



# Walsall Council

## PLANNING COMMITTEE

Thursday, 4 November 2021 at 5.30 pm

In the Council Chamber at Walsall Council House

Public access to meeting via: <https://youtu.be/6AtCljrp6Vs>

### MEMBERSHIP:

Councillor Bird (Chairman)  
Councillor Perry (Vice Chairman)  
Councillor Ali  
Councillor Allen  
Councillor P. Bott  
Councillor Cooper  
Councillor Craddock  
Councillor Creaney  
Councillor Harris  
Councillor Hicken  
Councillor K. Hussain  
Councillor Murray  
Councillor Nawaz  
Councillor M. Nazir  
Councillor Rasab  
Councillor Robertson  
Councillor Samra  
Councillor M. Statham  
Councillor Underhill  
Councillor Waters

### QUORUM:

Seven Members

# **A G E N D A**

## **PART I – PUBLIC SESSION**

1. Apologies.
2. Declarations of Interest.
3. Minutes of the previous meeting – 7 October 2021 – Copy **enclosed**
4. Deputations and Petitions.
5. **Local Government (Access to Information) Act 1985 (as amended):**  
  
To agree that, where applicable, the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
6. Application to remove 6 protected trees at Queen Mary's Grammar School, Sutton Road, Walsall, WS1 2PG – Report of the Head of Planning & Development Control – Development Management – Copy **enclosed**
7. Application List for Permission to Develop:
  - a) Items subject to Public Speaking;
  - b) Items 'Called-in' by Members
  - c) Items not subject to 'Call-in'
  - Copy **enclosed**
8. Development Management Performance Update – report of the Head of Planning and Building Control – Copy **enclosed**

## **PART II – PRIVATE SESSION**

9. Development Management Performance Update – Table 3 only – Copy **enclosed**

[Exempt information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act, 1972 (as amended)]

10. Minutes of the previous meeting – 7 October 2021 – Copy **enclosed**

[Exempt information under Paragraphs 6 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972) (as amended)]

## The Relevant Authorities (Discloseable Pecuniary Interests) Regulations 2012

### Specified pecuniary interests

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

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

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

### **Access to information: Exempt information**

#### **Part 1**

#### **Descriptions of exempt information: England**

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

## **PLANNING COMMITTEE**

**7 October, 2020 at 5.30 pm**

**In the Council Chamber at the Council House, Walsall**

### **Present:**

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

### **In attendance:**

Alison Ives – Head of Planning & Building Control  
Michael Brereton – Group Manager – Planning  
Leah Wright – Senior Planning Officer  
Nicola Alcock – Solicitor  
Stephanie Bird, Senior Environmental Protection Officer  
Frank Whitley, Senior Planning Enforcement Officer  
Helen Owen – Democratic Services Officer

#### **156/21 Apologies**

Apologies were submitted on behalf of Councillor Allen.

#### **157/21 Minutes**

##### **Resolved**

That the minutes of the meeting held on 9 September 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

158/21      **Declarations of Interest**

None

159/21      **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

At this point in the meeting, Councillor Bird advised the Committee that he had used his discretion as Chairman to allow Councillor Hicken to speak on an urgent matter relating to a breach of planning permission.

**Alleged breach of planning permission- 117 Sandringham Avenue.**

Cllr Hicken addressed the Committee and requested an urgent report to the Planning Committee in relation to an alleged substantial breach of planning permission 20/1629 at 117 Sandringham Avenue, Willenhall. He asked for officers to investigate the breach as a matter of urgency and the effect on neighbouring properties.

**Application 21/0909 – Voujon Lounge** - At this point, Councillor Bott referred to item 3 on the plans list for this meeting relating to the Voujon Lounge and asked if the petition of 500 signatories, mentioned in representations in the report, had been received. The Group Manager of Planning advised that the petition had not been received.

160/21      **Local Government (Access to information) Act, 1985 (as amended)**

**Exclusion of Public**

**Resolved**

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

161/21      **Application List for Permission to Develop**

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

(see annexed)

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

**PLANS LIST ITEM NO. 1 – Application number 20/0522 - Former allotments r/o 1-9 Cricket Close**

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

(see annexed)

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

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

Mrs Wilding stated that she was speaking on behalf of the residents of Cricket Close and said that the most recent application was unchanged from the previous application. She confirmed that that the objection related to the proposed access and not the build itself and said that she was reiterating previous comments she had made regarding the problems of parked cars, narrow roads, the exit on the busy A34 with an anticipated 50 extra cars at peak times. Mrs Wilding concluded by saying that residents were of the view that the access to be dangerous and asked the committee to once more consider the objections.

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

Mr Thorley asked members whether they were confident that the application that evening satisfied the reason for deferral. He said that the access to the development did not address the road safety issues and compromised the safety of too many people. Mr Thorley asked members to take into consideration the imminent introduction of the new Sprint bus service along what he considered to be a key safety corridor. He said that construction traffic for the Sprint bus route had already created traffic issues and urged the committee to reject the application and the developers to look at alternative access arrangements.

There were no questions of the speakers.

Members asked questions of officers in relation to the access to the development from Cricket Close and the extent that the Sprint bus scheme would compromise highway safety. Members were advised that the scheme should not impact the Cricket Close access or Birmingham road, given that there was one vehicle every four minutes.

Following the conclusion of questions to Officers, Members considered the application during which time members discussed the potential effects on traffic flow given the problems already experienced due to the recent works to



accommodate the Sprint bus scheme; the narrow road of Cricket close which was not wide enough to for two vehicles to pass comfortably; and the intent of the applicant to reduce contributions.

It was **Moved** by Councillor Rasab, duly seconded and upon being put to vote was:

### **Resolved**

That planning application no. 20/0522 would have been refused by the Council on the grounds that the proposal is detrimental to the residents of Cricket Close due to an increase in traffic which is already a problem when accessing Birmingham Road; and that congestion will be further increased as a result of the Sprint bus and therefore this proposal is not acceptable. It was further resolved that a full level of planning obligations should be sought in the event that the Inspector allows any appeal.

**Note:** *This decision was originally declared unanimous however, later in the meeting, the Chairman advised that as Councillor Creaney had not attended for the whole of the debate, his vote was therefore invalid. The decision itself was unaffected given the numbers voting in favour.*

### 163/21 **PLANS LIST ITEM NO. 2 – Application number 21/0526 - Unit 1, former Magnet, Rose Hill.**

The report of the Head of Planning and Building Control was submitted  
(see annexed)

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

The Committee welcomed the first speaker on this item, Councillor S. Coughlan who had called-in this application for committee consideration.

Councillor Coughlan stated that this was a retrospective planning application and that the behaviour of the occupants from the outset was not that of a good neighbour, resulting in the operation of the site adversely affecting the residents living in that area. He said that he had submitted a petition requested by residents and felt that this was the only reason that the occupants had submitted an application. He added that the occupant had shown disrespect to the residents, ignoring rules and that he had no faith in any future compliance with planning conditions.

The Committee welcomed the second speaker on this item, Mr Ian Tarver, who spoke in objection to the application.

Mr Tarver said that he echoed the comments made by Councillor Coughlan and said that whilst the application did not sound bad on paper, that was not

the real experience of residents. He said that parking spaces were just used for metal storage containers and that there were 44-48 tonne HGV's backing up in the early hours to make deliveries. He added that there was noise nuisance from sorting metal outdoors which should be done inside with closed doors.

Committee Members were then invited to ask questions of the speakers

Members queried the extent of the problem from the previous use. Mr Tarver replied that it was previously a kitchen showroom so there had been no complaints.

There then followed a period of questioning by Members to Officers in relation to levels of noise pollution. The Senior Environmental Protection Officer advised that two noise complaints had been received. She confirmed that any sorting of metal outdoors would be heard at residential properties and that she had recommended conditions to require sorting to be carried out indoors and at restricted hours. In addition, she had provided residents with diaries to record nuisance however these had not been returned. Members were advised that should permission be granted, and the conditions not adhered to, a breach of condition notice could be served which provides for more control than at present.

With regard to the nuisance from vehicles reversing, members were advised that conditions had been recommended to regularise operations however there was a concern that the vehicles were larger than applied for.

During the ensuing debate, members were advised that whilst close to nearby properties, this area had been designated as employment area and that this application required permission as it was a Sui Generis use .

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

**Resolved** (unanimous)

That planning application number 21/0526 be refused on the grounds that the proposal is in the middle of a residential area and the proposed Sui Generis use is harmful to local residents and incompatible with the unit in question. In addition, the site currently has a B1/B8 use which is more compatible with nearby residential properties.

164/21

**PLANS LIST ITEM NO. 3 – application number 21/0909 part change of use, Voujon Lounge.**

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

(see annexed)

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

The Committee was advised that the speaker, Mr Mohammed Mia was not in attendance. The Committee decided to continue to consider the application in his absence.

There were no questions to officers.

Members debated the application during which time Councillor Underhill said that residents had raised concerns about lack of parking, potential noise nuisance early morning and that the traffic already posed a danger to pedestrians crossing. She confirmed that whilst she advised the committee of residents' concerns, she had not predetermined the application.

Members were reminded that this application was a part change of use to a convenience store and was not an extension to the restaurant.

Members considered that the application was reasonable and took into account that the restaurant was already in use and officers had raised no concerns in relation to traffic movements.

It was **Moved** by Councillor Nawaz, **seconded** by Councillor Hussain and upon being put to the vote:

### **Resolved**

That the Head of Planning and Building Control be delegated authority to grant planning application number 21/0909 subject to conditions and subject to the amendment and finalising of conditions

## **165/21 PLANS LIST ITEM NO. 4 – Application number 21/067 – change of use to House in Multiple Occupation, 185 Sandwell Street, Walsall.**

The report of the Head of Planning and Building Control was submitted  
(see annexed)

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

At this point, Councillor Bott left the meeting.

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

Mr Jones stated that with the weight of 30 plus residents he could not see why a second HMO in the street should be considered. He said that his property neighboured the proposed development and that the windows to the side directly looked into his home. He added that ordinarily, these would be bedroom windows which would not be as intensely used as those used in a HMO. Mr Jones also said that the proposed 6ft fence was only 44 inches on the applicants side resulting in a lack of his privacy. He went on to express his concern about potential extra noise from parking, more traffic in the street and was fearful of antisocial behaviour and crime from transient residents. He also raised concern about the increased number of bins out on the footpath on bin collection days.

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

Mr Bashir added to the concerns expressed by the first speaker and added that there was a constant parking problem with the existing HMO and traffic in Sandwell Street which tended to 'bottleneck'. He said that the report did not reflect the reality in the street.

The Committee then welcomed the third speaker on this item, Mr Jag Guru, the agent for the applicant who wished to speak in support of this application.

Mr Guru stated that a six bedroomed HMO could be permitted without planning permission and parking restrictions and this was for an additional 3 rooms, nine in total. He said that target market would be single working class tenants who work locally and would be encouraged to travel sustainably by using public transport in accordance with the National Planning Policy Framework.

The Committee then welcomed the fourth speaker Mr Talati, the managing agent for the applicant. Mr Talati said that he had been working for 50 years successfully managing HMOs and confirmed that the tenant market was aimed at the local working class. He addressed concerns over the rumoured accommodation of ex-offenders and said that that he had had no antisocial behaviour issues in any of his other HMOs and that tenants were fully vetted by managing agents. He added that he had submitted a comprehensive anti-social behaviour policy.

Committee Members were then invited to ask questions of the speakers

In answer to direct questions:

- Mr Jones said that increasing the height of the fence would not allay his concerns over lack of privacy and explained the number of windows which he said would overlook his property.
- Mr Bashir said that problems with the existing HMO in the street included antisocial behaviour, alleged drug dealing and traffic congestion. He added that in reality, people would not use the sustainable travel options.
- Mr Guru reiterated that tenants would be locally employed working class professionals and that he believed that there was adequate space to store the required number of waste bins.

- Mr Talati said that his other properties were outside the borough and that his company had never had a contract with Serco.

Committee members were then invited to ask questions of officers.

In answer to a question in relation to the side windows, members were advised that the existing floor plan showed side facing windows which were habitable but whilst the proposal was to change the use of the rooms, there was no distinction in planning terms as to use. In addition, members were advised that any permission could not distinguish occupiers of the property.

Members discussed the application during which time concern was expressed that there would be a 50% increase in people looking into the neighbouring property. They were also concerned that the street was already busy with traffic and in addition, that pedestrians would find it difficult to navigate the waste bins on the pavement on collection days

It was **Moved** by Councillor Nawaz, **seconded** by Councillor Hussain and upon being put to the vote, was:

### **Resolved**

That planning application number 21/0767 be refused on the following grounds:

- a lack of parking provision,
- inadequate planning for the disposal of waste and storage of bins,
- the proposal would have a detrimental impact to those adjoining residents in Sandwell Street; and
- The proposed use would result in a real fear of crime.

At this point, the time being 7.55pm, the Committee adjourned for a short break. Councillor Hicken and Councillor Perry left the meeting.

The Committee reconvened at 8.05pm.

166/21

### **PLANS LIST ITEM NO. 8 – Application number 21/1131 – proposed change of use from C3 to C2 use at 17, Hawthorne Road.**

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

(see annexed)

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

At this point, officers were asked to clarify what the Committee was being asked to decide. Members were advised that that the Committee were being

asked to decide upon a change of use from a C3 dwelling house to a C2 use as a Children's home.

*At this point the Chair **Moved** that Council Procedure Rule 9 of the Council's Constitution be suspended to enable the meeting to continue past three hours. This was duly seconded and approved by the Committee.*

Members were advised that the speaker, Tanya Humphries, was not in attendance. Attempts were made to contact the speaker unsuccessfully. Members decided to hear the application in the absence of the speaker.

In answer to a question from members regarding the operation of the facility, officers were unable to confirm from the information they had whether it was by the applicant or through an agency.

The application was discussed during which time, some members commented upon a recent Ofsted inspection of another home operated by the same applicant which stated that the home was not operated very well.

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

**Resolved** (unanimous)

That application number 21/1131 be refused on the grounds that this particular location is unsuitable and undesirable for the proposal for the following reasons:

- The level of parking is unsuitable for the facility proposed
- Experience as Elected Members that the owner has similar facilities which are lacking in supervision
- Proposal is in an undesirable inclusion into the location
- the proposal is not large enough to accommodate such a facility with the extended education that is provided.

167/21 **PLANS LIST ITEM NO 9 - Application number 21/0416 – replacement dormer bungalow, 31, Springvale Avenue, Walsall.**

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

(see annexed)

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

The Committee welcomed the first speaker on this item, Mr Michael Kalam, who wished to speak in support of this application as agent for the applicant.

Mr Kalam stated that the original scheme for the property was a two story replacement dwelling, and the current scheme was for a dormer bungalow, the design of which had been amended on three occasions to overcome

concerns of planning officers. He said that the requirements for bat surveys and retaining separation had been done in addition to other amendments which had meant losing a bedroom and overall head height. Mr Kalam referred to precedents for this type of proposal in the area which reflected other similar developments and confirmed that the majority of eaves were consistent with the only exception being the rear wall which could only be seen from an acute angle in Barry Road.

The Committee then welcomed the second speaker on this item, Mrs Maryam Yousef, the applicant. Mrs Yousef said that the purpose of the development was to accommodate her elderly parents and that every effort had been made to make the changes requested by the planning officers.

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

In response to questions, Mr Kalam said that the application site was close to a number of other similar developments of bungalows across the estate which had benefitted from first floor dormer extensions, the majority being corner properties. He disputed the percentage increase in the footprint stated in the report and said that it was a 6% increase. With regard to the mature trees to the front of the property, the agent said that he would welcome any conditions to ensure that it was a high quality and well-designed build.

There then followed a period of questioning by Members to Officers in relation to concerns in respect of the rear elevation. Members were advised that whilst the applicant had engaged with officers, they had been given three opportunities to change the design to accommodate concerns however, officers still considered that it was visually a poor design.

Members discussed the application during which time, members considered that the unbalanced eaves were not easily visible, it was not out of keeping with other similar developments in the area and that the applicant had been proactive in accommodating officer concerns.

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

### **Resolved**

That the Head of Planning and Building Control be delegated authority to grant application number 21/0416, as the design is subjective, is not out of keeping with other similar developments in the area and the impact on the street scene is minimal. Grant to be subject to conditions including the trees to the frontage.

168/21

### **PLANS LIST ITEM NO. 10 – Application no 21/0873 – rear extension at 10 Thornhill Road, Walsall.**

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

(see annexed)



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

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

Mr Fellows stated that this proposal was sympathetic to existing scale with the ridgeline retained however, it was more contemporary to the rear to which no concerns had been expressed. He added that both of the adjoining properties were significantly extended. Mr Fellows said that changes had been made to address concerns of planning officers in relation to the front elevation and cladding. He said that aspirations change and that it was not always necessary to copy the design of older properties to be in keeping with the area.

The Committee welcomed the second speaker on this item, Mr Nimesh Parmer, one of the owners of the property. Mr Parmer said that he felt that the application was proportionate to the land with a mature hedge to the front which obscured the property from the road. He said that the bungalow was to be retained with a sympathetic modernisation and gave local examples of other properties with modern features.

There were no questions to the speakers

Members were given an opportunity to ask questions of the officers

In response to a question about the objections to the flat roof, members were advised that normally flat roofs were a feature over garages and that this was on the front elevation.

The application was discussed during which time members considered that there had been no objections from anyone including consultees, the character of the property would be retained, the amenities of neighbours would not be harmed and that the property would not be seen from the road.

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

**Resolved:**

That the Head of Planning and Building Control be delegated authority to grant application number 21/0873 subject to conditions on the basis that the property cannot be seen from the street scene and as such there is no harm to the amenity; and that the character of the proposal is no different to any other property nearby.



The report of the Head of Planning, Engineering and Transportation was submitted

(see annexed)

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

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

**Resolved**

That the head of Planning and Building Control be delegated authority to grant listed building consent for application number 21/1307 subject to conditions, and finalising of planning conditions.

170/21      **PLANS LIST ITEM NO. 6. Application Number 20/1267 – Retrospective planning permission, Abbey Primary School.**

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

(see annexed)

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

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

**Resolved:**

That the Head of Planning and Building Control be delegated authority to grant planning application number 20/1267 subject to Conditions and subject to the amendment and finalising of conditions.

171/21      **PLANS LIST ITEM NO. 7. Application Number 21/1076– Erection of single storey conservatory, Ogley Hay Nursery..**

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

(see annexed)

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

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

**Resolved**

That the head of Planning and building Control be authorised to grant application number 21/1076 subject to the amendment and finalising of conditions.

172/21

**Private Session**

**Exclusion of Public**

**Resolved**

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

**Summary of matters considered in the private session**

173/21

**Planning Enforcement Action.**

A report of the Head of Planning and Building Control was submitted which advised of unresolved issues relating to non-compliance with an enforcement notice and advised of further options and associated risks to the Council.

Members discussed the position and options following which the committee decided to instruct the head of Planning and Building control to pursue the options to take direct action and to prosecute for non-compliance.

**[Exempt information under paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)]**

**Termination of meeting**

There being no further business, the meeting terminated at 9.50 pm



## **PLANNING COMMITTEE**

**4<sup>th</sup> November 2021**

### **REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL – DEVELOPMENT MANAGEMENT**

#### **APPLICATION TO REMOVE 6 PROTECTED TREES**

#### **AT QUEEN MARY'S GRAMMAR SCHOOL, SUTTON ROAD, WALSALL, WS1 2PG.**

##### **1. PURPOSE OF REPORT**

Reason for bringing to committee: Significant Community Interest.

##### **2. RECOMMENDATIONS**

Grant Consent

##### **3. PROPOSAL**

G1.2 - Silver Birch - Fell to ground level. G2.2, G2.3, G2.4 and G2.5 Lombardy Poplars (4) - Fell to ground level. G3 - Ash – Fell to ground level.

##### **4. SITE AND SURROUNDING**

Queen Marys Grammar School has playing fields to the south east of the main school buildings. The playing field abuts residential properties on Sutton Road to the north, Broadway North to the east and Birmingham Road to the southwest. The site has good tree cover (mainly situated around the periphery of the school) of diverse species and age ranges.

