Centre
- Already clubs and wine bars in Aldridge nearby
- Lazy Hill Local Centre is for day to day needs
- The proposed use is not in a sequentially preferential site
- The proposal would undermine the retail function of the local centre
- Still potential for the premises to be occupied by Class A1 retail
- Unsuitable in a residential area
- Increased traffic
- Increased parking demand and insufficient parking
- Reliance on shared parking areas which is busy during the day and evening
- Poorly laid out parking
- Congestion and highway safety issues for pedestrians and vehicles (including buses)
- Unable to access private parking areas due to patrons parking
- Increased potential for accidents
- Increased deliveries resulting in pollution
- Already been two accidents resulting in death from reckless driving
- Works already started internally
- Noise and traffic pollution
- No hours of use indicated
- Hours of 09.00 – 01.00 have been put forward on the license application
- Noise disturbance to neighbours given late opening hours
- Loss of privacy
- Residents above shops adversely affected
- Increase in anti-social behaviour
- Increased litter
- No need for further premises selling alcohol there is already a pub
- Competition for the Lazy Hill pub (*not a material consideration*)
- Previous problems with the Cedar Tree PH
- Concern about anti social behaviour from customers leaving the premises
- Lack of police resources to monitor the premises
- Loss of property value (*not a material planning consideration*)
- Strongly disagree with proposals
- Fear of external smoking shelter causing odour
- Vague details provided
- Alternative sites available
- Set unwanted precedent
- Should promote healthy lifestyle not this type of proposal
- Loss of convenience shopping premises
- Detrimental to existing businesses
- Insufficient time for comments (*the statutory consultation period has been adhered to*)

Support

- Benefit community
- Attract passing trade
- Brings vibrancy to the village
- Create job opportunities

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

Determining Issues

- Principle of Wine Bar (Class C4) use
- Relationship to surrounding properties
- Access and Parking

Observations

Principle of Wine Bar (Class C4) use

The proposed wine bar is a Class C4 (drinking establishment) use that is an appropriate use within this established local centre. Policy S1 of the UDP identifies town centre uses. Policy CEN1 of the BCCS supports appropriate complimentary uses within centres to enhance the evening economy which the proposal would comply with. Policy CEN2 of the BCCS and S2 of the UDP identifies Lazy Hill as a local centre within the hierarchy of centres. BCCS Policy CEN6 and S6 of the UDP relates to meeting local needs for shopping and services for small scale developments (below 200m²). The scale of the proposal is considered appropriate to serve local needs given the limited size of the premises.

Policy officers comment that the proposed use is appropriate within a local centre and helps to bring life to the centre in the evenings as well as introducing a leisure use within the centre which is welcomed. The premises at 143m² are of an appropriate scale given the size of Lazy Hill local centre.

Neighbours have objected to the proposals on the basis that the wine bar should be located elsewhere in Aldridge as it serves more than local day to day needs, that other sequentially preferential sites should be considered and that the proposals will undermine the retail function of the local centre. They also consider that as there are other Class A4 establishments in the area there is no need for another. However, the proposals comply with the retail policies referred to and given the limited scale of the proposals do not warrant sequential testing for alternative sites so the proposed use accords with policy. The former convenience store (Co-Op) has relocated elsewhere within the centre so no significant loss of Class A1 retail floor space. There is no policy to prevent competition between businesses. Works commenced internally do not require planning permission despite neighbour concerns.

There is no opportunity for the proposals to set a precedent as each case has to be considered on its own merits. There are no specific planning policies relating to promotion of healthy lifestyles to deter favourable consideration of the proposals.

The supporter acknowledges that the proposals will attract passing trade and bring vibrancy to the area as well as potentially creating job opportunities.

As the proposals comply with retail policies within the BCCS and UDP the principle of a Class A4 establishment in Lazy Hill local centre is acceptable.

Relationship to surrounding properties

The premises are purpose built as retail units with flats above. There are also houses surrounding the premises in Walsall Wood Road, Lazy Hill Road, Lancaster Avenue and Jessie Road and outlying areas. The proposed physical changes to the building will not have any significant impact on the character of the building or surrounding amenities.

The proposed hours of opening on the license application are between 09.00 and 1.00am daily. UDP policy S10 seeks to restrict the hours of hot food take-aways, restaurants and other A3 (Food and Drink) outlets. The proposed use is class A4 drinking establishment but this is a new use introduced since the UDP was adopted. As the proposed use has similar characteristics to a restaurant and will offer food and drink this policy is applicable. The policy seeks to restrict opening hours to protect amenities. Environmental Health officers have also recommended reduced hours to between Sundays to Thursdays 9:00am to 11:00pm and Fridays to Saturdays 9:00am to 11:30pm. This will go some way to address neighbour concerns regarding potential for late night noise, including those in close proximity living above the adjacent shops. A condition to provide noise mitigation between the first floor flats and wine bar below is recommended to address the pollution control officer comments. Potential for increased deliveries that could affect pollution is considered to be no greater than when the premises operated as a Class A1 retail store.

The proposals include provision of a fume extraction system and this will be secured by appropriate conditions to prevent potential odours emanating from the premises and affecting neighbouring properties. There is no smoking shelter indicated on the drawings but the planning system cannot prevent patrons smoking outside the premises.

Objectors consider there are vague details in the application but there is sufficient to determine the key issues and details such as noise mitigation and hours of business will be secured by conditions in order to protect residents.

Residents have described the site as a residential area. Whilst it is close to residential areas this is an established retail unit within Lazy Hill local centre defined in the development plan as appropriate for such uses.

The potential for increased litter is no greater than if the premises were occupied as before for a retail shop. In fact as food and drink are for sale on the premises there should be no take-away wrappings. Environmental Health officers have recommended a condition to secure appropriate measures for containment of waste at the site.

Problems relating to potential for anti-social behaviour and drunk driving are a matter for the licensing of the premises and the police.

The supporter considers the proposals will benefit the community offering a meeting place.

There have been objections relating to loss of privacy but the proposals do not cause any significant loss of privacy that is significantly different to loss of privacy from other businesses in this parade of shops.

On balance and taking account of measures to be secured by condition to protect residential amenities in terms of fume extraction, noise and operation hours the proposals are considered not to cause significant harm to residential amenities in the surrounding area.

Access and Parking

Access to the premises is from a service road which has shared parking for up to 20 vehicles within it. The row of shops shares the parking provision. These arrangements are not proposed to alter. The Transportation officer is satisfied that the level of parking is appropriate and in fact will have less demand for parking than the previous Class A1 retail use. In addition the premises will be open during the evening when there is less demand for parking for the shops.

Objectors are concerned that the proposals rely on shared parking areas and that the proposals will result in increased traffic, noise and traffic pollution, increased demand on the shared parking areas and that there is insufficient parking and that available is poorly laid out. They are concerned that as the parking is shared with residents and other shops use by the wine bar patrons could prevent access for existing users. Objectors also consider there will be increased conflict with other vehicles, pedestrians and buses that could cause a highway hazard and that there have already been two fatalities in the area.

The shared parking is available for the premises as before when it was a convenience store so despite the change in use there is little change to this parking demand. As stated above the proposed Class A4 use has a lower policy parking requirement than the former Class A1 use. Increased traffic, noise and traffic pollution would also be as likely were the premises occupied for a Class A1 retail use. There is no proposed change to the parking layout despite concerns that this is poor and likely to create conflict between residents this is not a public highway so conflicts would need to be addressed privately on site. The proposals would not create any greater potential for conflict between other vehicles, pedestrians and buses than presently exists. On balance the Transportation officer is satisfied that the proposals would be satisfactory and would not have severe transport implications.

The site is within a local centre where there is frequent access to public transport and is in a sustainable location close to people's homes whereby walking to the premises is a realistic alternative.

On balance there are no objections to the access and parking arrangements.

Positive and Proactive working with the applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding the entrance doors opening outwards and details of flue extraction amended plans and additional information has been submitted which enable full support to be given to the scheme.

Recommendation: Grant permission subject to conditions

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

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

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

- Location Plan received 09/12/16
- Block Plan received 09/12/16
- Existing & Proposed Ground Floor Plans (DPM143/01 Rev C) received 22/12/16
- Existing Elevations (DPM143/02) received 04/10/16
- Proposed Elevations (DPM143/03 Rev B) received 22/12/16
- Internal Kitchen Layout showing extraction received 09/12/16
- Design & Access Statement prepared by DPM received 19/09/16

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

3a. Prior to the commencement of development a scheme including full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from kitchen cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. *For new premises or premises covered by planning conditions restricting the impact of the odour systems shall be designed to prevent harm to the amenity.*

3b. The approved equipment shall be installed and thereafter maintained in accordance with the manufacturer's guidelines, such guidelines having previously being agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of surrounding occupiers.

4a. Prior to the installation of any externally located plant a noise assessment of externally located plant shall be undertaken and submitted to and agreed in writing with the Local Planning Authority. A report detailing the findings and any recommendations for mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

4b. Any mitigation measures shall be agreed in writing with the Local Planning Authority prior to commencement of construction.

4c. Properties shall not be occupied until any agreed mitigation measures have been implemented to the satisfaction of the Local Planning Authority and any agreed mitigation measures shall be maintained thereafter.

Reason: To protect the amenities of surrounding occupiers.

5. The use hereby permitted shall not be open to customers outside the following times:
Sundays to Thursdays 9:00am to 11:00pm and Fridays to Saturdays 9:00am to 11:30pm

Reason: To protect the amenities of surrounding occupiers.

6. Adequate facilities should be provided at the site at all times for the storage, disposal and containment of waste.

Reason: To protect the amenities of the surrounding area.

7a. Insulation between the ceiling of the ground floor and the residential premises above shall achieve a minimum sound reduction of R_w 60 dB and the applicant shall provide details to demonstrate that this reduction is achieved or inform of submit details of any required mitigation measures necessary to achieve it.

7b. Any mitigation measures required shall be submitted to and approved in writing by the local planning authority prior to occupation of the premises and maintained thereafter in accordance with the agreed details. *Note: This may need to take account of fire protection requirements and advice should therefore also be sought from Building Control.*

Reason: To protect the amenities of surrounding occupiers.

Note for applicant – Environmental Health

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



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Feb-2017

Plans List Item Number: 5.

Reason for bringing to committee: Called in by Councillor Martin on the grounds the application should be aired at committee.

Location: 25, WOODLANDS AVENUE, WALSALL, WS5 3LN

Proposal: DEMOLISH EXISTING HOUSE AND BUILD NEW SIX BEDROOM HOUSE.

Application Number: 15/0932/FULL

Applicant: Mr & Mrs Singh and Kaur

Agent: Rachel Webber

Application Type: Full Application

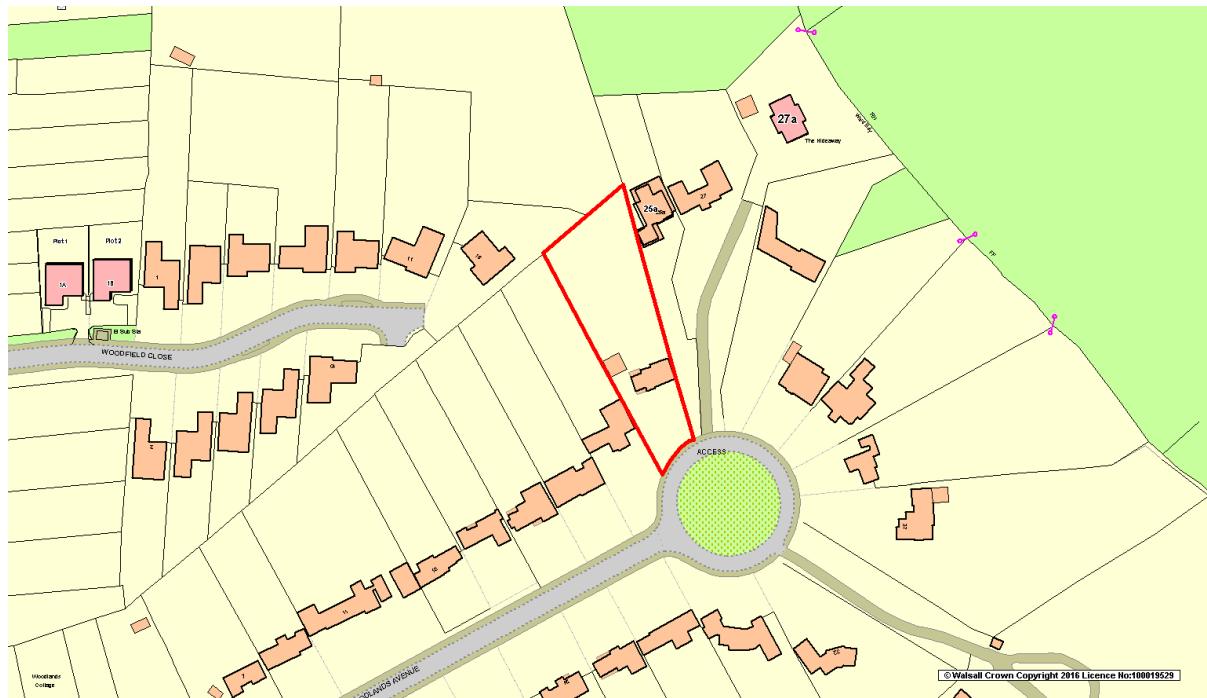
Case Officer: Stuart Crossen

Ward: Paddock

Expired Date: 13-Aug-2015

Time Extension Expiry:

Recommendation Summary: Refuse



Application and Site Details

This application proposes a replacement 6 bedroom detached house arranged over three floors with a front projecting garage.

The existing traditionally styled house has a low eaves design and is set back from the road by 22 metres. Woodlands Avenue is a residential road with large traditional designed houses on large spacious plots which are set back from the highway at this turning island, by between 18 and 110 metres. The agent has confirmed the height to be 9.01 metres which is taller than neighbouring house number 23 by 2 metres

The front elevation design includes a large hipped projection, large projecting first floor blank hipped roof projection with proposed ground floor double garage projecting 3.6 metres further forwards, a central gable projection with entrance, with black metal front balustrades to the first floor landing windows above, 2 front dormer windows, and a central gable projection with entrance.

The rear design at first floor includes three Juliet balconies, rear two storey projection with hipped roof, flat roof single storey rear projections, two rear facing gable dormers and a roof light in the main roof.