##### **5. RELEVANT PLANNING HISTORY**

Application 16/1039 to prune 1 Ash given consent for 05 September 2016, application 16/1349 to fell 1 Horse chestnut refused 02 November 2016, application 17/0743 to prune 1 Sycamore given consent 25 July 2017, application 18/1565 to fell 1 Horse Chestnut given consent 11 January 2019, application 19/0944 to prune 1 Sycamore, 1 Whitebeam and to fell 1 Whitebeam part approved and part refused 11 September 2019, application 21/0923 to fell 7 trees and prune 3 given consent

23 September 2021 and application 21/0934 to fell 4 trees and prune 6 given consent 23 September 2021.

## **6. RELEVANT POLICIES**

National guidance explaining the regulations governing Tree Preservation Orders can be found in the National Planning Policy Framework, Planning Practice Guidance -Tree Preservation Orders and Trees in Conservation Areas (updated 06 March 2014).

Saved UDP: Policy ENV18: Existing woodlands, trees and hedgerows, states:

- (a) 'The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows'.

## **7. CONSULTATION REPLIES**

N/A

## **8. REPRESENTATIONS**

7 representations have been received from a total of 5 nearby neighbours objecting to the proposed removal of the 6 trees, citing the following main concerns:

- The removal of the trees will be detrimental to the environment.
- Loss of wildlife habitat.
- No reasons have been given for the removal of the trees.
- They reduce traffic noise.
- There is no proposal to plant any replacement trees.

## **9. DETERMINING ISSUES**

Whether the proposed removal of these 6 trees will be detrimental to the amenity, aesthetic and landscape value of the locality, and whether there is sufficient justification for the removal of the trees.

## **10. ASSESSMENT OF THE PROPOSAL**

Site Visit: Wednesday 21/07/2021

Tree(s): 1 mature Silver Birch, 5 mature Lombardy Poplars and 1 semi mature Ash.

The trees which are the subject of this application are protected by TPO title no. 13/1972 and during the officer site visit the following observations were made:

G1.2 – a mature Silver Birch with a height of approximately 8.5m situated adjacent the rear garden boundary of 80, Sutton Road. The crown of the tree has very poor leaf cover indicating poor health. There is significant dead wood throughout the crown and one large limb has an extensive tear out wound with a hole from an old

pruning wound evident. There is also extensive bark necrosis evident on the main stem and the larger branches. Bleeding canker is evident on the main stem of the tree characterised by an oozing brown gummy residue.

G2.2 – a mature Poplar with a height of approximately 20.0m which forms part of the row of approximately 80 Lombardy Poplars that extend for approximately 250.0m adjacent the east boundary of the school playing fields. ‘Sounding’ with the nylon hammer suggests extensive decay at the base of the tree. Large buttress roots are in evidence which is also a characteristic of the presence of decay as they develop to try and strengthen the weakened area.

G2.3 - a mature Poplar with a height of approximately 19.0m which also forms part of the row of approximately 80 Lombardy Poplars adjacent the east boundary of the school playing fields. The tree has extensive decay at the base.

G2.4 – a mature Lombardy Poplar, again part of the row of 80. The tree has lost a significant part of the upper crown which has failed at a height of approximately 12.0m above ground level. In addition, the base of the tree has evidence of extensive decay.

G2.5 – a mature Lombardy Poplar with a height of approximately 20.0m. The last tree proposed for removal which forms part of the row of 80. As with the other Lombardy Poplars ‘Sounding’ with the nylon hammer suggests extensive decay at the base and large buttress roots are in evidence which is also a characteristic of the presence of decay.

G3 – a semi mature Ash situated adjacent the south west boundary with Spring Close and Jesson Court on Birmingham Road. The tree has a height of approximately 5.0m and is multi stemmed from near ground level. The tree is immediately adjacent the boundary fence and due to its significant growth potential is highly likely to cause damage and displace the fence as it increases in size.

In response to the objectors’ comments:

- Whilst it is recognised that the removal of the 6 trees will be of some detriment to the environment, wildlife habitat, the poor structural condition of 5 of the 6 trees means that there is an increased likelihood of their failure during severe weather events and that (due to their location) there is an unacceptable risk to persons and property. The area has overall good tree cover of varying ages and it is considered their loss will have little impact on the landscape quality of the area. Trees are not scientifically recognised as providing effective acoustic mitigation.
- The application makes reference to the works being proposed following a tree condition survey being undertaken in April 2021. However, the tree condition survey undertaken by a qualified arboricultural consultant was not submitted with the application and consequently the reasons for the removal of the 6 trees was not available during the applications consultation period.

The tree condition report by Wolverhampton Tree Service dated April 2021 has since been submitted to the council and the findings and recommendations are the same as contained in this report.

- Should the application be given permission in part or in full then replacement tree planting would form one of the conditions of consent on a one for one basis. The replacement trees should be planted within 12 months of the removal of any of the trees given consent for and the replacement trees should be nursery grown standards (8-10cm girth measured 1.0m above ground level).

## **11. CONCLUSIONS AND REASONS FOR DECISION**

The proposed removal of G1.2 Silver Birch and G2.2, G2.3, G2.4 and G2.5 Lombardy Poplars (4) is considered justifiable due to the poor structural and physiological condition of the trees owing to the presence of extensive decay and (in the case of the Silver Birch) disease. The trees will not recover and they are more susceptible to partial or complete failure during severe weather events. It is considered that the removal of G3 Ash is justifiable to prevent direct damage to the boundary fence. The removal of the 6 trees would be subject to 6 replacement trees being planted.

## **12. RECOMMENDATION**

Grant Consent

## **13. CONDITIONS AND REASONS**

1. This permission expires 2 years from the date of the decision and any works not undertaken by the date of expiry shall be the subject of a further application.

Reason: In order to give the Local Planning Authority an opportunity of reassessing the condition of the trees in the event of works not being carried out.

2. All tree surgery shall be carried out by a person who is appropriately insured and competent in such operations.

Reason: To ensure a satisfactory standard of work.

3. This decision to allow the removal of G1.2 Silver Birch and G2.2, G2.3, G2.4 and G2.5 Lombardy Poplars is subject to 5 replacement trees of the same species being planted in close vicinity to these 5 trees being removed. Due to the current restrictions in the UK due to Ash Dieback the Ash G3 should be replaced with a tree of a species to be agreed in writing by the Local Planning Authority being planted in close vicinity to the Ash G3 being removed. All of the replacement trees must be a nursery grown standards measuring 8cm to 10cm in girth (measured at 1.0m) at the time of planting and must be planted within twelve months of the removal of the trees and in accordance with good horticultural practice. To discuss the

replacement tree planting please contact Andrew Cook (Regeneration Officer – Trees) on 01922 654740 or email at [andrew.cook@walsall.gov.uk](mailto:andrew.cook@walsall.gov.uk) to.

Reason: Pursuant to the requirements of Section 197 of the Town and Country Planning Act 1990 (as amended) and to protect the amenity and landscape value of the area.

**Notes for applicant:**

1. All 18 species of bat found in Britain are fully protected under the Wildlife and Countryside Act 1981 (as amended by National and European legislation). The applicant should inspect the trees for the presence of bat activity. If bats are discovered during inspection or subsequent work, all work must cease immediately and Natural England must be informed. They can be contacted on 0845 600 3078.
2. All wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981. It is an offence to damage or destroy a nest of any wild bird. Birds are generally nesting between March and September, although exceptions to this do occur.

**14. CONTACT OFFICER**

Andrew Cook - Extension: 4740

**Alison Ives,**

**HEAD OF PLANNING & BUILDING CONTROL**



## Development Management Planning Committee

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

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Item	Planning Application Number	Planning Application Site Address	Planning Application Proposal	Officer Recommendation
1	20/1289	FORMER JABEZ CLIFF AND CO LTD, LOWER FORSTER STREET, WALSALL, WS1 1XA  <b>Ward:</b> St Matthews	OUTLINE APPLICATION FOR THE ERECTION OF A PART 5, PART 3 STOREY BUILDING TO FORM A MIXED USE COMMERCIAL AND LEISURE DEVELOPMENT (CLASS E) INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE	Refuse
2	21/0980	THE BUSH REST HOME, 37-39, BUSH STREET, DARLASTON, WEDNESBURY, WS10 8LE  <b>Ward:</b> Bentley And Darlaston North	TWO STOREY EXTENSION TO FORM TWO NEW BEDROOMS, INTERNAL STAIRCASE AND SINGLE STOREY EXTENSION TO LOUNGE SPACE (RESUBMISSION OF PREVIOUSLY APPROVED EXPIRED PLANNING APPLICATION NO. 17/0703)	Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to <ul style="list-style-type: none"><li>The amendment and finalising of conditions;</li><li>No further comments from a statutory consultee raising material planning considerations not previously addressed</li></ul>



3	21/1296	LEAMORE PRIMARY SCHOOL, BLOXWICH ROAD, WALSALL, WS3 2BB  <b>Ward:</b> Blakenall	DEMOLITION OF EXISTING TWO CLASSROOM MODULAR BLOCK AND REPLACEMENT WITH FLAT ROOF BUILDING FOR USE AS TWO CLASSROOMS, WITH EXTERNAL STAIRCASE, DISABLED ACCESS, ALUMINIUM WINDOWS AND DOORS TO FRONT AND SIDE ELEVATIONS.	Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and the amendment and finalising of conditions
4	21/0047	PEAR TREE FARM, FISHLEY LANE, BLOXWICH, WALSALL, WS3 3PZ  <b>Ward:</b> Pelsall	FULL APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 6 NO. 1.5 STOREY CHALET BUNGALOWS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING ADJOINING PUBLIC RIGHT OF WAY ALD154.	Refuse
5	20/1222	LAND AND TO THE REAR OF 105, 107 AND 109 LICHFIELD ROAD, WALSALL, WS3 3LU  <b>Ward:</b> Bloxwich East	DEVELOPMENT OF 5 NO 3 BEDROOM HOUSES AND ASSOCIATED PARKING AND LANDSCAPING.	Refuse
6	20/0068	49-51, EASTBOURNE STREET, WALSALL, WS4 2BN  <b>Ward:</b> St Matthews	ERECTION OF 2 NO. 3 BEDROOM, SEMI- DETACHED DWELLING HOUSES WITH OFF STREET PARKING TO THE FRONT	Refuse

7	20/1256	<p>LAND REAR OF 32, NEW ROAD, ADJACENT TO, 1A, CORMORANT CLOSE, BROWNHILLS, WALSALL, WS8 6GA</p> <p><b>Ward:</b> Brownhills</p>	CONSTRUCTION OF 2 NO. DETACHED THREE BEDROOM DWELLINGS ON LAND ADJACENT TO 1A CORMORANT CLOSE	Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and the amendment and finalising of conditions
8	19/0822	<p>26, MELLISH ROAD, WALSALL, WS4 2ED</p> <p><b>Ward:</b> St Matthews</p>	FIRST FLOOR SIDE EXTENSIONS, SINGLE STOREY FRONT EXTENSION, TWO STOREY SIDE AND REAR EXTENSIONS TO PROVIDE TWO KITCHENS, TWO DINING ROOMS, PLAY ROOM, 8 ADDITIONAL BEDROOMS WITH EN-SUITES AND A GYM AREA WITH ENSUITE ON THE FIRST FLOOR.	Refuse

## Planning Committee

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

**Plans List Item Number: 1**

### Reason for bringing to committee

Called in by Councillor Singh-Sohal due to requiring sensitive planning judgement – community interest.

### Application Details

**Location:** FORMER JABEZ CLIFF AND CO LTD, LOWER FORSTER STREET, WALSALL, WS1 1XA

**Proposal:** OUTLINE APPLICATION FOR THE ERECTION OF A PART 5, PART 3 STOREY BUILDING TO FORM A MIXED USE COMMERCIAL AND LEISURE DEVELOPMENT (CLASS E) INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE

**Application Number:** 20/1289

**Case Officer:** Sally Wagstaff

**Applicant:** James Malkin

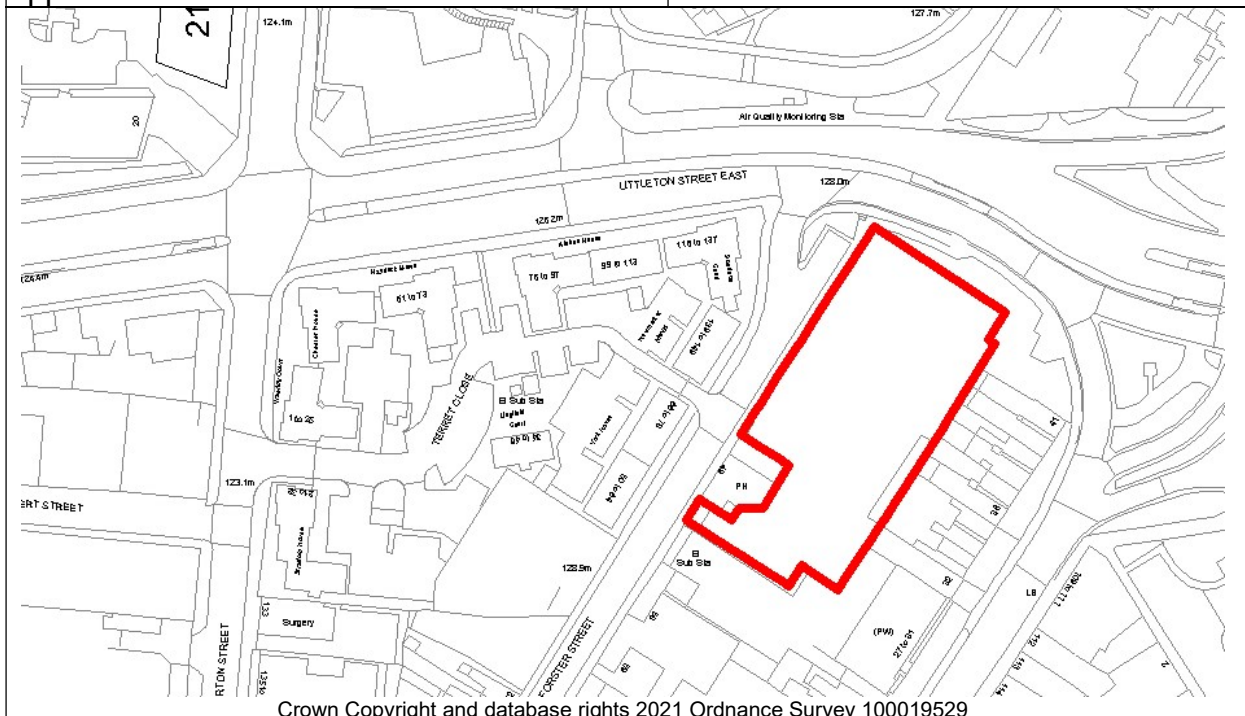
**Ward:** St Matthews

**Agent:** Mr Jim Malkin

**Expired Date:** 13-Dec-2020

**Application Type:** Outline Permission: Minor Application

**Time Extension Expiry:** 25-Jan-2021



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## Recommendation

Refuse

## Proposal

This proposal relates to an outline planning application for a mixed use commercial and leisure development, part 5 storey part 3 storey building including details of access, appearance, layout and scale. Landscaping is a reserved matter for future consideration.

The proposed building is sited on the corner of Little Street East and Lower Forster Street. It comprises of two floors of leisure use (for a national gym operator) and three floors of commercial use (described as offices with conference space). Access into the site is from Lower Forster Street along with a car park including 55 parking spaces and 28 bike lockers.

The design of the building includes a 'stepped' approach with 3 storey's adjacent to the 'Fountain Inn' on Lower Forster Street 'stepping up' to 5 storeys on the corner of Lower Street and across Littleton Street East, down to 3 storeys adjacent to the rear of Lichfield Street.

The application is supported by:

**Design and Access Statement** – Sets out the context of application site and proposed development.

**Planning and Statement** – Provides justification for the development.

**Heritage Statement** – Assesses the proposal's impacts on heritage assets within the vicinity of the application site.

**Transport Statement** - Confirms the development would promote a sustainable pattern of development and would not result in any material risk to highway safety.

**Framework Travel Plan** – defines a long term management strategy for the site that seeks to deliver sustainable transport objectives which is regularly reviewed.

**Preliminary Ecological Appraisal** - Makes an assessment of potential ecological impacts.

**Phase 1 Site Appraisal** – Risk Assessment report relating to the site's history, geology and environment.

Following the receipt of comments from the Local Highways Officer, the applicant has revised the access arrangement to retain the existing one-way operation of Lower Forster Street. Members of the public have been consulted on these changes, and no further comments were received during this period.

Sketches of potential revised elevations have also been submitted for consideration by the Local Planning Authority following discussion with officers in relation to the scale, bulk and mass of the proposal. Despite the LPA providing feedback to the applicant on these potential revisions, these have not been formally submitted along with the necessary suite of updated plans for this planning application. Notwithstanding this, the LPA consider such changes would not adequately address the concerns and would not therefore change the recommendation set out in this report.

## **Site and Surroundings**

The 0.3 ha site is located on the corner of Lower Forster Street and Littleton Street approx. 300 metres north of Walsall Town Centre. It was host to a former locally listed factory building used for saddle making known as Jabez Cliff 'Globe Works' which was subject to a fire in 2011 and was later demolished. The site has been vacant since. Prior to the fire, the site occupied a number of buildings of historic and architectural interest and value to the benefit of the area.

The site sits high above the ring road (Littleton Street East). It is a very prominent location and commands long reaching views from both directions along the ring road, Broadway and Lichfield Street/Road.

The site is located within the Lichfield Street Conservation Area and on the opposite side of Littleton Street East to the Grade II listed building Queen Marys High School which itself falls within the Arboretum Conservation Area. The Arboretum is a Grade II listed registered park. The site is therefore within a highly sensitive location.

The site is located on the boundary of Walsall Gigaport allocated within the Walsall Town Centre Action Plan (APP) 'APPINV3' for high quality office development. Nearby recent development includes; Walsall Housing Group located on the corner of Littleton Street East and Hatherton Street and Jhoots Pharmacy which are both modern landmark buildings.

Adjacent to the site is the Fountain Inn, a 19<sup>th</sup> Century two storey public house designated as an Asset of Community Value.

Opposite the site on Lower Forster Street is a part three, part four storey residential development comprising of flats accessed from Hatherton Street known as Terret Close.

Lichfield Street is to the east of the site which comprises two storey businesses including retail and commercial with some residential at first floor. Lichfield Street sits below the application site due to the significant change in land levels.

## **Relevant Planning History**

11/1555/CC – Demolition of Former Jabez Cliff. Conservation Area Consent  
09/03/2012.

## Relevant Policies

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

[www.gov.uk/guidance/national-planning-policy-framework](http://www.gov.uk/guidance/national-planning-policy-framework)

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

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

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

### **National Planning Policy Guidance**

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

### **Reducing Inequalities**

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

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race

- religion or belief
- sex
- sexual orientation

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

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

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

### **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV23: Nature Conservation and New Development
- ENV27: Buildings of Historic or Architectural Interest
- ENV30: Registered Parks and Gardens
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- T7 - Car Parking NOTE

### **Black Country Core Strategy**

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP4: Place Making
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN8: Car Parking in Centres
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN3: The Efficient Movement of Freight

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- 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
- ENV7: Renewable Energy
- ENV8: Air Quality

### **Walsall Town Centre Area Action Plan 2019**

AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness

AAPLV6: Securing Good Design

AAPINV2: St Matthews Quarter

AAPINV3: Walsall Gigaport

AAPINV6: Secondary Development Sites

AAPINV7: Addressing Potential Site Constraints

### **Supplementary Planning Document**

#### **Designing Walsall**

- DW1 Sustainability
- DW3 Character
- DW5 Ease of Movement
- DW6 Legibility
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

#### **Air Quality SPD**

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points

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

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

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

Survey standards:

- NE4 – Survey Standards

The natural environment and new development:

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

## **Consultation Replies**

#### **Archaeology**

No Archaeological implications



## **Conservation Officer**

Objection - The proposed design does not relate well to the existing historic environment within Lichfield Conservation Area, this is due to its size (height and footprint) and the materials palette chosen. It is assessed that the proposed design does not offer 'locally distinctive' design – and would fail to preserve or enhance the character of the Conservation Area because of integrating poorly with the existing local built environment.

## **Local Highways Authority**

No Objections subject to conditions in relation to the submission of a Construction Methodology Statement in the interests of highway safety. The implementation of access ways, parking and vehicle manoeuvring and the modification of dropped kerbs prior to the development first coming into operation. Also details of the bike lockers prior to the development first coming into use to encourage sustainable modes of transport.

## **Fire Officer**

No objection subject to the relevant Building Regulations Requirements in relation to access in the event of a Fire.

## **Police Architectural Liaison Officer**

No objection – Security recommended using principles of Secured by Design.

## **Natural England**

No comments to make.

## **Environmental Protection**

No objections - Conditions recommended to implement a Construction Management Plan, undertake an intrusive contaminated land investigation and remediation, ensure external machinery and plant will not result in significant noise disturbance to nearby residential premises, and agree measures to comply with the Black Country Air Quality SPD for Electric Vehicle charging points.

## **Severn Trent Water**

No objection subject to conditions relating to the submission of drainage plans for foul and surface water.

## **Strategic Planning Policy**

No objections subject to inclusion of conditions to restrict the use class of development to former B1a and D2 uses now contained within the much wider Use Class E as the site lies outside of the primary shopping area and certain uses would not be considered appropriate at this site.

## Representations

Three objections have been received from two nearby property owners and a local resident. Concerns raised relate to: (*Officer comments in italics*)

- The height of the building would result in:
  - a) Loss of view of the Arboretum Park due to siting of the building (*Loss of views is not a material consideration in the determination of planning applications*).
  - b) Loss of light to property
  - c) Loss of privacy due to being overlooked
- Building used for class E could result in an additional noise within the neighbourhood
- Redline boundary incorrect in relation to 'The Fountain Inn' (*This matter has been rectified and the red line boundary altered*).

## Determining Issues

- Principle of Development
- Heritage Assets
- Layout
- Scale
- Appearance
- Access
- Planning Obligations

## Assessment of the Proposal

### Principle of Development

Walsall Area Action Plan identifies the site within the Town Centre boundary, but falling outside of the Primary Shopping Area (PSA).

The site is within a sustainable location with public transport links to Walsall town centre, cycle routes and pedestrian routes. Vehicular access can be gained from Lower Forster Street.

The site is identified within Walsall Area Action Plan Policy AAPINV3 as site reference TC37 and the Policies Map highlights the location as a gateway site within Walsall Gigaport. Whilst the site is not within the Gigaport Boundary, it is within the vicinity of the Gigaport area so could be suitable for office use.

The supporting table with policy AAPINV3 states that TC37 is allocated for opportunities for mixed town centre uses. This proposal relates to a mixed use commercial building incorporating office space and leisure facilities over four floors. The Design and Access Statement states, "*The commercial building will offer office accommodation with associated conference space as a modern digital platform from which high tech companies can network and operate. It will also offer leisure facilities for a national gym operator*".

The principle of a mixed use commercial development is considered acceptable in this location as identified within AAP Policy AAPINV3. It is noted that the application form refers to former use classes B1(a) and D2, however these are not identical to the new use class E. Class E mainly comprises a wider range of uses than the two former classes. Whilst nearly all the categories in class E are town centre uses, not all would be appropriate for this location, or the design and functioning of the proposed building.

Former class B1(a) and D2 comprised use as an office, or use as a cinema, concert hall, bingo hall or casino, dance hall, swimming bath, skating rink, gymnasium or area for indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

New class E places offices in sub-class E(g)(i) whilst indoor sport, recreation or fitness is in sub-class E(d). Outdoor sport or recreation is listed under class F2(c) whilst an indoor or outdoor swimming pool or skating rink is listed under class F2(d). Use as a cinema, concert hall, bingo hall or a dance hall, as well as use as a drinking establishment, are now listed as 'sui generis' uses that do not fall within any use class.

Class E also includes retail (class E(a)), the sale of food and drink for consumption on the premises (class E(b)), medical or health services, and use as a crèche, day nursery or day centre.

The uses in the former classes B1(a) and D2 would be acceptable in this location and in the proposed building. However, the site is outside the primary shopping area. Use of the site as an eating establishment, for example as a banqueting suite, would also give rise to significant concerns, especially on traffic grounds, given the location of the site directly off the ring road, unless the retail or eating use was ancillary to the main use of the site, as required by AAP policy AAPINV3.

It is therefore recommended, that should Members be minded to support this proposal that any permission is subject to a condition that limits the use to classes E(c) to (g) only. Any proposal to use part of the building for classes E(a) and (b) should be subject to further approval. This would enable control to be retained should both of these uses be proposed for part of the building in future.

## **Heritage Assets**

The site is situated in Lichfield Street Conservation Area and there a number of nearby historic building/ conservation constraints including, Grade II listed Queen Mary's Grammar School, Walsall Arboretum Grade II registered Park ad Garden and locally listed buildings including 55,56 to 58 Lichfield Street, Arboretum Gate. The Fountain Inn which is an asset of community value is also a non- designated heritage asset adjacent to the site.

Paragraph 197 of the NPPF states *'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness'*.

The Design and Access Statement states that the proposed design “...*strongly identifies with the local history and character of Walsall.*” It is considered that the modern industrial appearance is not reflective of the previous character of the site. Whilst the Local Planning Authority do not consider a pastiche development would be more appropriate for the site, it is considered the proposal fails to acknowledge the architectural style or merit of the former Jabez Cliff building.

Whilst the elevated position of site means it is suitable for a landmark building, it is considered that the proposed building is excessive in terms of height and mass. The proposal would result in the building being unduly dominant within the Conservation Area due to the proposed height and scale in comparison to the context of the wider Conservation Area.

The expansive use of glass and perforated metal panels, along with the shades of grey colour scheme, are not key feature design elements elsewhere within the Lichfield Conservation Area.

It is considered the due to the height, footprint and palette of materials chosen the development would not integrate with the historic environment within the Lichfield Conservation Area. The proposals fails to enhance and preserve the character and appearance of the Lichfield Street Conservation Area.

The proposed development would also harm the setting and significance of the Grade II listed building, Queen Mary’s School and is contrary to Section 16 of the NPPF ‘Conserving and enhancing the historic environment’ and Development Plan Policies.

### **Layout**

The proposal is for a large ‘L’ shaped building which would sit partly in place of the original ‘Globeworks’ building. The footprint of the building would be focused on the corner of Littleton Street East and Lower Forster Street.

Vehicular entrance into the site would be from Lower Forster Street with car parking provision within the middle of the site and against the boundary with the rear boundary of premises on Lichfield Street.

Pedestrian access into the building is from Lower Forster Street and separated between the commercial and the leisure facilitates. Access can also be gained from within the site itself.

The building would be sited approx.17 metres from the nearest residential block of flats with habitable room windows adjacent to the site accessed from Terrat Close.

The Design and Access Statement includes a sun path diagram which is considered clearly illustrates that the proposal, due to its bulk, mass, height and proximity, is likely to result in additional shading and loss of light to the rear gardens and rear facing habitable first floor windows of premises on Lichfield Street during early to late evening.

There are residential units located within the first floor of no’s. 36, 40, 40a and 41 Lichfield Street approximately 23 metres from the proposed building. There are windows within the rear elevations of these buildings which are likely to serve habitable rooms, and the applicant has failed to address this concern.

It is therefore considered that the proposal fails to address this relationship and demonstrate the proposal would not result in a loss of light and shading to habitable rooms and rear amenity areas on Lichfield Street.

Generally, in principle the proposed layout of the site is considered to be acceptable insofar as the footprint reflects historic and current pattern of development. However, the proposal by way of its scale, mass, bulk and height fails to demonstrate it would not result in a detrimental impact upon neighbouring residents in terms of light and shading.

Given the recent changes to the Use Class Order and the extensive use of permitted development, should Members be minded to approve this proposal a condition is recommended to restrict the change of use from offices to residential without the submission of a planning application. This is to ensure that the Local Planning Authority can make a full assessment as to the impacts upon potential occupiers in terms of internal layout of the building and the absence of any outdoor amenity space to serve the development. A residential development of this scale would also usually be required to contribute to local infrastructure to make the development acceptable i.e. likely open space contribution to local open space arising from additional pressure from further residents in the locality.

## **Scale**

Policy AAPL6 within Walsall Area Action Plan states that, “new development should seek to create a positive environments with an identity that relates to the specific character of Walsall Town Centre and its historic context. New buildings should i) be of appropriate scale and massing to the streetscene...”.

The proposed building would be part 5 part 3 storey with a reduction in height to three storeys adjacent ‘The Fountain Inn’ and on the eastern elevation towards Lichfield Street.

Whilst the elevated position of site means it is suitable for a landmark building, it is considered that the proposed building is excessive in terms of height and mass. It is considered the scale in relation to height and mass and would result in a development which is not appropriate within the streetscene. The height of the building at three storeys adjacent to Lichfield Street would dwarf the two storey buildings which are set lower than the application site. In addition it is considered the scale of the building would be over bearing in relation to the historic ‘Fountain Inn’ which would appear diminutive in comparison. Whilst it is acknowledged that there is a multi-storey residential block adjacent to the site, which in part is four storeys, it is considered that the scale of the apartment block cannot be directly compared to the proposed development due to the significant additional height and difference in design whereby the apartments include architectural features which help to break up the mass of the building.

The applicant has been informed of officer concerns in this regard. Whilst draft revised elevations were submitted for consideration, these did not mitigate these concerns.

## Appearance

The proposed aesthetic as specified within the Design and Access Statement is 'modern, industrial development. The palette of material include glazing and metal cladding in grey and black.

It is noted that there are modern developments within the vicinity of the application site including WHG building and JHoots. It is considered that whilst the use of a modern design is not opposed, in this instance the significant mass coupled with the proposed use of materials would not be in keeping with the context of the character of the area.

## Access

The revised access proposal now looks to implement Access Option 1 to retain the existing one-way operation of Lower Forster Street. Having explored Access Option 2, which was to allow development traffic out onto the Ring Road, this was not found not to be achievable.

The planning submission to date had been based on the Option 2 access arrangement. However, it has been found the potential difficulty and disruption in modifying the Littleton Street E / Lower Forster Street junction and it is now proposed to provide the site access arrangements based on the Option 1 arrangement. That is the proposed simple T-junction to access the site would maintain the current one-way southbound Lower Forster Street arrangement and provide a left in / left out site access arrangement as shown on the attached Site Layout Plan (SMD Architect drawing 1910-PL-011\_Rev G).

The development looks to provide 55 parking spaces and 28 bike lockers. This is significantly below the UDP T13 parking policy maximum of 233 spaces (inclusive of 22 disabled spaces). However, taking into account the site is in the town centre which is a highly sustainable location, with good access to public transport and public car parking within reasonable walking distance, on balance the Highway Authority considers the level of parking provision acceptable.

The on-site car park will be supervised by a car park management company such that unauthorised parking by non-development related vehicles will be managed and suitably enforced if misuse is identified such that the car park is specifically for the use of the development patrons.

A Transport Assessment has been submitted to support the application which sets out the traffic impact of the development.

The proposed development is predicted to generate up to 52 pedestrian journeys, one by cycle, 12 by bus and 8 by train during a peak hour. The existing and proposed infrastructure would be able to accommodate that increase in demand. The development would further enable sustainable transport by the production of a Travel Plan that will be delivered through a S106.



The development would generate up to 44 traffic movements in a peak hour. The impact of that traffic on the surrounding highway network has been examined. The calculations and assessments in this report highlight that the proposed development would not have a severe impact on the local highway network in the vicinity of the site. This is accepted by the Highway Authority.

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

Should the application gain approval, conditions are recommended in relation to the submission of a Construction Methodology Statement in the interests of highway safety; and the implementation of access ways, parking and vehicle manoeuvring and the modification of dropped kerbs prior to the development first coming into operation. To add, full details of the bike lockers shall be submitted to and approved by the LPA prior to the development first coming into use to encourage sustainable modes of transport.

### **Planning Obligations**

A Travel Plan has been submitted to mitigate the relatively low level of on-site parking and encourage sustainable travel modes as the site has benefit of being in a highly sustainable town centre location. It is recommended therefore the Travel Plan, which will require review and monitoring, is delivered through a S106 Agreement should Members be minded to approved this planning application.

## **Conclusions and Reasons for Decision**

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the proposed development by reason of its scale, mass, bulk, height, design, and materials represents poor design that visually detracts from the character, architectural and historical significance of the street scene and the character and setting of Lichfield Conservation Area that neither enhances nor preserves the Conservation Area and the setting and significance of the Grade II listed building Queen Mary's School. As such the proposal is contrary to the National Planning Policy Framework, Policies ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) of the Black Country Core Strategy, UDP Saved Policies GP2 (Environmental Protection), ENV27 (Buildings of Historic or Architectural Interest), ENV32 (Design and Development Proposals), AAPLV5 (Protecting and Enhancing Historic Character and Local Distinctiveness), AAPLV6 (Securing Good Design) and AAPINV6 (Secondary Development Sites) of the Town Centre Area Action Plan, and DW3 (Character) of Designing Walsall SPD.

The proposal would also have a detrimental impact to the adjoining premises on Lichfield Street due to additional shading and loss of light to rear amenity areas and rear windows within first floors of residential premises within flats at no. 36, 40, 40a and 41 Lichfield Street . Therefore the proposal is contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan and the National Planning Policy Framework.

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

### **Refuse**

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal. Revised elevations have been submitted for consideration by the Local Planning Authority following discussion with officers in relation to the scale and mass of the proposal. The Local Planning Authority gave feedback on the revised proposals. The revisions have not been formally submitted for consultation.

## **Recommendation**

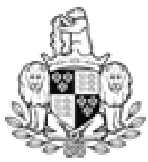
### **Refuse**

## **Reasons for Refusal**

1. The proposed development by reason of its scale, mass, bulk, height, design, and materials represents poor design that visually detracts from the character, architectural and historical significance of the street scene and the character and setting of Lichfield Conservation Area that neither enhances nor preserves the Conservation Area and the setting and significance of the Grade II listed building Queen Mary's School. As such the proposal is contrary to the National Planning Policy Framework, Policies ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) of the Black Country Core Strategy, UDP Saved Policies GP2 (Environmental Protection), ENV27 (Buildings of Historic or Architectural Interest), ENV32 (Design and Development Proposals), AAPLV5 (Protecting and Enhancing Historic Character and Local Distinctiveness), AAPLV6 (Securing Good Design) and AAPINV6 (Secondary Development Sites) of the Town Centre Area Action Plan, and DW3 (Character) of Designing Walsall SPD.
2. The proposal would also have a detrimental impact to the adjoining premises on Lichfield Street due to additional shading and loss of light to rear amenity areas and rear windows within first floors of residential premises within flats at no. 36, 40, 40a and 41 Lichfield Street. The proposal is therefore contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan and the National Planning Policy Framework.

**END OF OFFICERS REPORT**





### Planning Committee

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

Plans List Item Number: 2

#### Reason for bringing to committee

Significant Community Interest

#### Application Details

**Location:** THE BUSH REST HOME, 37-39, BUSH STREET, DARLASTON, WEDNESBURY, WS10 8LE

**Proposal:** TWO STOREY EXTENSION TO FORM TWO NEW BEDROOMS, INTERNAL STAIRCASE AND SINGLE STOREY EXTENSION TO LOUNGE SPACE (RESUBMISSION OF PREVIOUSLY APPROVED EXPIRED PLANNING APPLICATION NO. 17/0703)

**Application Number:** 21/0980

**Case Officer:** Helen Smith

**Applicant:** Mr Rajan Odedra

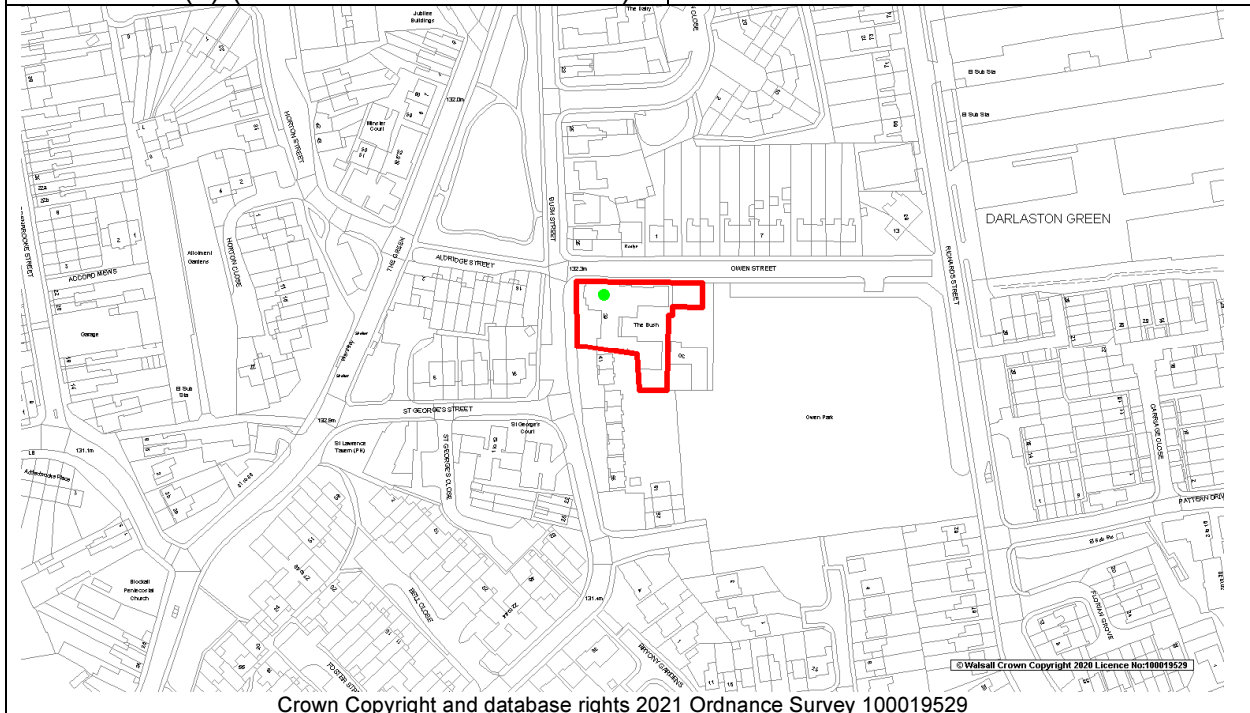
**Ward:** Bentley And Darlaston North

**Agent:** Mr Robert Smith

**Expired Date:** 15-Sep-2021

**Application Type:** Full Application: Minor Use Class E(e) (Medical or Health Services)

**Time Extension Expiry:**



## Recommendation

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

- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

## Proposal

This application seeks to extend the Bush Rest Home which is an existing nursing home at 37-39 Bush Street, Darlaston to provide an additional two new bedrooms and extend the existing residents lounge at the rear. This is a re-submission of a previously approved extension where the permission was not implemented and has now lapsed (planning reference no. 17/0703).

The rest home has existing planning permission for a maximum of 44 residents this application would increase the number to 46.

The proposals comprise a 2 storey extension on the end of the existing wing which runs along Owen Street, it will measure;

- 4.5 metres wide by
- 6.9 metres deep
- set back from the main front elevation by 0.4 metres at first floor
- 5.8 metres high to the eaves (same as existing)
- 8.1 metres to the ridge (0.3 metres below the existing ridge)
- Rear facing windows would serve bathrooms

The rear lounge extension would measure;

- 5 metres deep by
- 3.9 metres wide
- being 3.3 metres high with a flat roof

The proposed rear lounge would be sited adjacent to the existing residents lounge and occupy part of the external open amenity space/landscaping.

An existing low level wall and railings would be removed fronting Owen Street and the existing dropped kerb extended. An existing external staircase would be enclosed within the building to the side and rear of the property.

Three off street parking spaces are shown on the submitted plans.

This application is supported by a Coal Mining Risk Assessment by Georisk dated 04/08/21.

## Site and Surroundings

The area currently forms part of the pedestrian access from Owen Street, bin storage and staff parking/delivery area. The main car parking is at the front on Bush Street. There would be a loss of one parking space as part of the proposal.

The application site sits on the corner of Bush Street and Owen Street. It is a nursing home within a predominantly residential area. The application site is a single and two storey complex of buildings set around a central courtyard. Owen Park is to the east of the site and Darlaston town centre is approximately 600 metres to the south.

30 Owen Street, a residential dormer bungalow, is directly behind the site (south) and is accessed from Owen Street adjacent to the car parking /refuse storage area. There would be a separation distance of 15 metres between the proposal and 30 Owen Street.

No's 3 and 4 Owen Street would face the proposal across a separation distance of 19 metres across the public highway.

## Relevant Planning History

BC37859P - Change of use to Rest Home, granted 14 April 1993

BC49414P - Change of use from D1 to C2-Rest Home, extensions and alterations, granted 5 November 1997.