Secondary habitable side elevation windows are proposed facing the shared boundary to numbers 25a and 27. Also proposed on this elevation is a side access door to the house and side roller shutter door to the garage. Oak electrically operated garage doors are proposed facing the boundary to number 23, 15 metres away. A front bedroom window faces number 23 at an angle of 45 degrees, with a separation distance of 16 metres to number 23's front bedroom windows.

The key measurements of the proposed house are:
15.5 metres deep near to the boundary with number 23
20 metres deep two storey along the boundary to number 25a
29.3 metres deep single storey along the boundary to number 25a
5.7 metres high to the main roof eaves
9.3 metres high to the main roof ridge
3.15 metres high to the garage roof eaves
6.4 metres high to the garage roof ridge.

The front elevation would be 16 metres from the rear elevation of number 23 a two storey house measuring 6.5 metres high which has primary rear facing first floor bedroom windows, and would be to the side of an existing flat single storey rear extension at number 23, which the rear of the proposed house would project 4.2 metres beyond. The proposed house would be built 1100mm from the shared boundary defined by established planting.

The front elevation of number 25a the other neighbouring house would be 16 metres from the rear elevation of the proposal.

A third bat report has been received which concludes that no bats have been found but makes recommendations which can be conditioned.

A design and access statement has been submitted which states that there are no two houses the same with varying styles, materials and heights along both sides of the road. It is also stated that walls and gates are common.

Relevant Planning History

03/1847/FL/H4 - 25,WOODLANDS AVENUE,WALSALL,WEST MIDLANDS,WS5 3LN - Two storey rear extension including garage, pool basement – Refused on 20/11/03 for the following reason:

1. The local planning authority consider the size and design of the extension would be over-large and out of character with the existing house and the surrounding area, and the extension would have an over-dominating impact on the adjoining house number 23. The proposal would therefore be contrary to Walsall's Unitary Development Plan, in particular Policy H4(c).

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Key provisions of the NPPF relevant in this case:

4: Promoting sustainable transport

32. Decisions should take account of whether:

- Safe and suitable access to the site can be achieved for all people
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

35. Developments should be located and designed where practical to:

- Give priority to pedestrian and cycle movements and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.
- Consider the needs of people with disabilities by all modes of transport.

6. Delivering a wide choice of high quality homes

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

50. Aim to deliver a wide choice of high quality homes and advises local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community such as older people and people with disabilities amongst others.

7: Requiring Good Design

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

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area.
- Optimise the potential of the site to accommodate development.
- Create safe and accessible environments.
- Respond to local character and history and reflect the identity of local surroundings and materials.
- Are visually attractive as a result of good architecture and landscaping.

60. Decisions should not attempt to impose architectural styles of particular tastes and they should not stifle innovation. It is proper to seek to promote or reinforce local distinctiveness.

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

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

111. Encourage the effective use of land by re-using land that has been previously developed.

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts

125. Decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

The relevant key policies are:

CSP1: The Growth Network

CSP3: Environmental Infrastructure

CSP4: Place Making

CSP5: Transport Strategy

HOU1: Delivering Sustainable Housing Growth
HOU2: Housing Density, Type and Accessibility
HOU3: Delivering Affordable Housing
TRAN1: Priorities for the Development of the Transport Network
TRAN2: Managing Transport Impacts of New Development
TRAN4: Creating Coherent Networks for Cycling and for Walking
TRAN5: Influencing the Demand for Travel and Travel Choices
ENV3: Design Quality

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

Walsall's Unitary Development Plan (UDP)

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

The relevant policies are:

GP2: Environmental Protection
3.6 and 3.7: Environmental Improvement
ENV10: Pollution
ENV11: Light Pollution
ENV14: Development of Derelict and Previously-Developed Sites
ENV32: Design and Development Proposals
ENV33: Landscape Design
ENV40: Conservation, Protection and Use of Water Resources
H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
H4: Affordable Housing
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
T13: Parking Provision for Cars, Cycles and Taxis

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

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD (Feb 2008)

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

The following are the relevant policies;

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

Annexe 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.

Conserving Walsall's Natural Environment SPD

It is considered in this case that the relevant provisions of Designing Walsall and Conserving Walsall's Natural Environment Supplementary Planning Documents are consistent with the NPPF.

5 Year Housing Supply

The Council's Strategic Housing Land Availability Assessment (SHLAA) (April 2016) demonstrates that the Council has a 5 year supply of housing sites in the Borough in accordance with the provisions of the NPPF.

Consultations

Transportation – No objections subject to a condition requiring the driveway and hardstanding areas to be fully consolidated, hard surfaced and drained to prevent water run off on to the highway prior to first occupation.

Trees – No objections subject to the retention of the oak tree in the garden.

Pollution Control – No objections

Severn Trent – No objections subject to drainage condition

Police – No objections, recommendations made which can be conditioned including; Windows, doors, roof lights, defensible space for front ground floor windows, new boundary fencing, rear access gates and intruder alarm.

Strategic Planning Policy – No objections subject to conditions to mitigate for potential unrecorded bat roosts.

Public Participation Responses

Six objections have been received on the following grounds:

Balconies to the front would result in overlooking,

3 storey's would result in overlooking and loss of privacy.

Boundary treatment out of character and contrary to freehold.

Impact on existing drainage infrastructure and water pressure.

Loss of trees

Loss of privacy and light to number 23 due to the proximity, loss of boundary planting, inclusion of balconies, location of windows, size of proposal and loss of trees.

Loss of view

Parking

Waste and refuse management

Impact on existing water table.

Previous scheme with similar issues refused.

Boundary is disputed

No active frontage could increase crime

Occupants currently park vans on the road causing obstruction.

Determining Issues

- Design and Character of the Area
- Neighbouring Amenity
- Drainage
- Access and parking
- Security
- Trees
- Bats
- Conclusion

Observations

Design & Character of the Area

The excessive depth, width and mass of the proposed house would give a cramped appearance by introducing a building that fills the width of the majority of the plot which would not reflect the spacious character of Woodlands Avenue, with large houses set with space around them and between neighbouring houses.

A common characteristic of the houses in Woodlands Avenue is that they are traditionally styled with hipped roofs and key focal feature gables. The design does not reflect any other traditional styled houses in the Woodlands Avenue and the following proposed features are particularly unusual:

- The proposed four competing hipped roof and gable projections
- Large first floor blank projection
- Excessive depth, width and height of the proposed double garage at the front of the house
- Central gable projection with large entrance and black metal balustrades to first floor front windows
- Large front dormer windows

As submitted the proposal represents a failed opportunity for creating a high quality development in an area defined by such properties due to the combination too many elements, set out above, that all serve to compete without providing a clearly defined design, which collectively results in a new house having the appearance of a property significantly extended. The opportunity would be missed to create a new large house which could not satisfactorily be achieved through extending the existing house which this contrived design would have the appearance of. For these reasons the proposal would result in significant harm to the character of the area.

Siting and Impact on Neighbouring Amenity

The location of the new house would have a significant impact on the amenities enjoyed by occupiers of number 23 in relation to an existing single storey rear extension and their garden area by way of an overbearing impact, loss of light and overlooking.

Although it is recognised that the existing house is set back from number 23, the proposal would be closer to the boundary and significantly deeper. The proposed first floor front bedroom windows would also face the bedroom windows of number 23 creating overlooking and does not meet the Council's minimum separation standards of 24 metres.

The existing roof is higher than the neighbouring roof by 2.5 metres, the proposal would be built closer to the neighbouring boundary and would be deeper and wider. The existing low roof design is considered to lessen the visual impact of the existing high roof. For these reasons the proposed design with higher eaves and a tall roof would, due to its proximity just 1.5 metres from the shared boundary, have an overbearing impact on the rear windows and garden area of number 23, resulting in a significant impact on the occupiers amenity and would be out of character with the level of private amenity afforded to residents here.

Whilst the applicant has not confirmed, that it is their intention to live in the existing house while they build the new one, there is the potential for this to happen given the positioning of the new house. There is the risk that without a Section 106 in place to define clearly when the original house is removed, the retention of the existing house and the construction of the proposed house together, would further exacerbate the concerns that the impact of the mass of the built form would together have a much greater impact on neighbours amenity.

Application number 03/1847/FL/H4 was for A large 7.5 metre high, 19.8 metre wide two storey rear extension to the existing house in a similar location to the currently proposed house which would have had a similar relationship to number 23 as this application proposes. The application was refused in 2003 due to being over large, out of character and having an over-dominant impact on number 23. These are issues which this current proposed house also raises and does not satisfactorily address.

Drainage

Concerns regarding drainage and water pressure have been considered. Severn Trent has no objections to the proposed house which is considered acceptable regarding drainage, subject to seeing drainage plans for prior approval which can be achieved via a pre-commencement condition.

Access and parking

The Highways Officer has no objection subject to a condition requiring the driveway and hardstanding areas to be fully consolidated, hard surfaced and drained to prevent water run off on to the highway prior to first occupation.

Whether the occupant's park vans on the highway causing an obstruction is not a material consideration of this planning application.

The application site is considered large enough to provide sufficient space for the level of waste management required for a house.

Security

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

Windows, doors, roof lights, defensible space for front ground floor windows, new boundary fencing, rear access gates and intruder alarm.

Trees

It is not clear from the submission whether the Oak tree in the rear garden is to remain. The Tree Officer considers that the tree is of sufficient merit to be retained and has recommended conditions for its protection and retention.

Bats

The final bat report was done outside of the main bat roosting season and does not accord with other recent survey work in Woodlands Avenue, also there were parts of the roof which were not accessible and could provide potential for a bat roost. For this reason it is considered that the bat report and scheme in relation to protected bat species can be supported provided a pre-cautionary approach is taken through conditions which require care to be taken during demolition in the presence of a bat specialist, how to proceed if bats are found, the inclusion of bat roosting features in the new development, which can be secured and agreed via planning conditions and details of a landscape planting scheme is submitted (which should include the retention of the Oak tree), approved and fully implemented prior to occupation.

Other issues raised through consultation:

The boundary treatment has been omitted from the scheme.

A loss of view cannot be protected through planning.

Whilst there is a boundary dispute, the area disputed does not affect the location of the proposed house and considered a civil matter between interested parties.

Conclusions

It is recognised that the application site has the potential for a larger home, however the scale and mass of what has been submitted is considered to be at odds with the surrounding development and would result in unacceptable impact on neighbouring amenity.

It should be noted that the Council has demonstrated a 5 year supply of housing sites in the Borough. Whilst additional sites may still be brought forward for consideration for housing development (windfall sites) to help in providing much needed additional housing stock, less weight should be applied to poorly designed schemes that have impacts to neighbouring amenity on the basis that the Council already has sufficient land to meet the projected housing needs of the Borough. In this instance the proposal for the reasons outlined above is considered to represent poor design.

Positive and Proactive Working with the Applicant:

Officers have spoken and met with the applicant's and their agent setting out concerns regarding the proposed design, massing and impacts to neighbours. The applicant has provided amended plans although these plans do not address the main concerns and consequently the current proposal is recommended for refusal. Officers have confirmed this to the applicants.

Recommendation: Refuse

1. The excessive depth, width, mass height and design of the proposed house would result in a cramped appearance at odds with the spacious character of Woodlands Avenue which combined with the unusual contrived design does not reflect any other traditional styled and proportioned houses in the Woodlands Avenue due to the following unusual features:

- The proposed four competing hipped roof and gable projections
- Large first floor blank front projection
- Excessive depth, width and height of the proposed double garage at the front of the house
- Central gable projection with large entrance and black metal balustrades to first floor front windows
- Large front dormer windows

As such the proposal would result in a cramped appearance and unusual design which would be unduly prominent resulting in significant harm to the character of the area contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policy ENV32, and the Supplementary Planning Document, Designing Walsall DW3.

2. The design of the house with higher eaves and a high roof ridge just 1.5 metres from the shared boundary to number 23 would have a significant overbearing impact on the rear windows and garden area of number 23 and would result in potential overlooking from the proposed first floor front bedroom windows which would face the bedroom windows of number 23 and do not meet the Council's minimum separation standards of 24 metres contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall DW3 and appendix D.

3. The proposal would have an overbearing impact on the amenities enjoyed by occupiers of number 25A due to the orientation of the proposal to the South of this house and its excessive depth and height along the shared boundary contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall DW3 and appendix D.

4. The application fails to demonstrate the order of demolition and construction of the existing and proposed houses to ensure there would not be significant harm to the character of the area due to potential;

- backland development in an area defined by development fronting the street;
- overbearing impact on the amenities of the neighbouring occupier at number 23;

This is because the development could potentially result in both buildings being present either temporarily or permanently. For these reasons the proposal would be contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall DW3 and appendix D.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Feb-2017

Plans List Item Number: 6.

Reason for bringing to committee: Called in by Councillor Andrew

Location: 320, SKIP LANE, WALSALL, WS5 3RA

Proposal: RETROSPECTIVE: ERECTION OF GARDEN BUILDING.

Application Number: 16/1622

Applicant: Mr Michael Jack

Agent:

Application Type: Full Application

Case Officer: Helen Smith

Ward: Pheasey Park Farm

Expired Date: 10-Jan-2017

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Councillor Andrew has called this application before planning committee because he considers that the proposed development could be detrimental to the character and/or the visual amenities of the area.

Application and Site Details

This proposal is for the retention of a detached garden building located at the end of a rear garden. The structure is used for personal storage ancillary to the use of the dwelling house.

The detached garden building is;

-2.95 metres high to the ridge

-1.82 metres high to the eaves.

-6.69 square metres floor area

-set in 0.76 metres from the side garden boundary with 322 Skip Lane

-constructed using recycled materials including timber cladding, hanging tiles, timber and clay roof tiles

-has a rear covered porch area, enclosed on two sides by open trellis

The proposal includes a front window opposite the rear elevation of the application house an existing mature hedge along the rear garden boundary. The rear garden of the application house is approximately 42 metres in length.

The application plot is located between land to the front and rear which is Green Belt and within the Great Barr Conservation Area. The application plot is not included within these designations. The garden building is viewed against new housing to the north west of the application plot on Three Crowns Close.

There is a separation distance of 14.5 metres between the rear elevation of 320 Skip Lane and the detached garden building. The garden level increases gradually between the application house and the proposed outbuilding.