06/0683/FL/W6 - Extensions and alterations to residential rest home. Granted 1st September, 2006

12/1082/MA – non-material amendment to planning permission 06/0683/FL/W6. Granted 15/10/12

12/1405/FL - Small extension to quiet lounge. Granted 12/12/12

17/0703 - 2 storey extension to form 2 new bedrooms, internal staircase and single storey extension to lounge space – GSC 13/7/17

17/1703 - Single and double storey extension to side of existing rest home – refused permission 22/2/18 on the following grounds;

- 1. The proposed extension along Owen Street, would have a detrimental impact on the amenities and visual outlook of the occupiers of no 30 Owen Street and existing and future residents of the home, whose outlook would be across the bin storage area.*
- 2. The cumulative impacts of the development, the increase in bedroom numbers, the reduction in on-site parking and the relocation of the refuse bin storage area which could introduce unnecessary conflicts between staff using the bins and staff/visitors vehicles manoeuvring in and out the parking spaces and by refuse collection operatives which is likely to result in refuse bins being permanently located at the back of highway or on the public footway for ease of access, or displace parking on street, will have severe transportation implications.*

Planning application no. 17/1703 included an additional single storey extension that occupied almost the entire rear parking area located in front of 30 Owen Street and was considered unacceptable. The current planning application being considered is the same as the previous planning approval reference no. 17/0703

## **Relevant Policies**

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

[www.gov.uk/guidance/national-planning-policy-framework](http://www.gov.uk/guidance/national-planning-policy-framework)

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

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

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

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

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

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

### **Reducing Inequalities**

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

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

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

### **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP6: Disabled People
- ENV25: Archaeology
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- S6: Meeting Local Needs
- H6: Nursing Homes and Rest Homes for the Elderly
- 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

### **Black Country Core Strategy**

- CSP4: Place Making
- HOU5: Education and Health Care Facilities
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

### **Walsall Site Allocation Document 2019**

- HC3: Affordable Housing and Housing for People with Special Needs
- T2: Bus Services
- T4: The Highway Network
- T5: Highway Improvements

### **Supplementary Planning Documents**

### **Designing Walsall**

- DW2 Safe and Welcoming Places

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- DW3 Character
- DW5 Ease of Movement
- DW6 Legibility
- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings

## Consultation Replies

**Archaeology** – No objections

**Coal Authority** – No objections subject to the inclusion of planning conditions in respect of intrusive site investigations and the submission of a statement to confirm that the land has been made safe and stable for development.

**Community Safety Team** – No objections and recommend the applicant applies the principles of Secured by Design.

**Fire Officer** – No objections subject to compliance with Building Regulations/Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England. These can be included as an informative for the applicant.

**Local Highways Authority** – No objections subject to the inclusion of planning conditions in respect of refuse bin storage, the dropped kerb re-alignment and parking.

**Pollution Control** – No objections

## Representations

Objections from three neighbours have been received on the following grounds;

- Loss of light
- Increased traffic
- Lack of parking
- Noise from the industrial bins
- An eyesore
- Overlooking

## Determining Issues

- Principle of the Development
- Amenity of Nearby Residents
- Coal
- Parking, Access and Rubbish Storage

## Assessment of the Proposal

### Principle of Development

The principle of the use of this site has been long established and is in accordance with current planning policy considered to be an appropriate use within a residential area. The proposed extension and increase in the total number of bedrooms at this facility is supported and considered would allow the continued appropriate use of this property within this predominantly residential area.

The proposed two storey extension is considered would appear as a continuation of the existing built form in the street scene and would have a limited impact on the existing character of the area. The extensions design is considered would reflect the character of the existing building and the rear lounge extension will not result in an unacceptable loss of landscaping or garden space.

A safeguarding condition regarding the materials to be used in order that its appearance in the area and street scene is acceptable is proposed.

The principles of Secured by Design are recommended, if approved, and a condition can be included for the applicant.

In conclusion, the weight of policy and principles of sustainable development support development of this type in this location. The application is therefore supported in principle.

### Amenity of Nearby Residents

No 30 Owen Street sits to the south of the proposed development and its front facing habitable room windows face north. This orientation does limit the amount of light available to front north facing habitable room windows of no. 30, limiting the potential of overshadowing.

The proposed separation distance between habitable room windows of no. 30 and the proposed two storey extension of 15 metres would exceed the Council's minimum recommended separation distance of 13 metres as referred to in Appendix D of Designing Walsall SPD between habitable room windows and walls in excess of 3 metres by 2 metres.

Furthermore, the proposed two windows in the rear of the rest home extension will be obscure glazed (bathrooms) which contribute to protecting the existing amenities of no.30. As such and on balance it is considered there will be only be a limited additional impact on the amenities of no 30 above that which currently exists.

No. 3 and 4 Owen Street will face the extension across a public highway. The council's Designing Walsall SPD annex D does allow for shorter separation between habitable room windows when facing across a public highway as it is considered the impacts are lessened. The proposed new bedroom windows would be almost in line with existing rest home bedroom windows. It is considered there will be only be a limited additional impact on the amenities of no's 3 and 4 above that which currently exists.

The proposed extension will be constructed on the area that is currently used for refuse storage, this is currently exposed to the street scene and does not provide



adequate screening to nearby residential. This application provides an opportunity to improve this situation and require better screening to the area. This can be required by way of a planning condition requiring full details to be submitted.

Safeguarding conditions in respect of no additional windows and proposed windows to be obscure glazed to protect the amenity of neighbouring occupier are proposed.

## **Coal**

The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded coal workings at shallow depth.

The Coal Authority notes that the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site; including a Coal Mining Report, historical mapping, BGS geological mapping and borehole records. This information has been used to inform a Coal Mining Risk Assessment (4 August 2021, prepared by Georisk Management Ltd), which accompanies this planning application. Commentary on page 5 of the report recommends that intrusive sites investigations are undertaken in order to identify any necessary remedial measures.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. This can be included as an informative note.

The Coal Authority have advised that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if their data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on. This can be included as an informative note.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site. This can be included as an informative note.

## **Parking, Access and Rubbish Storage**

The application proposes to extend the rest/care home by two additional bedrooms. In terms of UDP T13 parking policy the development requires 1 additional parking space. No additional parking is proposed, however there is parking on the frontage of the rest home off Bush Street and there is sufficient safe on street parking both in



Bush Street and Owen Street which would not have any detrimental impact on highway safety. On balance, it is considered that the development will not have severe transportation implications and is acceptable in accordance with NPPF para 104.

The proposed extension would displace the existing refuse bin storage area and an alternative area has not been identified by the planning submission. It is recommended that full details of the replacement bin storage area are submitted for approval by condition. If it involves the loss of a further parking space, then the applicant shall need to support this with a statement setting out the overall ratio of parking spaces to bedrooms so that the Highway Authority can make a full assessment with reference to the UDP T13 parking policy.

It is understood that the existing bins area is troublesome for residents with noise during use at unsocial hours and litter. This proposal may be an opportunity address some of these concerns if possible.

Safeguarding conditions are proposed requiring modifications to the existing vehicle footway crossing in Owen Street to be extended, the parking spaces marked out and details of the refuse and waste facilities in order that they do not impact further on car parking provision.

## **Conclusions and Reasons for Decision**

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the proposed extensions would reflect the design of the existing rest home and other properties around the area. The proposal is considered would have a limited additional impact on the character of the wider area and the amenity for neighbouring occupiers. The use of safeguarding conditions in respect of the materials, refuse storage and glazing to maintain its appearance will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report.

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

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

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

## Recommendation

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

- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

## Conditions and Reasons

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

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

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

- Location and Block Plan, drawing no. 3571/3, dated May 2017, deposited 29/06/21
- Existing Plans and Elevations, drawing number 3571/1, dated May 2017, deposited 29/06/21
- Proposed Plans and Elevations, drawing no. 3571/2, dated May 2017, deposited 29/06/21
- Coal Mining Risk Assessment by Georisk, dated 04/08/21, deposited 06/09/21

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

3: a) Prior to commencement of the development hereby permitted until details of intrusive site investigations for past coal mining activity shall be undertaken, with a report setting out the findings and any monitoring, plus remedial works to take account of the findings shall be submitted in writing to and approved in writing by the Local Planning Authority

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

3c: Prior to the occupation of the development hereby permitted a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted in writing to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity. [Page 50 of 179](#)

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

4: a) Prior to commencement of the development hereby permitted details of the proposed refuse and waste recycling facilities shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

5: Prior to the occupation of the development hereby permitted the development existing shall not be carried out otherwise than in accordance with the Owen Street vehicle footway crossing shall be modified and extended to align with the three retained parking spaces. The modified crossing shall retain at least one full 900mm kerb height separation with the footway crossing to no.30 Owen Street. The modified crossing shall thereafter be retained for the lifetime of the development.

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.

6: a) Prior to the occupation of the development hereby permitted the retained parking spaces of the Owen Street frontage shall not be carried out otherwise than in accordance with being clearly demarcated on the ground, the parking spaces shall thereafter be retained for the lifetime of the development and used for no other purpose.

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 details submitted of the development hereby permitted and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the rear bathroom windows facing towards 30 Owen Street, Darlaston shall be obscure glazed to Pilkington (or equivalent) privacy level 4 and there shall be no opening parts lower than 1.7 metres from the floor level of the rooms they serve and the windows shall thereafter be retained for the lifetime of the development.

Reason; to safeguard the amenities of the occupiers of adjoining premises and to comply with saved policy GP2 of the Walsall Unitary Development Plan.

8: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no additional side or rear 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.

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

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

10. Notwithstanding the information shown on submitted plans, the development hereby permitted shall not be constructed otherwise than to meet the following minimum security measures and the installed security measures shall thereafter be retained for the lifetime of the development;

- i. All ground floor windows and all accessible windows on other floors shall have at least one pane of 6.4mm laminated glass. This includes French doors and patio doors.
- ii. PAS 24:2012 doors should be on all external entrance and exit doors.
- iii. A minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond standard certification should be used on all door locks.
- iv. Where thumb turn locks are to be installed these should be those that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.
- v. No Lead or metal shall be used on the ground floor
- vi. 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.

Reason: To ensure the safety and security of the development and its occupiers in compliance with saved policy ENV32 of Walsall's Unitary Development Plan.

## **Notes for Applicant**

### **The Coal Authority**

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

Mine Gas - The Coal Authority have advised that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if their data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site. This can be included as an informative note.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

### **Fire Officer**

Comments on the internal layout will be made at the Building Regulation application stage. This Authority notes the use of the Health Technical Memorandum documents in relation to this application, they give comprehensive advice and guidance on the design, installation and operation of specialised building and engineering technology used in the delivery of healthcare. This includes Health Technical Memorandum 05-01: Managing healthcare fire safety, 05-02: Fire-code Guidance in support of functional provisions (Fire safety in the design of healthcare premises) & 05-03: Parts A to M.

### **Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England**

Requirement B5: Access and facilities for the fire service

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

#### **Requirement**

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

- (1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.
- (2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

## **Intention**

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

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

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

## **Section 15: Vehicle access**

### **Buildings not fitted with fire mains**

15.1 For small buildings (up to 2000m<sup>2</sup>, with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

- a. 15% of the perimeter.
- b. Within 45m of every point of the footprint of the building (see Diagram 15.1).

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

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

### **Buildings fitted with fire mains**

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

- a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.
- b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 16.10.

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

- a. Within 18m, and within sight of, an entrance giving access to the fire main.
- b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency.

15.6 Where fire mains are provided in buildings for which Sections 16 and 17 make no provision, vehicle access may be as described in paragraphs 15.4 and 15.5, rather than Table 15.1.

### **Design of access routes and hard-standings**

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

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



perimeter. b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

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

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

### **Overall**

Access routes should have a minimum width of 3.7m between kerbs, noting that **WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes** (ADB Vol 2, Table 15.2)

## **Section 16: Fire mains and hydrants**

### **Provision of fire mains**

16.2 Buildings with firefighting shafts should have fire mains in both of the following.

- a. The firefighting shafts.
- b. Where necessary, in protected escape stairs. The criteria for providing firefighting shafts and fire mains are given in Section 17.

16.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with Table 15.1. In these cases, outlets from fire mains should be located as described in paragraph

16.4, with a maximum hose distance of 45m from the fire main outlet to the furthest point, measured on a route suitable for laying a hose. Stairs do not need to be designed as firefighting shafts.

### **Provision of private hydrants**

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

- a. It has a compartment with an area more than 280m<sup>2</sup>.
- b. It is being erected more than 100m from an existing fire hydrant.

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

- a. For buildings provided with fire mains – within 90m of dry fire main inlets.
- b. For buildings not provided with fire mains – hydrants should be both of the following.
  - i. Within 90m of an entrance to the building.
  - ii. A maximum of 90m apart.

16.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251. 16.11 Guidance on aspects of provision and siting of private fire hydrants is given in BS 9990.

### **Water Supplies**

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and National Guidance Document on the Provision for Fire Fighting published by Local Government Association and WaterUK:

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

For further information please contact the WMFS Water Office at the address given above or by email on [Water.Officer@wmfs.net](mailto:Water.Officer@wmfs.net)

## **Section 17: Access to buildings for firefighting personnel**

### **Provision of firefighting shafts**

17.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts containing a firefighting lift.

The number and location of firefighting shafts should comply with paragraphs 17.4 to 17.7. Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 17.3 and Diagram 17.2).

17.3 A building with basement storeys should have firefighting shafts in accordance with the following.

a. There is a basement more than 10m below the fire and rescue service vehicle access level. The firefighting shafts should contain firefighting lifts.

b. There are two or more basement storeys, each with a minimum area of 900m<sup>2</sup>. The firefighting shafts do not need to include firefighting lifts.

The building's height and size determine whether firefighting shafts also serve upper storeys.

17.8 In any building, the hose laying distance should meet all of the following conditions.

a. A maximum of 60m from the fire main outlet in a firefighting shaft (see Diagram 17.3).

b. Additionally, where sprinklers have not been provided in accordance with Appendix E, the hose laying distance should be a maximum of 45m from a fire main outlet in a protected shaft (although this does not imply that the protected shaft needs to be designed as a firefighting shaft (see Diagram 17.3)

The approval of Building Control will be required to Part B of the Building Regulations 2010

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 8)

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

### **Local Highway Authority**

The Owen Street vehicle footway 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.

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

The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the modification works of the dropped kerb footway crossing works within the public highway. For further information, please contact the Traffic Management Team on 01922 654675.

### **Police**

Secure by Design principles are recommended;

<http://www.securedbydesign.com/pdfs/SBDNewHomes2014.pdf>

**END OF OFFICERS REPORT**



## Planning Committee

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

**Plans List Item Number: 3**

### Reason for bringing to committee

Council Application

### Application Details

**Location:** LEAMORE PRIMARY SCHOOL, BLOXWICH ROAD, WALSALL, WS3 2BB

**Proposal:** DEMOLITION OF EXISTING TWO CLASSROOM MODULAR BLOCK AND REPLACEMENT WITH FLAT ROOF BUILDING FOR USE AS TWO CLASSROOMS, WITH EXTERNAL STAIRCASE, DISABLED ACCESS, ALUMINIUM WINDOWS AND DOORS TO FRONT AND SIDE ELEVATIONS.

**Application Number:** 21/1296

**Case Officer:** Leah Wright

**Applicant:** Walsall Metropolitan Borough Council

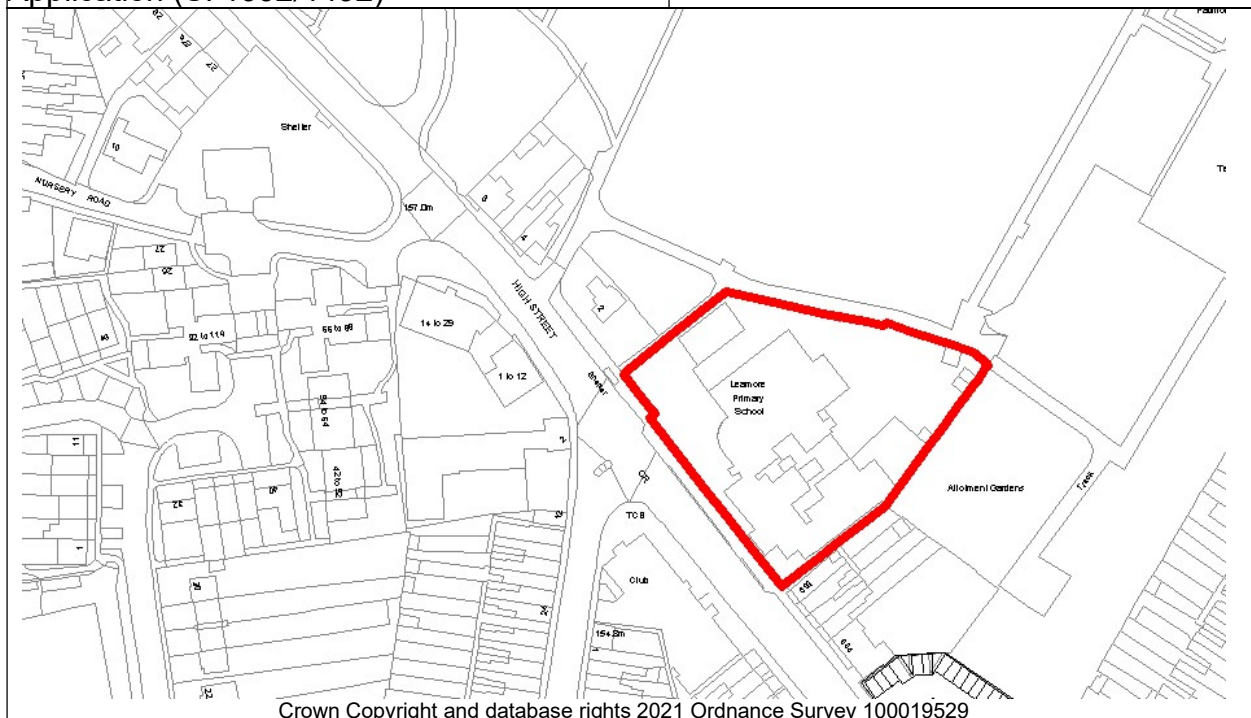
**Ward:** Blakenall

**Agent:** Baily Garner LLP

**Expired Date:** 21-Oct-2021

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

**Time Extension Expiry:**



## Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and the amendment and finalising of conditions

## Proposal

This application proposes the demolition of an existing two classroom modular block and its replacement with a single storey flat roof building for use as two classrooms, with external staircase, disabled access, aluminium windows and doors to front and side elevations.

The modular block to be demolished measures 3.6m in height with a pitched roof with eaves of 2.8m, 25m in width and 8.69m in depth. The block is accessed via an external staircase with a front door, there are six windows to the front elevation, four windows with mesh grills and two single doors to the rear elevation and two AC units to the side elevation. Internally, the block accommodates two classrooms, an electrical cupboard and a disabled WC.

The replacement building will be sited in the same footprint as the existing modular block. The building would measure 3.5m with a flat roof and would be accessed by an external staircase measuring 1.65m in height with a front door. It would measure 9.9m in depth and 15.4m in width. To the front and rear elevation there would be four sets of double windows. To both side elevations there would be two AC units contained within cages and a single door. There would be a flue to the rear which would project 0.4m higher than the classroom and would be used as a waste and vent outlet. Internally the building would accommodate two classrooms, two stores, a pupil WC and a lobby.

There would be no increase in the number of pupils attending the school as a result of this proposal.

## Site and Surroundings

Leamore Primary School is sited to the north-eastern side of Bloxwich Road. The school is constructed from brick with a variety of pitches and numerous windows to the front elevation. The main entrance is constructed of glazed walls and a set of double doors. There is a variety of boundary treatments which include brick walls and fencing to the front elevation and a number of trees. The school site area is approximately 3896sqm.

The site is within the Bloxwich and Blakenall Heath Character Area. It is not within a Conservation Area, nor does the site contain a listed building.

## Relevant Planning History

**BC64821P-** Provision of fence to top of rear playground wall to bring height to 3m. Replacement chainlink fence with 2-4m fence. Fencing - palisade, triple pointed, powder coated black- **GSC 07.01.2002.**

## Relevant Policies

### National Planning Policy Framework (NPPF)

[www.gov.uk/guidance/national-planning-policy-framework](http://www.gov.uk/guidance/national-planning-policy-framework)

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

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

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 12 – Achieving well-designed places**

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

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

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

### National Planning Policy Guidance

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

### Reducing Inequalities

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

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

- sex
- sexual orientation

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

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

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

### **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings

### **Black Country Core Strategy**

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP4: Place Making
- HOU5: Education and Health Care Facilities
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

### **Walsall Site Allocation Document 2019**

T4: The Highway Network

## 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

## Consultation Replies

**Environmental Protection-** No objections. Attention drawn to acoustic requirements of Building Bulletin 93 Acoustic Design of Schools.