Rear habitable windows in no's 318 and 322 Skip Lane face towards this outbuilding across separation distances of 21.5 and 22.4 metres respectively. There is hedging along the side garden boundaries with 318 and 322 Skip Lane.

There is a second detached garden building within the rear garden of the application house. This structure pre-dates 2009 as evidenced by the Council's aerial photographs and is understood to pre-date the 2008 Permitted Development allowances. Nonetheless this structure has become lawful by the passage of time.

There is a detached garden building in the rear garden of 322 Skip Lane which received part retrospective planning consent at planning committee in 2016 (Planning reference no. 16/0385).

There is a separation distance of 41.0 metres between the outbuilding and rear habitable room windows in house no. 5 Three Crowns Close, located to the rear of the application plot. There is dense, mature planting along the rear garden boundary of the application house.

Relevant Policies

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

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

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

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

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

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

Unitary Development Plan

- GP2: Environmental Protection
- ENV1: The Boundary of the Green Belt
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

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

Relevant Planning History

320 Skip Lane

06/0454/FL/H4 – First floor rear extension – granted permission subject to conditions 10/05/06

BC50367P – Rear extension for use by dependent relative – granted permission 11/9/97

322 Skip Lane

16/0385 - Part Retrospective - Detached outbuilding in rear garden – granted permission 5/8/16

Consultation Replies

None

Representations

None

Determining Issues

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

Observations

Design of Extension and Character of Area

The garden building with a pitched tiled roof is considered reflects the character of the existing host dwelling and neighbouring properties. The garden building has the character of a garden shed.

The garden building has a smaller footprint and lower ridge height than the neighbouring garden structure at 322 Skip Lane which was considered to be acceptable in this location and received planning permission.

The garden building is not visible from public areas and has little impact on the existing street scene. The scale of the garden building is not dissimilar to other garden buildings in the area that have received planning permission or have been built using permitted development allowances.

The use of recycled materials, in the construction of this garden building, is considered to reflect the types of materials used in adjacent buildings and is considered to be appropriate for this location.

The garden building is viewed against the backdrop of two storey houses which have been built on Three Crowns Close and consequently this garden development would not harm the openness of the adjacent Green Belt nor the character of Great Barr Conservation Area.

Amenity of Nearby Residents

Rear habitable windows in no's 318 and 322 Skip Lane face towards this outbuilding across separation distances of 21.5 and 22.4 metres respectively. It is considered that these distances limit the impact of this proposal on neighbours existing light and amenity.

The existing hedging along the shared garden boundary between no. 320 and no's 318 and 322 Skip Lane provides screening for ground floor windows at these neighbouring windows.

The existing planting along the rear garden boundary of no. 320 Skip Lane screens the outbuilding from new residents at 5 Three Crowns Close across a separation distance of 41 metres.

The garden building at 322 Skip Lane has an ancillary use to the main dwelling and front patio windows near to the boundary with no. 320 are considered to serve a non-habitable room. Non-habitable rooms are afforded no protection by current planning guidance.

The use of the garden building could be conditioned to remain ancillary to the existing house at all times to protect neighbours' amenity.

The proposal has been assessed in relation to Policies GP2 Environmental Protection and ENV32 Design and Development Proposals of the UDP and is considered accords with the aims and objectives of relevant Council policy and guidance.

Conclusion

The retention of the garden building is considered to be acceptable in this instance particularly as this is located at the end of a rear garden and is not visible from the public realm. This garden building has the appearance of a garden shed reflecting other structures in adjoining rear gardens. It is considered the retention of the garden building is not detrimental too or does not harm the character and/or visual amenities of the Great Barr Conservation Area, the adjacent green belt of the immediate area.

Positive and Proactive working with the Applicant

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

Recommendation: Grant permission subject to conditions

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

- Location Plan, deposited 16/11/16
- Amended Block Plan, deposited 16/11/16
- Elevations and Plan, Sheet no. 1, deposited 25/10/16

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

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

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

3: The garden building hereby permitted shall be used for purposes ancillary to the residential use of the dwelling known as 320 Skip Lane only and for no other purpose at any time.

Reason: To safeguard the amenities of the occupiers of the dwelling known as 320 Skip Lane and occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Feb-2017

Plans List Item Number: 7.

Reason for bringing to committee: Significant Community Interest

Location: 18, POPLAR AVENUE, WALSALL, WEST MIDLANDS, WS5 4EU

Proposal: PROPOSED DETACHED GARAGE/WORKSHOP WITH VEHICLE ACCESS FROM ROWAN ROAD AND NEW BOUNDARY FENCING FRONTING ROWAN ROAD

Application Number: 16/1532

Applicant: GURNEK SINGH MOORE

Agent:

Application Type: Full Application

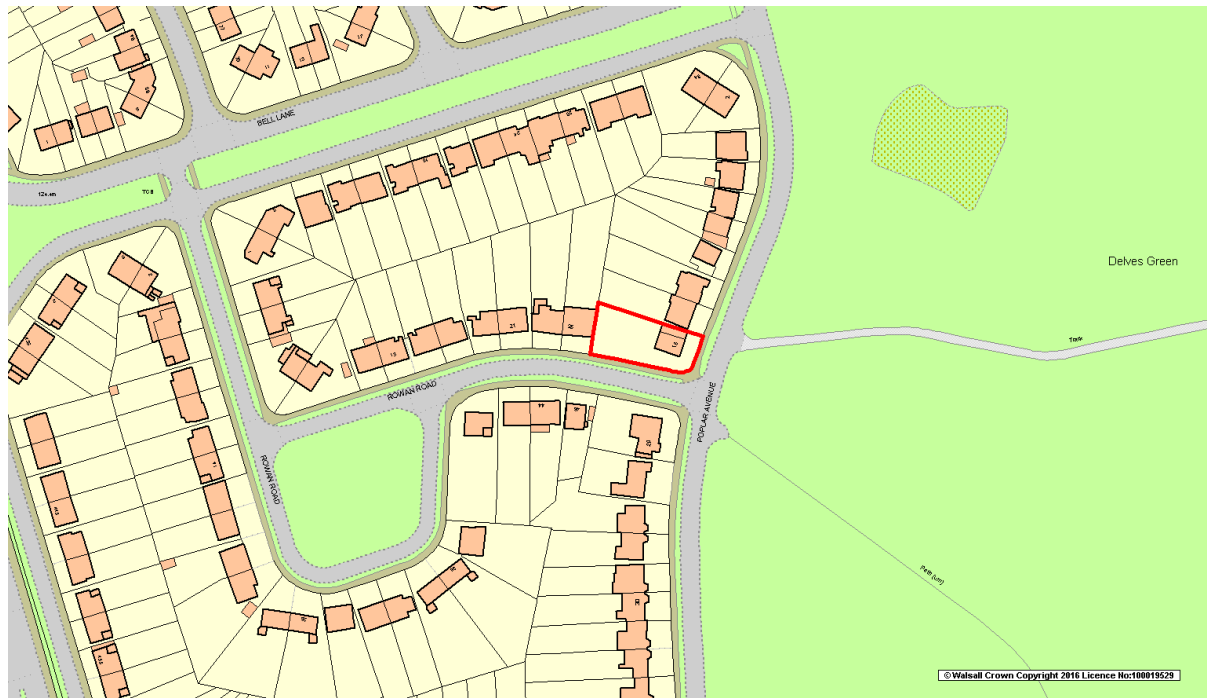
Case Officer: Helen Smith

Ward: Palfrey

Expired Date: 25-Dec-2016

Time Extension Expiry: 06-Feb-2017

Recommendation Summary: Grant Permission Subject to Conditions



Status

The 5 January 2017 Planning Committee deferred this planning application to discuss with the owners an alternative garage location and the provision of amended drawings to include the currently under construction rear extension to the application house.

Discussions have taken place with the Council's Highways Team and the applicant's agent. It is considered the proposed garage as illustrated in the planning application, is the only suitable location with safe access to the highway. Should the garage be positioned at the corner of Poplar Avenue and Rowan Road, this would require the vehicular access at the junction radii, which is considered unsafe in highway terms or requiring the significant manoeuvring across the frontage of the house to allow any vehicular access and egress at the existing access point to Poplar Avenue, which is considered unreasonable. Moving the garage closer to the junction is also considered raises highway safety issues. It is considered the proposed garage location is acceptable in highway safety terms. The planning agent has added the approved single storey rear extension to the submitted plans.

The 5/1/17 supplementary paper included an additional planning condition to paint the proposed new fence dark green, facing the highway, dark green has now been added to this updated report.

Recommendation remains approve subject to planning conditions.

Application and Site Details

The application house is a detached property which occupies a corner position at the junction with Rowan Road.

This area has a residential character consisting of a mix of detached and semi-detached properties a number of which have previously been extended.

This proposal is to build a detached garage/store/workshop at the end of the rear garden of no. 18 with a new vehicle access created from Rowan Road. The application house has an existing garage fronting Poplar Avenue and the applicant has confirmed they are in the process of building a single storey rear extension using their permitted development allowances.

The proposed garage/store/workshop would;

- Have a footprint of 38.7 sq. Metres
- 8.6 metres long by 4.5 metres wide
- Gable roof design
- Roof height of 3.4 metres)
- Set back 5.9 metres from the highway
- Set in 0.5 metres from the rear garden boundary with 25 Rowan Road
- Extend 0.7 metres forward of the front elevation of no. 25
- Set 1.8 metres away from the side garden boundary with 16 Poplar Avenue
- Include two side facing pedestrian access doors
- Include a rear window facing the boundary with 16 Poplar Avenue
- Be of red brick construction with grey tiled roof
- Set back 0.3 metres from the front of 25 Rowan Road

- Include permeable paving on the new front access drive
- Set down 0.45 metres lower than the rear garden level of no. 18

The existing garden boundary of the application house fronting Rowan Road consists of a rendered low wall with a tall privet hedge. The proposal includes the replacement of the hedge with timber 1.8 metres high close boarded fencing to sit above the existing 0.4 metres high low wall.

The existing low wall would be rebuilt along the side of the garage to include a pedestrian visibility splay with 1.8 metres high timber fencing above.

The neighbouring houses include;

16 Poplar Avenue

This house sits to the north of the application house and has a single storey rear extension which has rear facing habitable room windows. There is planting along the shared garden boundary between no's 16 and 18 with 1.8 metres high fencing at far end separating these gardens.

20 Poplar Avenue

No. 20 fronts Poplar Avenue and sits on the opposite corner to the application house at the junction with Rowan Road. This house has a low boundary wall and 1.8 metres high timber fencing fronting Rowan Road along with a dropped kerb access from Rowan Road with double timber gates.

25 Rowan Road

This house is located to the west and has been built along the rear garden boundary of the application house. This house has a single storey rear extension and a side facing non-habitable bathroom window at ground floor facing the rear elevation of the application house. This neighbouring house has a garage next to the boundary with a bedroom above next to the boundary with no. 18.

44 & 46 Rowan Road

These two houses are located on the south side of Rowan Road opposite no. 25 Rowan Road and the side boundary of the application house. Both houses have dropped kerb accesses to frontage parking.

Rowan Road is not a classified road and is a standard 5.5 metres width for a residential street.

Relevant Policies

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

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

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

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

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

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

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

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

Relevant Planning History

16/0452 - Proposed rear single storey extension and replacement of garage flat roof to pitched roof – granted subject to conditions 6/6/16

Consultation Replies

Transportation – No objections subject to the inclusion of planning conditions in respect of the drive surfacing and proposed footway crossing.

Representations

Objections have been received from residents at three properties to the initial and the amended proposal on the following grounds;

- Problems parking
- Rowan Road is narrower than normal streets
- Increased parking for no. 18 Poplar Avenue would only cause disruption to Rowan Road
- Parking is safer on Poplar Avenue than Rowan Road
- Will cause safety issues and congestion on Rowan Road
- What if no. 20 Poplar Avenue wants to do the same?
- Property value will decrease (*not a material planning consideration in this instance*)
- Serious doubts about the use of the workshop
- Noise and misuse of the development will cause distress especially as there is a bedroom next to the proposal
- Back door access to no. 25 which has not been marked or divided yet (*the proposal has been drawn to be within the boundaries of the application property*)
- Why increase the parking pressure on Rowan Road?
- No. 18 already has a garage and if they want another they can build it next to their own house (*planning application are assessed on the merits of the application before the Council*)
- Planned exit from the garage is opposite the drive of no. 46 Rowan Road and is possibly dangerous
- Plans do not show a large extension that has been built at the rear of their house (*additions built using permitted development are not required to be shown on the submitted drawings unless they form part of the planning proposal being considered*)
- Mutual agreement between neighbours that no one will park in front of each others' drives (*this is an informal agreement between neighbours and not material to the consideration of the planning application and does not override the highway legislation*)

- Changing the height and fences will not make any difference as the narrow road and parking pressure and highway safety are the main concerns
- Boundary dispute as the garage would be 0.4 metres from the wall of 25 Rowan Road but the gate to their back door access is 1 metre wide
- Would restrict parking for those living on Rowan Road

Determining Issues

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

Observations

Design of Extension and Character of Area

The design of the proposed red brick constructed detached garage/store/workshop with a pitched roof is considered would reflect the design of the application house and neighbouring properties.

This new addition would be set back behind the front building line of the Rowan Road properties. It is considered the garage would integrate into the mixed character street scene and would not harm the character of the area.

Replacing the existing privet hedging with a 2.25 metres high brick plinth and close boarded fencing is considered would reflect the existing boundary treatment on the opposite side of the road serving no. 20 Rowan Road. It is considered that this addition would integrate into the existing street scene. A condition can be included requiring the fence to be painted in green colour wood stain.

Amenity of Nearby Residents

The proposed garage/store/workshop would be located to the east of 25 Rowan Road and would be set back 0.3 metres from the front elevation of the neighbour's existing garage. This proposal would not extend beyond the existing rear single storey extension at no. 25. It is considered that the position of this proposal would have a limited impact on neighbours' existing light and amenity.

The small side facing window in no. 25 serves a bathroom which is considered to be a non-habitable room. Non habitable rooms are not afforded protection by current planning policy and guidance.

The proposal would meet the Council's Designing Walsall SPD, Appendix D 45 degree guidance, in relation to no. 25 Rowan Road front and rear facing habitable room windows. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

Designing Walsall SPD Annex D states; *13m separation between habitable windows and blank walls exceeding 3m in height*. In this instance there would be a separation distance of 13.8 metres between the proposed garage which is 3.4 metres tall to the ridge and rear facing habitable room windows in no. 16 Poplar Avenue. It is considered that this separation distance would not impact on neighbours' existing light and amenity.