**West Midlands Fire Service-** No objection. Note to application regarding Requirement B5: Access and facilities for the fire service.

West Midlands Police- No objection. Recommend principles of secure by design.

## Representations

No representations received.

## Determining Issues

- Principle of Development
- Design, Layout and Character
- Impact on neighbouring amenity
- Other Matters

## Assessment of the Proposal

### Principle of Development

The principle of the school is already established with previous works being granted at the site.

The design and access statement states that the school are committed to improving the facilities to ensure that the school maintains high standards and the school has identified the need for the demolition and replacement of a standalone teaching block located on the north-west of the site. There will no increase in staff or pupils associated with the proposal. As such, the principle of the classroom is considered to be acceptable.

## **Design, Layout and Character**

This application proposes a replacement building to be sited in the same footprint as the modular block it is to replace to the north-west of the main school building. The building is considered to be modest in height measuring 3.5m in maximum height with a flat roof. The classroom is to be constructed from western red cedar walls, a clad room finished in merlin grey and skirting finished in merlin grey and double glazed aluminium windows which would result in a high quality appearance of the development. It is considered that as this is a replacement building that would be sited in the same location and would be of the same footprint it would be acceptable in terms of its design and appearance. As such, the building would be in keeping with the existing school and would not have a negative impact on the character of the surrounding area.

## **Impact on neighbouring amenity**

The proposed classroom block is sited to the north-west of the main school and is approximately 18.9m from the nearest residential property, this being 2 Bloxwich Road and sited approximately 37m from Marton Court, a block of flats sited to the south-west of the site. It is considered that as this is a replacement building of the same scale it would not have any further detriment to neighbouring properties in terms of noise and it is noted Environmental protection have not objected to the proposal. The classroom is considered to be a high quality design and whilst views of the classroom may be possible from the side windows of 2 Bloxwich road it is not considered that it would impact negatively on neighbour's visual amenity, nor would it be overbearing in nature. Further there are no windows to the side elevation of the classroom and as such it is considered there would no detriment in terms of overlooking.

## **Other Matters**

The classroom would have no detrimental impacts on the highway network or to environmental matters.

## **Conclusions and Reasons for Decision**

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

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

### **Approve**

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

## **Recommendation**

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and the amendment and finalising of conditions.



## Conditions and Reasons

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

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

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

- 4200- Existing GA Plans and Elevations- REC 22.09.2021
- 4200- Existing Site Plan- REC 22.09.2021
- 17121-SIB-00-ZZ-M3-W-001- 50 X 32 Permaspace Plan Layout, Elevations and Foundations- REC 22.09.2021.
- 1400- Proposed Site Plan REC 22.09.2021.
- 1100- Site Location Plan and Block Plan REC 22.09.2021
- Covering Letter REC 22.09.2021
- Design and Access Statement REC 22.09.2021

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

3: The development hereby approved shall not be constructed other than with a grey flat roof, western red cedar clad walls and merlin grey aluminium windows and doors and as indicated on submitted plans and contained within the submitted Design and Access Statement and thereafter retained as such for the life time of the development.

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

4: Notwithstanding the details as submitted, the development hereby permitted shall not be carried out otherwise than to meet with the following minimum security measures and thereafter the security measures shall be retained;

-All ground floor windows and any accessible windows should be fitted with BS EN 356 grade P1A glass this includes French doors and patio doors

-All ground floor windows (including French doors) and over accessible roofs to be PAS24; 2016

-All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass

The security measures shall thereafter be retained for the life of the development

Reason: To ensure the safety and security of the development and its occupiers in accordance with BCCS policy ENV3.

## Notes for Applicant

### 1. West Midlands Fire Service.

#### Approved Document B, Volume 2, Buildings other than Dwellings, 2019.

Requirement B5: Access and facilities for the fire service

#### Section 15: Vehicle access

Buildings not fitted with fire mains

15.1 For small buildings (up to 2000m<sup>2</sup>, with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

- a. 15% of the perimeter.
- b. Within 45m of every point of the footprint of the building (see Diagram 15.1).

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

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

#### Design of access routes and hard-standings

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

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

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

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

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

#### Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that



**WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 2, Table 15.2)**

### **Water**

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

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

For further information please contact the WMFS Water Office at the address given above or by email on [Water.Officer@wmfs.net](mailto:Water.Officer@wmfs.net)

The approval of Building Control will be required to Part B of the Building Regulations 2010.

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 8).

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

## **2. Environmental Protection**

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

**END OF OFFICERS REPORT**

## Planning Committee

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

**Plans List Item Number: 4**

### Reason for bringing to committee

Called in by Councillor Andrew in the public interest and re-use of a previously developed site to protect other untouched Green Belt land which is under threat.

### Application Details

**Location:** PEAR TREE FARM, FISHLEY LANE, BLOXWICH, WALSALL, WS3 3PZ

**Proposal:** FULL APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 6 NO. 1.5 STOREY CHALET BUNGALOWS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING ADJOINING PUBLIC RIGHT OF WAY ALD154.

**Application Number:** 21/0047

**Case Officer:** Gemma Meaton

**Applicant:** Mr Russell

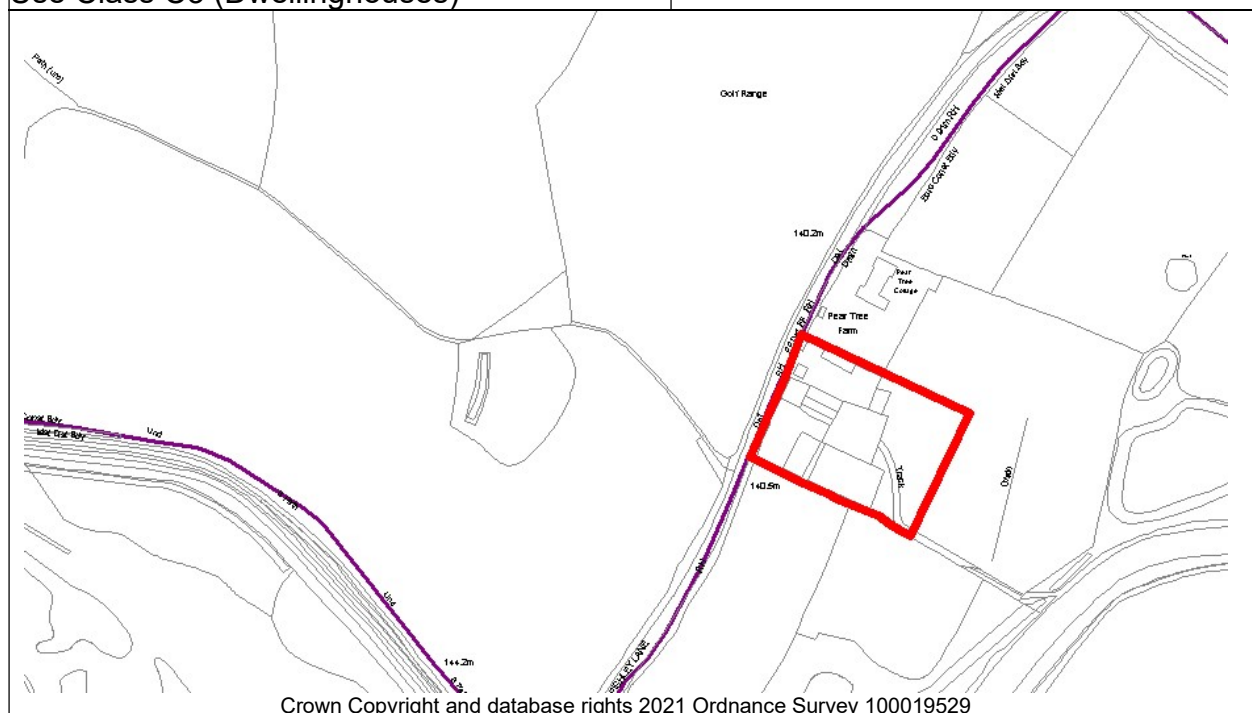
**Ward:** Pelsall

**Agent:** Design Construction Management Services

**Expired Date:** 30-Mar-2021

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

**Time Extension Expiry:**



## Recommendation

Refuse

## Proposal

The submitted supporting documents explain that the proposal is for the demolition of all the existing buildings on the site and the provision of 6 new build “market sale” dwellings which each comprise 4 bedroom chalet-bungalows. The development would include an access highway built to adoptable standards, and car parking three parking spaces are provided per dwelling.

The following documentation was submitted in support of the proposal:

- Planning Statement
- Ecological Assessment
- Tree Survey and Arboricultural Report
- Preliminary Geoenvironmental Risk Assessment
- Coal Mining Risk Assessment

## Site and Surroundings

The site is situated on the eastern side of Fishley Lane within the Green Belt and just to the north of Fishley Park Golf Club, and 2.1km north of Bloxwich district centre.

The site currently accommodates a range of brick, timber and steel portal frame construction general storage & distribution buildings and stables. According to the information submitted with the application the existing buildings have previously been used, but are no longer in use. In addition there is an area of hard standing and a ménage built in the south east of the site.

To the north of the application area is a single residential dwelling known as Pear Tree Cottage which is a bungalow of modern construction and which takes its access from Fishley Lane. Running along the South of the site is a public footpath (ALD 154.) the remainder of the site has views of open fields, with the Wyrley and Essington Canal passing approximately 100m to the east of the site, although the site is in Flood Zone 1 and therefore not recognised as liable to flooding.

## Relevant Planning History

16/0974 - Prior Approval: Agricultural to C3, Prior Approval for change of use from agricultural building to dwelling house (Class C3),(Site Affects the setting of the Public Footpath Ald 154), Prior Approval: REFUSED, 16/08/2016

Reasons for refusal:

1. The works described above and in the details of the application fall outside the scope of Class Q of Schedule 2, Part 3 (Changes of Use) of the Town and Country Planning (General Permitted Development) Order 2015 as the building does not sit within an established agricultural unit which conflicts with Q.1(a) and (f). Furthermore, the building works involved would be more than reasonably

necessary for the building to function as a dwellinghouse in conflict with Q.1(i) As such an application for full planning permission is required for the proposed change of use.

16/0972 - Prior Approval: Agricultural to C3, Prior Approval for change of use from agricultural building to dwelling house (Class C3), (Site Affects the setting of the Public Footpath Ald 154), Prior Approval: REFUSED. 16/08/2016

Reasons for refusal:

1. The works described above and in the details of the application fall outside the scope of Class Q of Schedule 2, Part 3 (Changes of Use) of the Town and Country Planning (General Permitted Development) Order 2015 as the building does not sit within an established agricultural unit which conflicts with Q.1(a) and (f). Furthermore, the building works involved would be more than reasonably necessary for the building to function as a dwellinghouse in conflict with Q.1(i) As such an application for full planning permission is required for the proposed change of use.

16/0908 - Front and rear extensions to the existing playroom and first floor extension and alterations to create dormer bungalow across the whole width of the existing and extended bungalow, (Site Affects the Setting of the Public Footpath Ald 154), Grant Permission Subject to Conditions 22/09/2016

## Relevant Policies

### National Planning Policy Framework (NPPF)

[www.gov.uk/guidance/national-planning-policy-framework](http://www.gov.uk/guidance/national-planning-policy-framework)

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

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

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

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

### **National Planning Policy Guidance**

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

### **Reducing Inequalities**

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

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

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

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

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

## **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- 3.2 to 3.5 The Countryside and Green Belt
- 3.6 to 3.8 Environmental Improvement
- 3.11 Forestry and Trees
- GP2: Environmental Protection
- ENV5: Stabling and Riding of Horses and Ponies
- ENV6: Protection and Encouragement of Agriculture
- ENV7: Countryside Character
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T7 :Car Parking
- T8: Walking
- T9: Cycling
- T11 : Access for Pedestrians, Cyclists and Wheelchair users
- T12 : Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

### **Black Country Core Strategy**

- Vision, Sustainability Principles and Spatial Objectives
- 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
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV8: Air Quality

### **Walsall Site Allocation Document 2019**

- HC2: Development of Other Land for Housing
- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN1: Natural Environment Protection, Management and Enhancement
- EN4: Canals

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- T4: The Highway Network

## Supplementary Planning Document

### Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

### Designing Walsall

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

### Air Quality SPD

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

## Consultation Replies

### Canal and River Trust

No objection, subject to conditions regarding external lighting.



**Local Highways Authority**

Objection - The Highway Authority considers the development has the potential to have an unacceptable impact on road safety in that residents of the development who may not own a car or desire one would have little alternative but to walk or cycle along Fishley Lane with little protection from passing vehicles or have the benefit of public lighting in order to access public transport or community facilities and would be contrary to the NPPF.

**Local Access Forum**

Although it would appear that ALD 154 should be unaffected by the development, the actual route of this path has been the subject of some uncertainty for some time its route should not be established prior to any planning permissions. The path is currently un-passable, and it should be made good at its exit on to Fishley Lane and then clearly defined back to ALD 154A.

**Natural England**

No objection

**Pollution Control**

No objection subject to conditions regarding contaminated land, compliance with the Black Country Air Quality SPD, smoke control and a Construction Environmental Management Plan.

**Severn Trent Water**

No objection subject to a drainage condition being applied.

**Strategic Planning Policy**

Objection - the proposal would have a greater impact on openness than the existing buildings and would represent inappropriate development in the Green Belt. The remote location would also represent unsustainable development.

**Tree Officer**

No objection subject to the imposition of a landscape condition

**Waste Management (Clean and Green)**

Very few properties are currently serviced in Fishley Lane meaning a transit size vehicle is used. With the introduction of these properties, this would need to be increased to a 26 tonne refuse collection vehicle. Concerns are raised with the use of Fishley Lane with such a vehicle and the potential for the turning point in the new development to be taken up with parked cars. If the turning point is ever blocked, the refuse vehicle would be unable to exit the location due to the narrowness of Fishley Lane itself.

**West Midlands Fire Service**

No objection subject to note requiring compliance with approved document B of the Building Regulations

**Representations**

None

## Determining Issues

- Principle of Development / Impact on the Green Belt
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Trees / Protected Trees
- Ground Conditions and Environment
- Local Finance Considerations

## Assessment of the Proposal

### Principle of development / Impact on the Green Belt

The principle of residential development on the site is dependent on whether the scheme is compatible with its designation as Green Belt. The site lies in the Green Belt which is subject to Site Allocation Document (SAD) policy GB1, as well as the provisions of the National Planning Policy Framework, 2021 (NPPF).

Policy GB1 in the SAD states that relevant provisions within the NPPF and Black Country Core Strategy (BCCS) apply. Inappropriate development, as defined in the NPPF, will not be supported in the Green Belt in Walsall unless 'very special circumstances' exist which clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm.

BCCS policy CSP2 states that the areas outside the Strategic Centres and Regeneration Corridors will provide: "A strong Green Belt to promote urban renaissance within the urban area and provide easy access to the countryside for urban residents where the landscape, nature conservation and agricultural land will be protected and enhanced where practical and possible";

NPPF paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, with certain exceptions, the relevant ones which include:

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would ...not have a greater impact on the openness of the Green Belt than the existing development.

Previously developed land is defined by the NPPF as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas

such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Planning practice guidance on Green Belt was updated in July 2019. This states that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

Taking all of the above into account, it is therefore key to determine whether or not the proposal would have a greater impact on the openness of the Green Belt than the existing development and thus amount to development that is inappropriate in the Green Belt.

Part of the site is previously developed with various single-storey structures along the western side, and some of the area is used for parking commercial vehicles and plant.

Plans have been provided that show the height and footprint of the existing buildings on site. The total footprint of the 8 buildings has been shown to be 775m<sup>2</sup>. The proposed buildings would have a footprint of 216m<sup>2</sup> each, meaning a total footprint of the development of 1,296m<sup>2</sup>. This would constitute a 67% increase over and above the existing footprint.

According to the information provided, the height of the existing buildings vary between 2.8 and 4.3m, while the proposed buildings would be 6.6m to the roof ridge and 3.6 to the eaves. This would constitute a significant increase in height over the existing structures.

The existing structures are located towards Fishley Lane, generally in line with Pear Tree Cottage with less development having occurred to the north east of the site, where it adjoins the field in this direction. The proposed development would create evenly spaced and densely packed plots across the site effectively developing its entirety with structures and fenced landscaped garden land.

The character of the entire site would effectively be suburbanised, replacing agricultural buildings and sheds with regular, suburban development. The addition of the access road, parking spaces, and domestic regular gardens with boundary fences would all contribute to this dramatic change in character.

The former horse-related use would have attracted a limited amount of traffic, with occasional use of larger vehicles such as horse boxes. However, six dwellings with a total of eighteen parking spaces would result in a greater number of vehicles parked on the site and associated activity, as well as domestic paraphernalia such as garden sheds and fences around gardens.

The relative isolation of the development, and the public right of way along the rear of plots 4, 5 and 6 would expose their private amenity to the public realm making them vulnerable to anti-social behaviour as there would be limited natural surveillance. This could cause these residents to suffer from a fear of crime would make it more likely for the development to be characterised by high boundary fences as a means of protection, creating further impact on openness and the Green Belt.

Taken together, these factors of a very significant (521m<sup>2</sup> or 67%) increase in footprint coupled with an increase in height (2.3m or 53%) causing a marked perceived increase in scale and visibility, distribution of development over the entire site rather than clustering in the west of the site and suburban character of development as a result of the layout design and built form, landscaped gardens domestic paraphernalia (including sheds, bin storage, children's play equipment, garden structures and boundary fences) and activity mean that the proposal would have a significantly greater impact on openness and character representing inappropriate development in the Green Belt. The proposal is therefore contrary paragraph 149 of the NPPF, SAD Policy GB1 (Green Belt Boundary and Control of Development in the Green Belt), and BCCS Policy CSP2 (Development Outside the Growth Network).

## **Design, Layout and Character**

The site is within the Green Belt and character of the area is one of rural isolated open fields, with the closest suburban residential development at least 1km to the south in Bloxwich. Surrounding development is limited to isolated farm houses and the carrying of agricultural activity with some diversification having taken place including a boarding kennels and overnight accommodation. The proposal is in contrast to this prevailing character comprising development of densely packed layout of large dwellings in relatively small plots with short gardens. The dwellings are identical and evenly spaced with no variation in siting or landscaping, at odds with their rural location.

Designing Walsall SPD Annexe D sets the minimum garden length for residential development at 12m, and while the proposed dwellings only fall short of this minimum by a small margin at 11.5m it is far below what would be expected for large family homes in a rural location. The buildings are also separated by only 1.9m which adds to the urban character of the scheme which would be starkly incongruous with the surrounding rural area creating almost a wall of built suburban form.

The layout is set around a single straight access road with turning head which is again out of character from development in rural areas which is characterised by organic formation and sweeping curves following historic desire lines rather than engineered modern 90-degree angles and straight roads.

The addition of a large number of Velux-style roof lights and the 1.5 storey bungalows is also not a feature readily associated with the rural environment. While it is acknowledged that a decrease in height may have a positive impact on the perception of scale and massing of the development, the use of chalet bungalows is stylistically contrary to the character of the Green Belt and of rural areas, and would continue to have a significant visual impact on the surroundings.

According to the planning statement the dwellings will be of traditional cottage brick and tile construction with timber windows and doors. Rainwater goods will be cast iron hopper heads and downpipes. Brick detailing will be proposed to the gable ends, windows and doors. Barn style shippon (cow shed) features would be incorporated into the design such as three bay layout, porthole windows, decorative three centred arches and pop-hole ventilation brick detailing. However, the proposed built form means these features would likely appear contrived and artificial, and without the functionality of design that is characteristic of buildings in rural areas.

Farmsteads are characterised by a main farmhouse and smaller ancillary buildings for example grain store, stables etc. The proposal is not reflective of this type of rural development, but seeks to fill previously undeveloped parts of the site with densely packed urban development. The proposal represents a cramped, incongruous form of development and as such would have a harmful visual impact and would harm the rural character of the area and would be contrary to BCCS Policy ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality), Saved UDP Policy ENV7 (Countryside Character) and ENV32 (Design and Development Proposals) and the Designing Walsall SPD.