The proposed garage would face across Rowan Road towards the rear garden of 20 Poplar Avenue and no's 44 and 46 Rowan Road. Designing Walsall SPD Annex D states; *24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front*. There would be separation distances of 24 and 23 metres between the front of the garage (a non-habitable structure) and the front habitable room windows in no's 44 and 46 Rowan Road respectively. Consequently it is considered this proposal would have a limited additional impact on neighbours' existing light and amenity.

The neighbour's concerns regarding potential misuse of the garage/workshop/store causing nuisance and disturbance to residents is noted. There is no evidence to suggest that this development would be misused or cause noise and disturbance. A planning condition can be included to ensure that the garage use remains ancillary to 18 Poplar Avenue.

The proposed rear facing garage window would serve a non habitable room in a detached outbuilding. It is considered unnecessary, unreasonable and would not meet the Government's guidance for the imposition of planning conditions, to require this to be obscurely glazed particularly as there is planting along the boundary between no's 16 and 18 Poplar Avenue.

The applicant has confirmed that no. 25 Rowan Road does not have any pedestrian access to the side of their house on the applicants land at 18 Poplar Avenue. Boundary disputes are a private civil matter rather than a material planning consideration.

Parking

Highways officers have commented that the new access point would provide adequate pedestrian visibility in an easterly direction which will also improve visibility at the neighbouring driveway at no. 25 Rowan Road, on the western side. Rowan Road is not a classified road and is a standard 5.5 metres width for a residential street and is considered to be no narrower than normal streets.

Rule 201 of the Highway Code states that *"when using a driveway, reverse in and drive out if you can"*. It is considered that the new access should not present any particular road safety issues or cause any congestion. The proposed garage and drive would provide additional off-street parking. There are numerous breaks in the access points along Rowan Road to continue to provide visitor parking on street if necessary.

The Highways Authority considers the development will not have any severe transportation implications and is acceptable in accordance with the NPPF in this respect. There are a number of drives on the opposite sides of Rowan Road which directly face each other. Overall, notwithstanding the neighbours' comments, the proposal is considered accords with the aims and objectives of relevant Council policy and guidance.

Conclusion

Neighbour concerns regarding parking and access have been considered by the Highway Authority and are deemed on balance would not have any severe impacts on highway safety. The proposed garage and drive would provide additional off-street parking and there are numerous breaks in the access points along Rowan Road to continue to provide visitor parking on street if necessary. Neighbours amenity regarding the use of the garage/store/workshop can be safeguarded by the inclusion of a planning condition and boundary issues are a private civil matter between residents.

Weighing the planning balance of the proposal it is considered that the additional impacts of this proposal on neighbours' existing amenity would be limited.

Positive and Proactive Working with the Applicant

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

Recommendation: Grant permission subject to conditions

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

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

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

- Amended Site, Location Plan, Existing and Proposed Plans Elevations, drawing no. L(2-)03, deposited 23/11/16

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

3: Notwithstanding the information provided the walls and roof of the garage/workshop/store shall comprise facing materials that match in colour, texture and size those which are used in the existing house as it existed at the time of this planning application decision, and shall be retained as such thereafter.

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

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

b) This agreed details of the parking/vehicle hard standing area shall be fully implemented and 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.

5: Prior to the development first coming into use the new timber fencing fronting Rowan Road shall be painted dark green and retained as such thereafter.

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

6. Prior to the parking/hard standing area first coming into use, a new vehicle footway crossing to align with the new access point, shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Local Planning Authority in conjunction with the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements. The new crossing shall not exceed three 900mm flat kerbs and two 900mm taper kerbs.

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

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

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

8: The garage/workshop/store hereby permitted shall be used for purposes ancillary to the residential use of the dwelling known as 18 Poplar Avenue only and shall not include any kitchen or cooking facilities at any time and shall not be used as an independent living unit or utilised for business or community purposes at any time.

Reason: To safeguard the amenities of the occupiers of the dwelling known as 18 Poplar Avenue and occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Feb-2017

Plans List Item Number: 8.

Reason for bringing to committee: Significant community interest

Location: 3 ALVINGTON CLOSE, WILLENHALL, WV12 4TB

Proposal: PROPOSED FIRST FLOOR SIDE EXTENSION, PITCHED ROOF TO EXISTING SINGLE STOREY REAR EXTENSION AND ORANGERY.

Application Number: 15/0676/FL

Applicant: Mr Amerjit Singh Chahal

Agent: RMS Designs

Application Type: Full Application

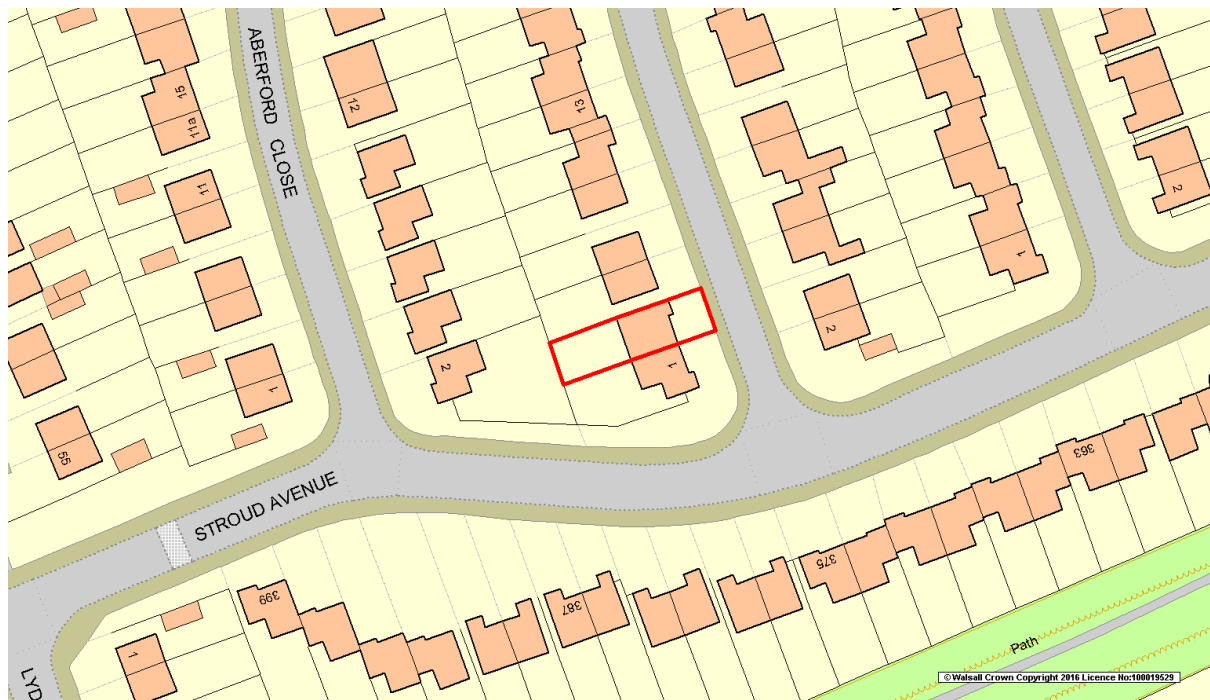
Case Officer: Paul Hinton

Ward: Short Heath

Expired Date: 07-Jul-2015

Time Extension Expiry:

Recommendation Summary: Grant permission subject to conditions.