### **Amenity of Neighbours and Amenity of Future Occupiers**

The site is surrounded by open fields and there are no adjacent occupiers other than Pear Tree Cottage. The proposed buildings would be 1.5 storeys in height and while plots 1-3 would look out directly to the side garden of the cottage, they would be separated by at least 30m from the side elevation of the building which is itself of single storey construction. It is considered the proposal would not have any significant negative impact on the amenity of surrounding occupiers.

The proposed dwellings would be generously proportioned internally and would be well in excess of the minimum sizes recommended by the Nationally Described Space Standards. Amenity space provided would be short which would negatively impact on the outlook provided to the rear of the dwellings, however the total provision of amenity space would be consistent with a large family home at over 250m<sup>2</sup>, meaning that in terms of the amenity of future occupiers this aspect could be regarded as acceptable.

The presence of the public right of way at the rear of plots 4, 5, and 6, as well as the exposed nature of the gardens to Plots 2 and 3 would be likely to create a fear of crime and potential anti-social behaviour, which would mean the need to implement secured by design principles would be very important for the development. Measures would include locks and alarms on doors and windows careful siting of meter boxes, and likely lockable rear bin storage. These measures would also impacts on the openness and character of the green belt whilst bringing further visual intrusion. While these matters could make the development acceptable and could be conditioned, it would be important to assess the location and design of these features particularly given the Green Belt location.

The dwellings would be spaced only 1.9m apart, and with habitable room windows on the ground floor serving the proposed dining rooms and kitchen located less than 1m from the boundary which would necessarily be fenced to ensure privacy between the plots. The outlook of these windows would therefore be severely constrained and would amount to a view of the boundary treatment only. Access to light would be good

as roof lights over these areas would provide additional light to the kitchen and dining room, and the side-window would only be a secondary window to the dining area with a primary window facing the rear. The kitchen window would be constrained in this manner but the area is open-plan with the dining area and a kitchen is not strictly considered a habitable room. On balance, while the outlook to these areas would be constrained it is not considered significant enough to constitute a reason for refusal of the application.

## Highways and Servicing

Paragraph 110 of the NPPF states development should ensure:

*'a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;'* and *b) safe and suitable access to the site can be achieved for all users'.*

Paragraph 112, of the NPPF states *'Within this context, applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

Access to the proposed development would be provided via a new access off Fishley Lane.

Fishley Lane has no segregated pedestrian facilities and no street lighting, which would make access by any other method than motorised vehicle difficult and unsafe. The site is divorced from any significant built up area which would provide ease of access to shops and local community facilities. The remote location would represent unsustainable development in that there is no public transport nearby – the closest bus stop is at Stoney Lane Approximately 1.5km away - and no footpath along the road which is narrow and unsuitable for walking or cycling. In practical terms the site is only accessible by car.

Waste Management has confirmed, there are very few properties in Fishley Lane being serviced by them, which adds weight to the fact the proposed development is in an unsustainable location. Waste Management has confirmed that currently a small collection vehicle is used to service these properties. With the introduction 6 additional dwellings as proposed there would be a need to introduce a 26 tonne refuse collection vehicle. Fishley Lane is particularly narrow and there are concerns that the required vehicle would be unable to access the proposed properties. Within the development itself, whilst an access road and turning head has been provided, concerns regarding the turning head were ever blocked, the refuse vehicle would be unable to exit the location due to the narrowness of Fishley Lane itself.



The Highway Authority has concerns stating the development has the potential to have an unacceptable impact on road safety in that residents of the development who may not own a car or desire one would have little alternative but to walk or cycle along Fishley Lane with little protection from passing vehicles or have the benefit of public lighting in order to access public transport or community facilities.

Taken together these factors show the proposal for development would be an unsustainable location, with narrow unsafe access for pedestrians, cyclists and the servicing of the proposed development, the proposal would therefore be contrary to the NPPF paragraph 110, 111 and 112, DEL1 (Infrastructure Provision) of the BCCS, Saved Policy T8 (Walking) and T11 (Access for Pedestrians, Cyclists and Wheelchair users) and T12 (Access by Public Transport) of the UDP.

It is noted that the public footpath along the southern edge of the site is currently obstructed. Contrary to the indication on the submitted plans, the Land Registry indicates that this lies within the ownership of the applicant. This fact was previously made clear during pre-application advice provided to the applicant on 8 January 2021. The footpath should be unblocked regardless of the current application, however the provision of private gardens within the footpath would likely make this difficult to achieve, as there is likely to be pressure from future occupiers to keep it closed in the interest of safety, security and fear of crime, with future residents wanting to extend their gardens. The Proposed Block Plan shows solid boundary treatments transecting and thereby blocking the footpath in several locations. Policy CSP3 of the BCCS states that Development proposals will need to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded at every opportunity. The policy explicitly includes the protection of pedestrian and cycle routes. The proposal has failed to show how definitive public right of way ALD154 will be protected, proposing that private gardens are created through it, contrary to BCCS Policy CSP3 (Environmental Infrastructure).

## **Ecology**

The site is within Pelsall North Sites of Importance for Nature Conservation and Sites of Local Importance for Nature Conservation.

An Ecological Appraisal was submitted with the application which concludes that:

- The trees within and bordering the site offer little bat roosting habitat; however, they do offer good foraging habitat and commuting routes for bats. Bat boxes should be sited within the wildlife area, which should offer roosting habitat within or close to the foraging/commuting areas.
- The buildings on site were surveyed for signs of bats or bat potential. No signs or features which are suitable for potential bat roosting were detected during the survey. The internal makeup of the buildings consists of corrugated tin rooves with steel framework; the extremities in temperature created by the tin roof result in negligible bat potential.
- Any floodlighting should be positioned sensitively to minimise light spill across adjacent hedgerows.
- A single Leylandii tree, of low conservation importance, will be lost to facilitate the proposed development. The development plans include the planting of several native trees throughout the site.



- No ponds were found on site or within 250m of the site boundary. It is unlikely that the proposal will have any negative impact on amphibians, given the lack of a pond adjacent the proposal site.
- A hedgehog hibernation box should be provided within the proposed wildlife area, and the garden fences of the proposed properties have hedgehog highway gaps to allow access for the animals.
- Given the rural position of the yard/garden environment, that any vegetation clearance should be undertaken outside the bird-nesting season, April – August. Should this not be possible, a pre-works check by a qualified ecologist should be undertaken to ensure that nesting birds are absent.

The arboricultural report confirms that a group of 6 Cypress trees would be removed as part of the proposal and one Oak Tree, as well as a holly hedge along Fishley Lane.

The proposed layout does not include a proposed wildlife area that would make the recommendations of the Ecological Appraisal in terms of Bat Boxes and a Hedgehog Hibernation Box possible. Since the proposal is contrary to the submitted Ecological Appraisal meaning the layout fails to take full account of existing features of value for wildlife or make reasonable proposals to provide mitigation to adequately compensate for the features lost, the proposal is contrary to saved Policy ENV23 (Nature Conservation and New Development) of the UDP, and the Conserving Walsall's Natural Environment SPD.

## **Trees**

There are some mature trees on the site, including a row of Holly extending approximately 22.0m along the front of the site (essentially a hedge), a group of approximately 4 Cypress towards the centre of the site and an individual Oak tree in the south west corner of the site adjacent to Fishley Lane.

The application proposes that they are all removed to accommodate the development. A Tree Survey and Arboricultural Report were submitted as part of the application. Using the BS 5837: 2012 tree categorisations, these trees have been categorised as 'C' class trees in the supplied tree report, 'C' class trees are of low arboricultural value either because of impaired condition and / or poor form.

The Tree Officer has agreed with the 'C' class categorisation attributed to the trees in the tree report, and indicated that the 'C' class trees would not normally be a constraint to development and there would be no objections to their removal, subject to the submission of a landscape plan including details of both tree and shrub planting, their sizes, locations and quantity which could be secured by condition.

## **Ground Conditions and Environment**

A Preliminary Geo-environmental Risk Assessment was submitted as part of the application. The report identified moderate to low risks associated with potentially contaminated materials beneath the hardstanding areas and beneath building footprints, associated with imported sub-base and materials beneath the ménage. Localised leakage and spillage of vehicle fluids may also have occurred and there may be asbestos contaminated associated with stockpiles of demolition type materials on the site.

On this basis an intrusive ground investigation was recommended to obtain samples of the made ground and natural ground beneath for chemical laboratory analysis, particularly beneath the proposed soft landscaped gardens within the north-western part of the site where the buildings, hardstanding and ménage areas are present.

Pollution Control agreed with these findings and recommended that a contaminated land condition be required to secure this.

The site lies in the Coal Development Low Risk Area. A Coal Mining Risk assessment was submitted with the application, which concludes that there are no probable unrecorded shallow workings with the shallowest seam located at least 5m below ground level. While the risk of unrecorded workings was considered low further intrusive investigations were recommended to identify the thickness and depth of seams up to 20m.

Ground Conditions do not present a constraint to development subject to appropriate remediation on site which could be secured by conditions.

### **Local Finance Considerations**

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

This application proposes 6 new homes.

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

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

## **Conclusions and Reasons for Decision**

The significant increase in footprint and in height would cause marked perceived increase in scale and visibility as a result of the development. The scheme would create development over the entire site rather than clustering in the west and suburban character of development as a result of the layout design and built form, landscaped gardens domestic paraphernalia and activity mean that the proposal would have a significantly greater impact on openness and would represent inappropriate development in the Green Belt.

The development would be an unsustainable location, with narrow unsafe access for pedestrians, cyclists and to allow servicing in terms of refuse collection. The proposal is not reflective of rural development but seeks to fill previously undeveloped parts of the site with densely packed urban development. The proposal represents a cramped, incongruous form of development and as such would harm the rural character of the area.

The layout does not make provision for a wildlife area contrary to the recommendation of the submitted Ecological Appraisal meaning the layout fails to take full account of existing features of value for wildlife or make reasonable proposals to provide mitigation to adequately compensate for the features lost. The proposal has also failed to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded in relation to definitive public right of way ALD154.

It is not considered that the proposal would have any significant negative impact on the amenity of surrounding occupiers, and the proposed dwellings would be generously proportioned internally and give a good living environment for potential occupiers.

The Tree Officer has agreed that the trees on site would not be a constraint to development and there would be no objections to their removal, subject to the submission of a landscape plan including details of both tree and shrub planting, their sizes, locations and quantity which could be secured by condition. In addition, ground conditions do not present a constraint to development subject to appropriate remediation on site which could be secured by conditions.

Given the overwhelming weight of negative material considerations created by the proposal it is concluded that this application should be recommended for refusal.

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

### **Refuse**

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

## **Recommendation**

Refuse

## **Reasons for Refusal**

1. The proposed development entails a significant (521m<sup>2</sup> or 67%) increase in footprint in comparison to the existing situation coupled with an increase in height (2.3m or 53%) causing a marked perceived increase in scale and visibility, distribution of development over the entire site rather than the existing clustering in the west of the site creating a densely packed suburban character and visual impact of the proposed development as a result of the layout, design and built form, domestic boundary fencing, landscaped gardens, security features and other domestic paraphernalia and activity mean that the proposal would have a significantly greater impact on openness and character and would represent inappropriate development in the Green Belt. The scheme is therefore contrary paragraph 149 of the NPPF, SAD Policy GB1 (Green Belt Boundary and Control of Development in the Green Belt), and BCCS Policy CSP2 (Development Outside the Growth Network).

2. The spaces between proposed dwellings, short gardens, contrived addition of rural-style design features, urban layout and built form means the scheme creates a cramped, incongruous form of development and as such would have a harmful visual impact and would harm the rural character of the area and would be contrary to BCCS Policy ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality), Saved UDP Policy ENV7 (Countryside Character) and ENV32 (Design and Development Proposals) and the Designing Walsall SPD
3. The layout does not include a wildlife area that would make the recommendations of the Ecological Appraisal in terms of Bat Boxes and a Hedgehog Hibernation Box possible and is therefore contrary to the submitted Ecological Appraisal meaning the layout fails to take full account of existing features of value for wildlife or make reasonable proposals to provide mitigation to adequately compensate for the features lost contrary to saved Policy ENV23 (Nature Conservation and New Development) of the UDP, and the Conserving Walsall's Natural Environment SPD.
4. The proposal has failed to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded, specifically in the protection of pedestrian and cycle routes in relation to definitive public right of way ALD154, in proposing that private gardens are created through it, contrary to BCCS Policy CSP3 (Environmental Infrastructure).
5. The development would be an unsustainable location, with narrow unsafe access for pedestrians, cyclists and to allow servicing, contrary to NPPF paragraph 110, 111 and 112, DEL1 (Infrastructure Provision) of the BCCS, Saved Policy T8 (Walking) and T11 (Access for Pedestrians, Cyclists and Wheelchair users) and T12 (Access by Public Transport) of the UDP.

## END OF OFFICERS REPORT



### Planning Committee

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

Plans List Item Number: 5

#### Reason for bringing to committee

Called in by Councillor Andrew due to public interest.

#### Application Details

**Location:** Land to the rear of 105, 107 and 109 Lichfield Road, Walsall, WS3 3LU

**Proposal:** DEVELOPMENT OF 5 NO 3 BEDROOM HOUSES AND ASSOCIATED PARKING AND LANDSCAPING.

**Application Number:** 20/1222

**Case Officer:** Leah Wright

**Applicant:** Eric Russell

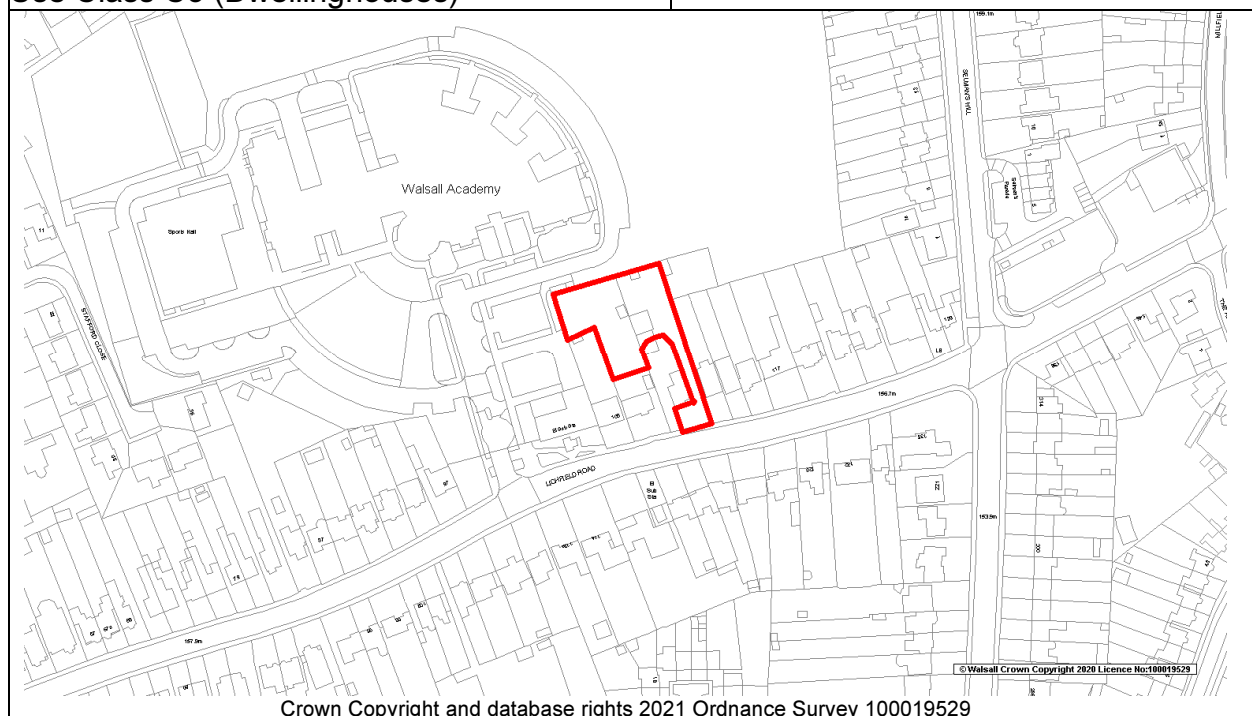
**Ward:** Bloxwich East

**Agent:** Peter Jackson

**Expired Date:** 24-Nov-2020

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

**Time Extension Expiry:** 12-Aug-2021



## **Recommendation**

Refuse

## **Current Status**

At the Planning Committee meeting of 5th August 2021 Members resolved to defer this application for consideration at a future meeting.

The following section of this update report will set out any changes since the original report (which follows), including matters to be addressed which were contained within the previous supplementary paper.

### **Supplementary Paper**

The supplementary paper for the above committee explained that the agent requested the item be withdrawn from that committee agenda to enable the applicant to consider amending the proposals to improve the access.

### **Any Other Updates**

Since the original report an amended block plan has been received (reference 1d received 10th September 2021) which shows a footway alongside the access road and a visibility splay.

New consultee comments have been received following re-consultation which are as follows:

### **Local Highway Authority:**

The submitted revised plan Rev 1d fails to address two of Highway Authority's three previous concerns which are as follows:

1. The addition of the footway alongside the access road, required to provide a segregated vehicle free route for residents and visitors of the development, reduces the access road down to 3.4m over a 20m section of its length and reduces the remaining straight section to 4.4m. Taking into account the access is tight onto the eastern site boundary, it is considered unlikely that two vehicles will attempt to pass on the wider section of access road. This is likely to result in drivers that are attempting enter the access 'giving way' to oncoming egressing vehicles and hence waiting at the entrance on Lichfield Road to allow the vehicle to leave as the proposed 'passing' area is only 4.4m wide. This, together with the significant intensification of the access for five detached dwellings, is considered very likely to result in awkward vehicle reversing movements onto the main road and/or waiting on the main road itself, which is a classified road (A4124) and a strategic highway, or vehicles blocking the highway footway at a sensitive location close to school and nursery where at times there will be high pedestrian movements passing by the access.



2. The 2.0m x 43m visibility splay as shown on the revised plan is not acceptable to the Highway Authority. The setback distance should be 2.4m, which is an industry wide accepted distance and the minimum recommended distance for an access serving multiple dwellings onto a 30mph road. This is set out in Government guidance Manual for Streets<sup>1</sup>. It is clear the position of the proposed access is unable to achieve the required 2.4m set back due to third party land issues. Likewise, the required 2.4m x 3.4m pedestrian visibility splay, whilst not shown on the revised plan, is also unlikely to be achievable for the same reason. The splays are required to meet highway design standards due to the intensification of the access, the proximity of the access to a secondary school and nursery entrance and the nature of Lichfield Road being a classified road (A4124) and a strategic highway.

The Highway Authority considers the development will have an unacceptable impact on road safety contrary to the NPPF, Saved UDP Policy GP2, T4, DfT Manual for Streets guidance, to the detriment of the free flow of traffic along the public highway and to highway safety.

### **Waste Management:**

In terms of waste management it is considered that a refuse collection vehicle (RCV) would not be able to reverse off this section of Lichfield Road. The site is near a school and near one of the busiest junctions in the surrounding area. The access is tight and therefore there is a very high probability that drivers may have to shunt in and out for positioning leaving them exposed to the traffic on the main road and in a vulnerable position for longer than could be justified in any necessary risk assessment.

Further, there is a lack of space in the site and the plan which shows the RCV route leaves no margin for error and would take absolute precision which could not be expected of drivers. As such, the likelihood of causing damage as a result is high and is unacceptable.

### **West Midlands Fire Service:**

The revised block plan as submitted on 10th September 2021 shows that the point at which the access road narrows is of a width less than the minimum requirement of 3.7m for a WMFS fire appliance. It would not therefore be acceptable given that urgent access may be needed to the properties at the end of the access road.

### **Conclusion**

The recommendation remains as per the original report to refuse the development.



## Updated Reasons for Refusal

1. This proposal represents inappropriate backland development which would cause harm to the character and amenity of the local area, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings in terms of design, density and layout, contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), DW3 (Character), DW4 (continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the National Planning Policy Framework (Achieving well-designed places).
2. The addition of the footway alongside the access road, as shown on revised block plan REV 1d REC 10.09.2021, required to provide a segregated vehicle free route for residents and visitors of the development, reduces the access road down to 3.4m over a 20m section of its length and reduces the remaining straight section to 4.4m. Taking into account the access is tight onto the eastern site boundary, it is considered unlikely that two vehicles will attempt to pass on the wider section of access road. This is likely to result in drivers that are attempting enter the access 'giving way' to oncoming egressing vehicles and hence waiting at the entrance on Lichfield Road to allow the vehicle to leave as the proposed 'passing' area is only 4.4m wide. Further, the intensification of the vehicle access serving five dwellings is likely to result awkward vehicle reserving movements onto Lichfield Road which is a classified road (A4124) and a strategic highway or vehicles blocking of the highway footway at a sensitive location close to school and nursery where at times there will be relatively high footfall passing by thus causing significant harm to the highway safety of drivers, cyclists and pedestrians contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General) and ENV32(Design and Development Proposals) of the Walsall Unitary Development Plan, policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and the NPPF.
3. The 2.0m x 43m visibility splay as shown on revised block plan REV 1d REC 10.09.2021, is not acceptable and fails to provide the necessary setback distance of 2.4m for an access serving multiple dwellings onto a 30mph road. The proposal also fails to provide the necessary 2.4m x 3.4m pedestrian visibility splay. The proposal would result in harm to the safety and operation of the highway and is contrary to the NPPF, Saved UDP Policy GP2 (Environmental Protection), and SAD Policy T4 (The Highway Network).
4. The proposal fails to provide an acceptable means of refuse collection due to a refuse collection vehicle not being able to reverse off this section of Lichfield Road and combined with an unacceptable narrow access and lack of space within the site. The proposal is therefore contrary to the NPPF and the Unitary Development Plan, in particular Saved policies GP2 (Environmental Protection), ENV32 (Design and Development of Proposals) and SAD Policy T4 (The Highway Network).

5. The proposal includes an unacceptable narrow access road which falls below the minimum requirement of 3.7m for a fire appliance. For these reasons the application is contrary to the NPPF and the Unitary Development Plan, in particular Saved policies GP2 (Environmental Protection) and ENV32 (Design and Development of Proposals).
6. The proposed development would provide an unacceptable standard of amenity for the future occupants for each plot due to an insufficient level of private rear garden amenity space. The proposal is therefore contrary to saved policy GP2 (Environmental Protection), of the Walsall Unitary Development Plan, policy ENV3 (Design Quality) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), and DW5 (Ease of Movement) and Appendix D of the Designing Walsall Supplementary Planning Document (Numerical Guidelines for Residential Development).
7. The remaining garden areas of 36.9sqm and 60sqm serving No.107 and No.105 Lichfield Road respectively are below the minimum standards with no justification given to the lack of amenity space. These small garden areas fail to provide an acceptable level of outdoor amenity to occupiers and fail to reflect the size of gardens in the locality. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection), Appendix D of the Designing Walsall SPD (Numerical Guidelines for Residential Development) and the NPPF.
8. Plot 5 would introduce habitable room windows at ground and first floor which would introduce a direct form of overlooking to the rear amenity space serving No.105 Lichfield Road. Furthermore, the provision of the turning head and vehicle parking directly adjacent the rear garden of No.105 would also introduce an unacceptable level of additional noise and disturbance from vehicle movement, doors closing, and people congregating resulting in significant additional overlooking, loss of privacy and noise and disturbance to the detriment of this neighbours amenity. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection) and the NPPF.
9. The proposed main access directly adjacent No.113 would also introduce an unacceptable level of vehicle movement which would result in an unacceptable level of additional noise and disturbance to the rear garden amenity area serving this neighbour, and increased light pollution, particularly to ground floor habitable windows in the front elevation. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection) and the NPPF.

## **THE ORIGINAL REPORT FOLLOWS:**

## Proposal

This application proposes the development of 5 No 3 bedroom houses and associated parking and landscaping to the rear gardens of 105, 107 and 109 Lichfield Road, Bloxwich.

The proposed houses would be set back 53m into the site with all five houses being parallel to the Lichfield Road.

The dwellings measure 7.7m wide, 8.54m in depth, 8.3m in height with a pitched roof with eaves of 5m. They would be set off the boundary with 111 Lichfield Road by 1.2m.

To the front elevation the dwellings would have four windows and a front door with a canopy. To the rear elevation there would be three windows and a set of patio doors at ground floor. To the side elevation there would be two windows to the east and one window to the west which would break up an otherwise blank elevation.

Internally the dwellings would have a hallway, dining room, WC, living room and an open plan kitchen/breakfast/family room at ground floor. At first floor the dwellings would have three bedrooms (bedroom one would measure 11.6m, bedroom two would measure 10.4m and bedroom three would measure 8.58m). Bedroom one would benefit from an en-suite and there would be a separate bathroom for other inhabitants. There would also be a landing, cupboard space and a study.

It is stated that the dwellings would each have a rear garden length of 7.4m, measuring 70sqm. However, when measuring the garden sizes from the submitted block plan they measure approximately 5.8m in length and 49sqm in area. Bin and cycle stores would be provided within each rear garden measuring 1.8m high, 3.4m in depth and 0.7m wide.

The proposed boundary treatment is a 2m high close board fence to the rear and a 1.8m high larch lap fence at the side of each house.

Each dwelling would have 2 off street parking spaces, driveway and new vehicle access to the front, excluding plot 5 whose parking would be located on the opposite side of the access road along with a further space to serve No.109 Lichfield Road and two visitor spaces. Two further spaces to serve No.109 would be provided to the front of Lichfield Road. The new dwellings would be set back 0.6m behind the proposed parking spaces to provide a pedestrian path in front of the dwellings.

## Site and Surroundings

The subject site is land sited to the northern side of Lichfield Road, to the rear of gardens of 105, 107 and 109 Lichfield Road.

The street scene is characterised by dwellings of various styles and sizes and is a predominately residential area. The pattern of development is of linear built form with a strong consistent building line fronting Lichfield Road with driveways and landscaped areas fronting dwellings.

105 Lichfield Road is a detached two storey property with a hipped roof.

107 Lichfield Road is a large detached dwelling set back from the highway with a gated access driveway and an area of off-road parking for four vehicles.

109 Lichfield Road is a detached two storey dwelling with a tiled gable end roof.

Millfields Nursery and Walsall Academy are sited approximately 15m to the rear of the proposed site.

The site is not within a conservation nor is it a listed building.

## Relevant Planning History

### 105 Lichfield Road

**04/1500/FL/H1- First Floor Extension & Single Storey To Side & Rear- GSC 18/08/2004**

### 107 Lichfield Road

**02/1278/FL/H1- First Floor Side Extension- GSC 31/08/2002**

**06/0493/FL/H1- Two-storey extension and front boundary wall- Refused 21/06/2006**

**06/1439/FL/H1- Two-Storey Side Extension, and Boundary Wall and Gates to Front- GSC-25/09/2006**

### Land rear of 107-109 Lichfield Road

**17/1209- Erection of 4 x 1 bed detached bungalows- Withdrawn 03/08/2018**

**20/0097- Re build and extend existing garage to form garden annex granny flat- GSC 23/03/2020**

### Land rear of 109 Lichfield Road

**19/1590- Erection of 5 no 3 bed detached dwellings with associated access, parking and landscaping at land to the rear of 105, 107 and 109 Lichfield Road- Withdrawn 21/08/2020.**

## Relevant Policies

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

[www.gov.uk/guidance/national-planning-policy-framework](https://www.gov.uk/guidance/national-planning-policy-framework)

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

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

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

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

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

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

### **National Planning Policy Guidance**

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

### **Reducing Inequalities**

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

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

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

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

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

## **Manual For Streets**

**Paragraph 6.8.9** Schedule 1, Part H of the Building Regulations (2000)<sup>17</sup> define locations for the storage and collection of waste. The collection point can be on-street (but see Section 6.8.11), or may be at another location defined by the waste authority. Key points in the Approved Document to Part H are:

- residents should not be required to carry waste more than 30 m (excluding any vertical distance) to the storage point;
- waste collection vehicles should be able to get to within 25 m of the storage point (note, BS 5906: 2005<sup>18</sup> recommends shorter distances) and the gradient between the two should not exceed 1:12.

**Paragraph 6.8.10** Based on these parameters, it may not be necessary for a waste vehicle to enter a cul-de-sac less than around 55 m in length, although this will involve residents and waste collection operatives moving waste the maximum recommended distances, which is not desirable.

**Paragraph 6.8.11** BS 5906: 2005 provides guidance and recommendations on good practice. The standard advises on dealing with typical weekly waste and recommends that the distance over which containers are transported by collectors should not normally exceed 15 m for two-wheeled containers, and 10 m for four-wheeled containers.

## **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

## **Saved Policies of Walsall Unitary Development Plan**

- GP2: Environmental Protection
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals

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- T1 - Helping People to Get Around
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T13 – Parking Provision for Cars, Cycles and Taxis

### **Black Country Core Strategy**

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- 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
- ENV8: Air Quality

### **Walsall Site Allocation Document 2019**

HC2: Development of Other Land for Housing  
 EN1: Natural Environment Protection, Management and Enhancement  
 EN3: Flood Risk  
 T4: The Highway Network  
 T5: Highway Improvements

### **Supplementary Planning Documents**

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

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

#### **Designing Walsall**

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



- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings

### **Air Quality SPD**

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

## **Consultation Replies**

**Local Highways Authority** - The Local Highway Authority objects and considers the development will have an unacceptable impact on road safety contrary to the NPPF, Saved UDP Policy GP2, SAD Policy T4, DfT Manual for Streets guidance, to the detriment of the free flow of traffic along the public highway and to highway safety.

**Pollution Control** - It is considered that as a minimum a desktop survey and appraisal is undertaken to determine whether an intrusive investigation is required. The Applicant shall agree measures to be implemented to comply with the Black Country Air Quality SPD. A construction management plan shall be agreed in writing with the Local Planning Authority prior to the commencement of development. Conditions to address these points have been included as part of this consultation.

**Strategic Planning Policy** - This application raises similar issues to the previous application 19/1590 which was withdrawn. The proposal would provide a small scale development opportunity that would boost the supply of housing so could potentially be supported on strategic planning policy grounds by NPPF paragraph 59, BCCS Policy CSP2 and SAD Policy HC2. However, the site is very close to the school so future residents could suffer from noise and disturbance, especially in view of the limited amenity space and separation proposed from the boundary. The site also appears to contain mature trees so should be checked for the possible presence of bats.

**West Midlands Police** - No objection. Principles of Secure by Design recommended.

**Community Safety Team** – No comments received.

**Waste Management** – No comments received.

## Representations

6 representations were received from five different households which can be summarised as follows: Officers comments are in italics.

- 1 neighbour in support of the application.
- Child safety issues.
- Safety issues on the private access road. The proposed development could significantly add to local vehicle traffic and given the number of children at peak times increase the risk of potential accidents.
- Concerned about the parking of contractors' lorries and vans during the demolition and construction phase of this development.
- Provision of lighting along the access road would certainly improve safety after dark (no external lighting is proposed as part of this development).
- We do not think the access road is 5 metres wide; nor do we think two vehicles could pass safely.
- We are also concerned about the risks of building works to the walled border of 111 (this is not a material planning consideration and falls under the remit of Building Regulations).
- We would confirmation that this development will be for residential purposes and not for business (the submitted details show the development is for use as dwellings (C3) use).
- Impacts on my privacy.
- Effect on the value of my property (this is not a material planning consideration).
- Development would provide clear views from the houses into the playground of Millfields Nursery and into their learning areas which cater for young children and into classrooms and to social areas for the students of Walsall Academy.
- The trees on the topographical survey have already been removed by the applicant and provide no screening to the direct view into rooms or play area from the proposed development.
- Poor visibility, accidents and danger to pedestrians.

## Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours
- Amenity of Future Occupiers
- Highways
- Trees and Ecology
- Ground Conditions and Environment
- Flood Risk and Drainage
- Local Finance Considerations

## Assessment of the Proposal

### Principle of Development

The proposal would add to the supply of housing so could potentially be supported by paragraph 60 of the National Planning Policy Framework, subject to detailed consideration of the potential impact of the proposal on local character, trees and the amenity of neighbouring properties. BCCS Policy CSP2 and SAD Policy HC2.

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

### Design, Layout and Character

Lichfield Road has a strong building line with detached and semi-detached dwellings fronting Lichfield Road with a linear pattern of development. The proposal puts forward five dwellings sited to the rear of 105, 107 and 109 Lichfield Road which would represent inappropriate backland development and would erode the character of the area. It is considered that the dwellings would not be well connected with the surrounding street scene.

The surrounding area is mixed in style and size with semi-detached and detached dwellings and as such the design of the dwellings would appear to be in keeping being semi-detached properties with pitched roofs.

### Amenity of Neighbours

The dwellings would be sited approximately 1.7m from one another; the side windows of the proposed dwellings would be serving a landing, en-suite and bathroom and are not considered to be habitable room windows and therefore do not raise any issues through overlooking.

The dwellings are sited to the rear land of 107 and 109 Lichfield Road. There would be approximately 35m from the habitable room window of plot 3 and 4 to 107 Lichfield Road and 30m from plot 1 to 109 Lichfield Road, thus complying with the 24m separation distance between habitable windows in two storeys (and above) developments.

Plot 5 would introduce habitable room windows at ground and first floor which would introduce a direct form of overlooking to the rear amenity space serving No.105 Lichfield Road. Furthermore, the provision of the turning head and vehicle parking directly adjacent the rear garden of No.105 would also introduce an unacceptable level of additional noise and disturbance from vehicle movement, doors closing, and people congregating resulting in significant additional overlooking, loss of privacy and noise and disturbance to the detriment of this neighbour's amenity.

The remaining garden areas of 36.9sqm and 60sqm serving No.107 and No.105 respectively are below the minimum standards with no justification given to the lack of amenity space. These small garden areas fail to provide an acceptable level of outdoor amenity to occupiers and fail to reflect the size of gardens in the locality.

The proposed main access directly adjacent No.113 would also introduce an unacceptable level of vehicle movement which would result in noise and disturbance to the rear garden amenity area serving this neighbour, and increased light pollution, particularly to ground floor habitable windows in the front elevation.

To the rear of the dwellings there are no residential properties however Walsall Academy and Millfields Nursery are approximately 15m from the rear of the properties. It is considered that the dwellings would not cause any issues regarding overshadowing to existing developments. In terms of overlooking, it is considered that views may be afforded to the nursery and school, however there is no policy basis which would warrant a refusal reason on these grounds as safeguarding of amenity usually applies to residential occupiers. Furthermore, it is commonplace to have residential uses and habitable windows in close proximity to schools and other educational facilities.

### **Amenity of Future Occupiers**

Appendix D of the Designing Walsall SPD states that garden dimensions should be 12m in length or a minimum area of 68sqm for dwellings. The design and access statement states that the dwellings would have a rear garden length of 7.4m, measuring approximately 70sqm in area. However, when measuring the garden sizes from the submitted block plan they measure approximately 5.8m in length and 49sqm in area and as such are below the minimum standards with no justification given to the lack of amenity space. These small garden areas fail to provide an acceptable level of outdoor amenity and fail to reflect the size of gardens in the locality.

The bedrooms would all be single aspect and whilst it would be preferred for them to be dual aspect it is considered that they would still allow for an adequate amount of daylight into the bedrooms. Further, all habitable rooms of the development would have a large window allowing for daylight.

In terms of outlook, the bedrooms would have unobstructed views, with bedroom 1 and 3 looking on to and bedroom 2 looking out to the rear. The bedrooms are all of an adequate size and it is considered a good internal amenity could be achieved.

Comments have been made that the proposed development is very close to the school and potential for future residents to suffer from noise and disturbance. However, this has not been raised as a concern by the Council's Pollution Control Team. On balance, whilst some noise and disturbance would be likely, this would not

be dissimilar to that already experienced by existing residential occupiers in the locality and would not warrant a refusal reason in this instance.

## **Highways**

In terms of site layout, this application appears to be identical to the previous withdrawn application 19/1590 to which the Local Highway Authority raised concerns.

The current proposal does not appear to address the highway issues raised by the previous scheme and the situation on the ground or highway design guidance has not materially changed since the previous application to alter the Local Highway Authority's view.

Notwithstanding the access road is shown at 5.385m in width this is measured tight onto the property boundaries on either side. As such it is considered unlikely that two vehicles will attempt to pass on the access road with entering vehicles potentially waiting at the entrance on Lichfield Road as there is no passing place. The intensification of the access serving five dwellings is likely to result awkward vehicle reserving movements onto Lichfield Road which is a classified road (A4124) and a strategic highway or vehicles blocking of the highway footway at a sensitive location close to school and nursery where at times there will be relatively high footfall passing by.

The layout fails to demonstrate the required visibility splays, both along the street and pedestrian inter-visibility at the access point onto Lichfield Road, which do not pass over third party land. The splays are required as a result of: a) the intensification of the access as a result of the development, b) the proximity of the access to a school and nursery entrance and c) the nature of Lichfield Road being a classified road (A4124) and a strategic highway.

The layout fails to address accessibility for disabled persons or persons with visual impairments accessing the development. The proposed dwellings are served by a shared space access road with no suitable segregated pedestrian facility. The access road will be used by delivery vehicles and the refuse wagon as well as residents and visitors leaving vulnerable users with no safe refuge or segregated facility.

The Highway Authority considers the development will have an unacceptable impact on road safety contrary to the NPPF, Saved UDP Policy GP2, SAD Policy T4, DfT Manual for Streets guidance, to the detriment of the free flow of traffic along the public highway and to highway safety.

## **Trees and Ecology**

Whilst comments have been made regarding trees and potential to provide roosting opportunities for bats, records available at the time of writing this report suggests there are limited trees on site, none of which are protected, and the site is predominantly surrounded by built form and does not fall within the Council's bat buffer zone. On balance, it is therefore considered unlikely that bats would be present and a refusal on this ground would not be warranted.

## **Ground Conditions and Environment**

There was no information supplied with the application regarding ground conditions on the site and no information was supplied in support of the application regarding any contamination or ground gas issues on the site. As such, Pollution Control have considered that as a minimum a desktop survey and appraisal is undertaken to determine whether an intrusive investigation is required. Further, the applicant would be required to agree measures to be implemented to comply with the Black Country Air Quality SPD. A construction management plan would be required. Conditions to address the above points were provided by Pollution Control and would be included on any approval.

## **Flood Risk and Drainage**

The site, which is in Flood Zone 1, is not in an area known for flooding and there are no watercourses nearby. It is therefore considered that the development would be acceptable in terms of flood risk if accompanied by an appropriate foul and surface water drainage scheme which would be secured by condition on any permission.

## **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 5 new homes.

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

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

## **Conclusions and Reasons for Decision**

The proposal represents inappropriate backland development which would fail to integrate with the existing pattern of development and erode the character of the area, and would have an unacceptable adverse impacts on the amenity of existing and future occupiers and highway safety.

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

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal, and with previous similar proposals, and discussing those with the applicant. Unfortunately, it has not



been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the full details of the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

## Recommendation

Refuse

## Reasons for Refusal

1. This proposal represents inappropriate backland development which would cause harm to the character and amenity of the local area, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings in terms of design, density and layout, contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), DW3 (Character), DW4 (continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the National Planning Policy Framework (Achieving well-designed places).
2. The intensification of the vehicle access serving five dwellings is likely to result awkward vehicle reversing movements onto Lichfield Road which is a classified road (A4124) and a strategic highway or vehicles blocking of the highway footway at a sensitive location close to school and nursery where at times there will be relatively high footfall passing by thus causing significant harm to the highway safety of drivers, cyclists and pedestrians contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan and policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy.
3. The layout fails to demonstrate the required visibility splays, both along the street and pedestrian inter-visibility at the access point onto Lichfield Road, which do not pass over third party land which would have an unacceptable impact on road safety to the detriment of the free flow of traffic along the public highway and to highway safety and contrary to the NPPF, Saved UDP Policy GP2 (Environmental Protection), SAD Policy T4 (The Highway Network), DfT Manual for Streets guidance.
4. The layout fails to address accessibility for disabled persons or persons with visual impairments accessing the development. The proposed dwellings are served by a shared space access road with no suitable segregated pedestrian facility. The access road will be used by delivery vehicles and the refuse wagon as well as residents and visitors leaving vulnerable users with no safe refuge or segregated facility to the detriment of the free flow of traffic along the public highway and to highway safety. This is contrary to the NPPF, Saved UDP Policy

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GP2 (Environmental Protection), SAD Policy T4 (The Highway Network DfT Manual for Streets guidance).