Application and Site Details

This application seeks planning permission at this semi-detached house for a first floor side extension above the existing garage which would project a further 2.3m to the rear than the original house to provide a fourth bedroom, a prayer room and a second bathroom. A 3.5m deep ground floor rear extension (2.9m to eaves with 3.5m high lantern roof) is also proposed. Four roof lights are proposed to both the front and rear roof planes to facilitate the roof space being used as a playroom. There is an existing flat roof single storey rear extension along the boundary with number 5 Alvington Close. At the rear of this an obscure glazed window is proposed to the existing shower room.

At first floor to the front would be a further bedroom window; at the rear would be an obscured glazed bathroom window. The front of the property is hard surfaced with an existing garage shown to be retained. This is a residential area characterised by semi-detached houses.

Relevant Planning History

BC37007P – Kitchen extension, lobby, w/c shower room and front porch and canopy. GSC 23/10/92.

BC41775P – Garage door relocation and kitchen extension and shower room/wc. GSC 2/8/94

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Find ways to enhance and improve places in which people live their lives
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- 3.6: Environmental Improvement
- ENV10: Pollution
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

- Development with the potential to affect species, habitats or earth heritage features
 - NE1
- Development with the potential to affect trees, woodlands and hedgerows
 - NE7

Designing Walsall

- Vision: Homes – maintain common building lines
- DW3 Character
- DW4 Continuity
- Appendix D

45 Degree code

Extensions, which would breach the 45 degree code, will not normally be allowed, except for single-storey extensions where the length of the extension would not exceed 3.5 metres in length as measured from the nearest window in the adjoining dwelling.

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

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

Consultations

None required.

Public Participation Responses

Surrounding occupiers notified by letter

Four letters have been received from neighbours at 1 Alvington Close and 2, 4 and 6 Aberford Close objecting to the application on the following grounds:

- Would result in loss of light and outlook
- Obscure glazed window to side would overlook garden
- Dormer would appear out of character and result in loss of privacy
- Development is out of scale and overbearing
- Property stands in a state of partial neglect (*not a material planning consideration*)

Following amendments to the length of the rear single storey extension changes to the windows in the dormer and removal of the proposed pitched roof to the existing single storey rear extension four letters have been received from 1 Alvington Close and 2, 4 and 6 Aberford Close objecting to the application on the same grounds previously.

Following further amendments, including removing the proposed rear dormer window three letters have been received from 5 Alvington Close, 2 and 6 Aberford Close, objecting to the application on the following grounds:

- Pleated dormer has been removed
- Extension is very large and out of character
- Will result in loss of light and impact on use of garden.

Determining Issues

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

Observations

Design of Extension and Character of Area

The proposed side extension would fill the gap to the side of the house. Alvington Close and the surrounding residential streets are characterised by semi-detached properties with gaps to the side.

Designing Walsall SPD seeks to avoid the creation of terracing to existing developments as a result of side extension where this is not characteristic of the area. The proposed side extension would be level with the front of the existing house and occupy the existing gap above the garage. The roof height and pitch would match the existing roof. This type of extension is an emerging character of the area with examples of the same style of extension at 7 Alvington Close, Aberford Close, Bewley Road, Calstock Road and Stroud Avenue. The neighbouring property at number 5 has not been extended above the garage and maintains a gap at first floor to avoid creating a terracing effect. Due to the emerging character of the area and the use of matching materials, which can be secured by condition, the first floor extension would not severely impact upon the character of the area.

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The single storey and first floor rear extensions would have no impact upon the character of the area.

Accordingly the extensions would not cause harm to the appearance of the street or the character of the wider area.

Amenity of Nearby Residents

The proposed two storey extension does not project any further forward than the existing house or the neighbouring property. The proposed front facing bedroom window would not result in any further loss of privacy than the existing relationship between properties.

Number 5 Alvington Close has a landing window to the side elevation, as this is a non-habitable window the proposal would not have a material impact. At first floor the extension would project 2.3m further to the rear than number 5. Number 5 has a conservatory with side and rear facing windows. The nearest ground floor window is the rear of the garage and first floor window is an obscure glazed bathroom window. The side facing conservatory windows are secondary, with primary windows facing towards the rear of the garden. The first floor extension due to its length would not result in a loss of outlook from the primary habitable room windows.

The application site is to the south of number 5. Therefore the proposed 6.1m high extension would cast an additional shadow across the amenity space and conservatory of number 5 which would be at its maximum during the winter months. There would be a loss of light for period prior to midday until early afternoon. This shadowing effect would not be sustained and during the summer months when the sun is at its highest it would have less impact. The length of the neighbour's garden at 12m provides other areas within the garden that would continue to receive direct sun. While there would be an impact, this would not be sustained and is considered not sufficient to justify refusal of the planning application.

At the rear the first floor extension would be 17m from the rear of the conservatory at 2 Aberford Close. The first floor extension would have an obscure glazed bathroom window causing no loss of privacy. Neighbours previously raised concerns about the rear dormer window; this has been removed from the proposal. Roof lights are proposed to the front and rear. Due to their angle and position, they would not give rise to a loss of privacy to neighbouring properties.

The single storey rear extension at 3.5m depth accords with the requirements of Designing Walsall SPD and therefore would not result in a loss of outlook for the occupiers of number 1.

Designing Walsall SPD seeks a 24m distance between habitable rooms in two storey (and above) developments. The proposed single storey rear extension would reduce the distances between the application property and 2 Aberford Close to the rear to approximately 20 metres. A fence of nearly 1.8 metres in height exists on the common boundary, such that any increased overlooking could only be between the single storey extension and first floor windows to the rear of the houses behind. Mutual overlooking is already possible from and to the application site's rear garden. The proposed extension would simply change the potential overlooking from room to garden to one of room to room. While this would increase the frequency with which the impact would be felt by introducing

walls and a roof, it would decrease the amount of mutual overlooking possible to and from any given point within the extension. The side elevation is blank. The extension is to the south and would not result in a loss of light. This would not have an unacceptably adverse effect on the living conditions of the property to the side and the rear.

Taking into account the design and size of the extensions, it is considered the proposal would not result in a loss of amenity to neighbouring properties.

Parking

The development seeks to provide a fourth bedroom. The front of the property is hard-surfaced which can accommodate parking for three cars. In addition the garage is shown for retention, therefore the proposal which meets the requirements of UDP policy T13. Accordingly the proposal provides sufficient parking to meet the needs of the development.

Positive and proactive working with the applicant

Officers have worked with the applicant's agent securing amended plans that enable support to be given to the proposal.

Recommendation: Grant permission subject to conditions.

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

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

2. The development hereby permitted shall be carried out in accordance with the application form and following approved plans and documents:

- Existing and proposed plans received on 17/1/17

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

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

Reason: To ensure the satisfactory appearance of the development

4. The rear facing ground floor and first floor bathroom windows as shown on the approved drawing shall have obscure glazing to Pilkington level 4 privacy glass standard, which shall be retained.

Reason: To protect the residential amenity of adjoining occupiers

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

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