5. The proposed development would provide an unacceptable standard of amenity for the future occupants for each plot due to an insufficient level of private rear garden amenity space. The proposal is therefore contrary to saved policy GP2 (Environmental Protection), of the Walsall Unitary Development Plan, policy ENV3 (Design Quality) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), and DW5 (Ease of Movement) and Appendix D of the Designing Walsall Supplementary Planning Document (Numerical Guidelines for Residential Development).
6. The remaining garden areas of 36.9sqm and 60sqm serving No.107 and No.105 Lichfield Road respectively are below the minimum standards with no justification given to the lack of amenity space. These small garden area fail to provide an acceptable level of outdoor amenity to occupiers and fail to reflect the size of gardens in the locality. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection), Appendix D of the Designing Walsall SPD (Numerical Guidelines for Residential Development) and the NPPF.
7. Plot 5 would introduce habitable room windows at ground and first floor which would introduce a direct form of overlooking to the rear amenity space serving No.105 Lichfield Road. Furthermore, the provision of the turning head and vehicle parking directly adjacent the rear garden of No.105 would also introduce an unacceptable level of additional noise and disturbance from vehicle movement, doors closing, and people congregating resulting in significant additional overlooking, loss of privacy and noise and disturbance to the detriment of this neighbours amenity. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection) and the NPPF.
8. The proposed main access directly adjacent No.113 would also introduce an unacceptable level of vehicle movement which would result in an unacceptable level of additional noise and disturbance to the rear garden amenity area serving this neighbour, and increased light pollution, particularly to ground floor habitable windows in the front elevation. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection) and the NPPF.

**END OF OFFICERS REPORT**



## Planning Committee

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

Plans List Item Number: 6

### Reason for bringing to committee

Called in by Councillor S Nasreen as the reasons for refusal are considered to be subjective and, in their opinion, the proposed development is not detrimental to the street scene and should be considered by Planning Committee

### Application Details

**Location:** 49-51, Eastbourne Street, Walsall, WS4 2BN

**Proposal:** ERECTION OF 2 NO. 3 BEDROOM, SEMI-DETACHED DWELLING HOUSES WITH OFF STREET PARKING TO THE FRONT

**Application Number:** 20/0068

**Case Officer:** Helen Smith

**Applicant:** Mr Ali

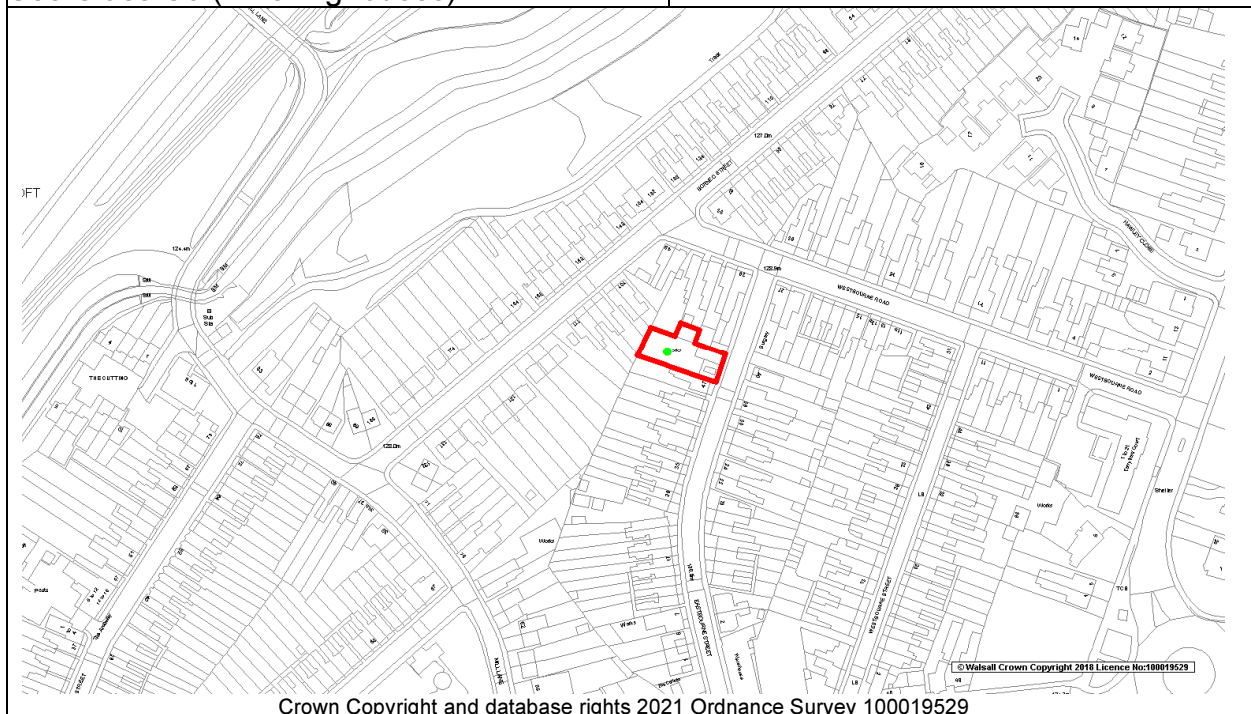
**Ward:** St Matthews

**Agent:** M.K. Cotton

**Expired Date:** 23-Mar-2020

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

**Time Extension Expiry:**



## Recommendation

Refuse

## Proposal

This planning application proposes the erection of two no. semi-detached dwellings on the site of a former dairy which has already been demolished and the site prepared for re-development.

The proposal includes the following details and measurements for each plot;

### Plot No. 1

- Located to the south of Plot No. 2 and adjacent to 47 Eastbourne Street
- Rectangular shaped plot measuring 35 metres in length and 6.8 metres wide
- Set-back 6.1 metres from the back of the footpath
- 2 off-street parking spaces on the frontage
- 101 sq. metres private rear amenity space
- Separation distance of 24 metres to first floor rear habitable room windows in houses at the rear fronting Borneo Street
- Gable roof design, 7.5 metres high to the ridge
- Living room, dining room, W.C. and Kitchen at ground floor with side facing windows opposite the common boundary with no. 47.
- 3 bedrooms at first floor with a bathroom and 2 en suite shower rooms
- The new dwelling would be positioned 3.1 metres back from the front elevation of no. 47.
- 0.8 metres wide gap between the side wall of no. 47 and the new dwelling on Plot no. 1
- Proposed ridge and eaves height would be lower than the existing ridge and eaves height of no. 47

### Plot No. 2

- Located to the north of Plot No. 1
- Irregular plot shape measuring 34.6 metres in length and a width of between 6.6 and 12.1 metres.
- The plot has a rectangular area added in which is located to the rear of the private garden serving 43 Westbourne Street
- The proposed new dwelling would infill this rectangular extension to the plot
- Adjacent to the rear gardens of 39 to 45 Westbourne Road
- Set-back 6.1 metres from the back of the footpath
- 2 off-street parking spaces on the frontage
- 100 sq. metres private rear amenity space
- Separation distance of 18 metres to rear habitable room windows of houses in the rear fronting Borneo Street
- Separation distance of 14.4 metres to rear habitable room windows of houses fronting Westbourne Street to the two storey blank side elevation of Plot no. 2
- Part gable roof design, 7.5 metres high to the ridge
- Mono-pitch roof to a proposed side wing extension between 6.7 and 4.9 metres high.

- Side wing extension would sit to the rear of an existing garage and outbuilding located outside the red line defining the application site
- Living room, dining room, W.C. and Kitchen at ground floor with side facing windows opposite the blank side elevation of Plot no. 1
- 3 bedrooms at first floor with a bathroom and 2 en suite shower rooms

An area of landscaping would be introduced between the four parking spaces to remove a 5th car parking space that would have straddled the boundary between plot no's 1 and 2.

## Site and Surroundings

The application site is known as the Old Dairy and is understood was last used for commercial purposes but has been vacant for a long period. The site is at the northern end of Eastbourne Street which is a residential road characterised by mainly terraced houses with on-street parking. The frontage of the site is dominated by a single storey building, part is domestic and part commercial.

The plot is rectangular with an additional rectangular area added on that is located to the rear of 43 Westbourne Road and formed part of the rear garden of this plot in the past.

The site is 1.1 km walking distance from the Butts Local Centre which includes local shops. Mill Lane open space is 293m walking distance away. The nearest bus stop on Lichfield Road is 270m walking distance away which is served by regular bus services. Mill Lane open space. The boundary with Walsall Town Centre is 630m away.

Houses fronting Westbourne and Borneo Street have rear facing habitable room windows.

No. 47 Eastbourne Street sits to the south of the application site and is a detached late Victorian dwelling with a plan and simple design and a blank wall facing the application site.

## Relevant Planning History

18/0670 – Demolition of existing building and the erection of a pair of 3 bedroom semi-detached houses and the conversion of existing storage building to a 2 bedroom house – GSC 16/8/18

BC60275P – Outline Residential Development – GSC 11/2/02

### 40 Eastbourne Street

15/0550/FL – Retention of a detached 3 storey dwelling. GSC 8/6/15.

## Relevant Policies

### National Planning Policy Framework (NPPF)

[www.gov.uk/guidance/national-planning-policy-framework](https://www.gov.uk/guidance/national-planning-policy-framework)

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

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

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**

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

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

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

### **Reducing Inequalities**

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. In addition, the 2010 Act imposes a Public Sector Equality Duty "PSED" on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

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

## **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- 3.9 Derelict Land Reclamation
- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

### **Black Country Core Strategy**

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

### **Walsall Site Allocation Document 2019**

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

### **Supplementary Planning Documents**

#### **Designing Walsall**

- DW1 Sustainability
- DW3 Character
- DW10 Well Designed Sustainable Buildings

#### **Air Quality SPD**

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

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## Consultation Replies

**Fire Officer** – No objections subject to compliance with Approved document B, Volume 1, Dwellings, 2019 Building Regulations which can be included as an informative note for the applicants.

**Local Highway Authority** – No objections subject to the inclusion of planning conditions in respect of parking, surfacing and drainage

**Pollution Control** – No objections subject to the inclusion of planning conditions requiring the agreement of a construction management plan, air quality low emission scheme and contaminated land site investigations.

**Severn Trent Water** – No objections and they do not require a drainage condition to be applied. They recommend the inclusion of an informative note in respect of public sewers potentially located within the site.

**Strategic Planning Policy** – No objections

## Representations

Councillor S Nasreen has called this application before planning committee for the following reason;

‘the reasons for refusal are considered to be subjective and, in their opinion, the proposed development is not detrimental to the street scene’ (*The reasons for refusal set out in the report are material planning considerations and based in planning policy, not subjective opinions*)

Concerns have been raised by two residents at one address on the following grounds;

- Overlooking from bedroom window over neighbouring gardens and impact on privacy

NOTE: (*Local Planning authority comments in brackets and italics*)

## Determining Issues

- Principle of Development
- Design, Layout and Character of the Area
- Amenity of Future Occupiers and Neighbours
- Ground Conditions
- Air Quality
- Parking and Access
- Local Finance Considerations

## Assessment of the Proposal

### Principle of Development

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. This is a previously developed site. The NPPF also says that housing applications should be considered in the context of the



presumption in favour of sustainable development. The development of brownfield land is encouraged and not the only way to support sustainable economic development to deliver the homes that the country needs.

This is a sustainable location within an existing residential area with shops, a primary school, open space and bus stops all within walking distance. The principle of housing in this location is therefore considered acceptable, subject to all other material considerations as set out below.

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

The NPPF says that developments should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the built environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character. BCCS Policies CPS4, HOU2, ENV2, ENV3; UDP saved policies GP2, 3,6 and ENV32 and Designing Walsall Supplementary Planning Document, require development to be informed/influenced by their context and reinforce locally distinctive elements.

The current site is vacant and of poor condition within a residential area. The opportunity to bring the site back into beneficial use, including the introduction of gardens is welcomed however any scheme is considered should be appropriate to its setting.

The character of the area is defined by narrow semi-detached and terraced properties at the back of the footpath with narrow private areas to the front. There is a recently built detached house directly opposite the application site with two front dormer windows and under croft parking.

There is a narrow gap of 0.8 metres width between the side elevation of the proposed new dwelling at Plot no. 1 and 47 Eastbourne Street. Whilst this is marginally less than the 0.9 metres wide recommendation referred to by Appendix D of Designing Walsall it is considered that as terraced dwellings are characteristic of this street this reduction is acceptable in this instance.

The proposed layout of Plot no. 2 is considered to be contrived and designed to make use of an awkwardly positioned rectangular area of land to the rear of 43 Westbourne Street with the resulting dwelling having a poor design and layout for future occupiers. The introduction of a two storey building with a mono-pitched roof on this area of land is considered would result in a structure that fails to respond to local character, by being out of keeping with the established pattern of development. This is considered would result in the new development appearing incongruous in the street scene to the detriment of the character of this area and contrary to both national and local planning policies.

The proposed new dwellings of plot's 1 and 2 have a lower height than 47 Eastbourne Street with a deeper set back from the front than adjacent houses. Excluding the proposed mono pitched two storey infill mentioned above, it is considered the remaining layout is appropriate for the street scene and allows off-street parking.

Excluding the mono pitch two storey element of the proposal discussed above, the proposed semi-detached houses with widths, eaves height, ridge height, plus proposed window proportions, stone and corbelling detailing are similar to the neighbouring houses.

Waste and recycling bins would be stored permanently in the street scene as there is no direct access from the street to the rear of the properties. It is likely that bins would be stored on the landscaped area between the parking spaces for the proposed two houses. Whilst this is not ideal for the street scene and disappointing that space could not have been made to accommodate moving the bins to the rear of the development. On balance, it is considered insufficient to recommend refuse for this reason alone, however, as the proposal is being recommended for refused in this instance, it is reasonable to include this concern in the reasons for refusal.

### **Amenity of Neighbours and Future Occupiers**

The application plot sits to the north of 47 Eastbourne Street and as this neighbouring house has a blank side elevation facing the application plot it is considered that the proposal would have a limited additional impact on neighbours existing light and amenity.

Neighbours are concerned regarding overlooking from proposed new bedroom windows and loss of privacy within rear gardens. The area has late Victorian housing which is characterised by rear two and single storey outrigger extensions and narrow gaps between facing habitable room windows. Consequently, it is considered that any additional overlooking from bedroom windows would not be significantly worse than the existing situation. The secondary side facing window in bedroom no. 3 of Plot no. 1 could be conditioned to be obscurely glazed with any opening parts 1.7 metres higher than the floor of the room they serve to reduce overlooking of gardens, should the development be acceptable.

The proposed separation distance of 14.4 metres between rear habitable room windows in houses fronting Westbourne Street to the two storey blank side elevation of Plot no. 2 would exceed the minimum recommended separation distance of 13 metres between blank walls in excess of 3 metres high as referred to in Appendix D of Designing Walsall SPD.

Rear facing habitable room window to window separation distances between plot no. 2 and houses to the rear fronting Borneo Street of 18 metres would be less than the recommended minimum separation distance of 24 metres referred to by Appendix D of Designing Walsall SPD. Whilst this would be a reduction of 6 metres it is considered that as the rear separation distances between houses on Borneo and Eastbourne Street narrows towards Westbourne Street this proposal would not have a significantly worse impact on neighbours' existing privacy.

The limited separation distances between south facing, side windows in the houses on plots 1 & 2 and the shared boundaries and blank walls in excess of 3 metres high are considered to be a characteristic of this area and type of housing.

Subject to the inclusion of a safeguarding condition regarding overlooking from bedroom 3 of plot 1 it is considered that the impacts of this proposal on neighbours and future occupiers' amenity would be limited.

Should the rest of the development be considered acceptable, a condition would be imposed for the safety and security of future occupiers to reduce their fear of crime, which specifies doors, windows, locks, alarms, boundary treatments and lack of metal/lead in the design as a minimum.

### **Ground Conditions**

The Council's Pollution Control Team have advised that historic mapping indicates that the site was a "Works" from 1954-1976 with no further information being available. No information has been submitted with this application regarding ground conditions at the site therefore a site investigation would be required prior to development commencing should the development be acceptable. However, as the applicant has not supplied these details and the application is being recommended for refusal, this will be included as a refusal reason as it has public health implications.

The application site is located within a residential area; therefore, it is recommended that the Applicant agree a Construction Management Plan with the Local Planning Authority to control noise, dust and debris affecting local residents. Pollution Control have advised that the Construction Management Plan should also contain a restriction of construction working hours however as there is relevant environmental legislation available to deal with noise of this nature the Local Planning Authority can only include this as an informative note. Informative notes in respect of air quality

### **Air Quality**

The Black Country Air Quality SPD requires the installation of mitigation measures which include electric vehicle charging points and low NOx boilers for developments that fall into Type 1 category. Pollution Control Officers have confirmed that this development falls into the Type 1 category and planning conditions can be installed to secure the installation of such measures.

### **Parking and Access**

The proposal is for 2 no. three bedroom dwellings and the parking layout shows 5 spaces across the entire frontage. Whilst the Local Highway Authority would accept this, in saved UDP policy T13 terms only 4 parking spaces are required i.e. 2 per dwelling.

The Local Highway Authority (LHA) commented initially that it was not clear how the middle 'Visitor' space will be managed as it straddles the boundary of the two properties. This has now been removed and planting shown to separate these parking areas on the submitted plans as suggested by the LHA (*with the exception of the block plan that has not been updated*).

There is an existing continuous dropped access across the entire site frontage. The Local Highway Authority considers that the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2018 paragraph 109.

The inclusion of a planning condition in respect of parking and associated surfacing and drainage will be required by the Local Highway Authority.

## **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 two new homes.

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

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

## **Conclusions and Reasons for Decision**

The proposed layout of Plot no. 2 is considered to be contrived and designed to make use of an awkwardly positioned rectangular area of land to the rear of 43 Westbourne Street with the resulting dwelling having a poor design and layout for future occupiers. The introduction of a two storey building with a mono-pitched roof on this area of land is considered would result in an addition that fails to respond to local character by being out of keeping with the established pattern of development and to the detriment of the street scene.

The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, and ENV32 of the Walsall Unitary Development Plan, Policy HC2 of the SAD and Supplementary Planning Document: Designing Walsall, Policy DW3.

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

The economic and social benefits in this instance are considered would not outweigh the impacts of this proposal on the street scene or amenity of residents and it is concluded that this application should be recommended for refusal.

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

Officers have spoken with the applicant's agent and despite some helpful changes being made to the proposal in this instance are unable to support the proposal.

## **Recommendation**

Refuse

## Reasons for Refusal

1. The proposed layout of Plot no. 2 is considered to be contrived and designed to make use of an awkwardly positioned rectangular area of land to the rear of 43 Westbourne Street with the resulting dwelling having a poor design and layout for future occupiers. The introduction of a two storey building with a mono-pitched roof on this area of land is considered would result in a new dwelling house that fails to respond to local character by being out of keeping with the established pattern of development to the detriment of the street scene and character of this area. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, and ENV32 of the Walsall Unitary Development Plan, Policy HC2 of the SAD and Supplementary Planning Document: Designing Walsall, Policy DW3.
2. No information has been submitted with this application regarding ground conditions at the site therefore a site investigation would be required prior to development commencing. As the applicant has not supplied these details the application is recommended for refusal as it has public health implications. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, ENV10 and ENV32 of the Walsall Unitary Development Plan, Policy HC2 of the SAD and Supplementary Planning Document: Designing Walsall, Policy DW3.
3. Waste and recycling bins would be stored permanently in the street scene as there is no direct access from the street to the rear of the properties. It is likely that bins would be stored on the landscaped area between the parking spaces for the proposed two houses. This is considered not ideal for the street scene and disappointing that space could not have been made to accommodate moving the bins to the rear of the development. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, and ENV32 of the Walsall Unitary Development Plan, Policy HC2 of the SAD and Supplementary Planning Document: Designing Walsall, Policy DW3.

**END OF OFFICERS REPORT**



## Planning Committee

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

Plans List Item Number: 7

### Reason for bringing to committee

Requires delicate judgement

### Application Details

**Location:** LAND REAR OF 32, NEW ROAD, ADJACENT TO, 1A, CORMORANT CLOSE, BROWNHILLS, WALSALL, WS8 6GA

**Proposal:** CONSTRUCTION OF 2 NO. DETACHED THREE BEDROOM DWELLINGS ON LAND ADJACENT TO 1A CORMORANT CLOSE

**Application Number:** 20/1256

**Case Officer:** Gemma Meaton

**Applicant:** G NORGROVE

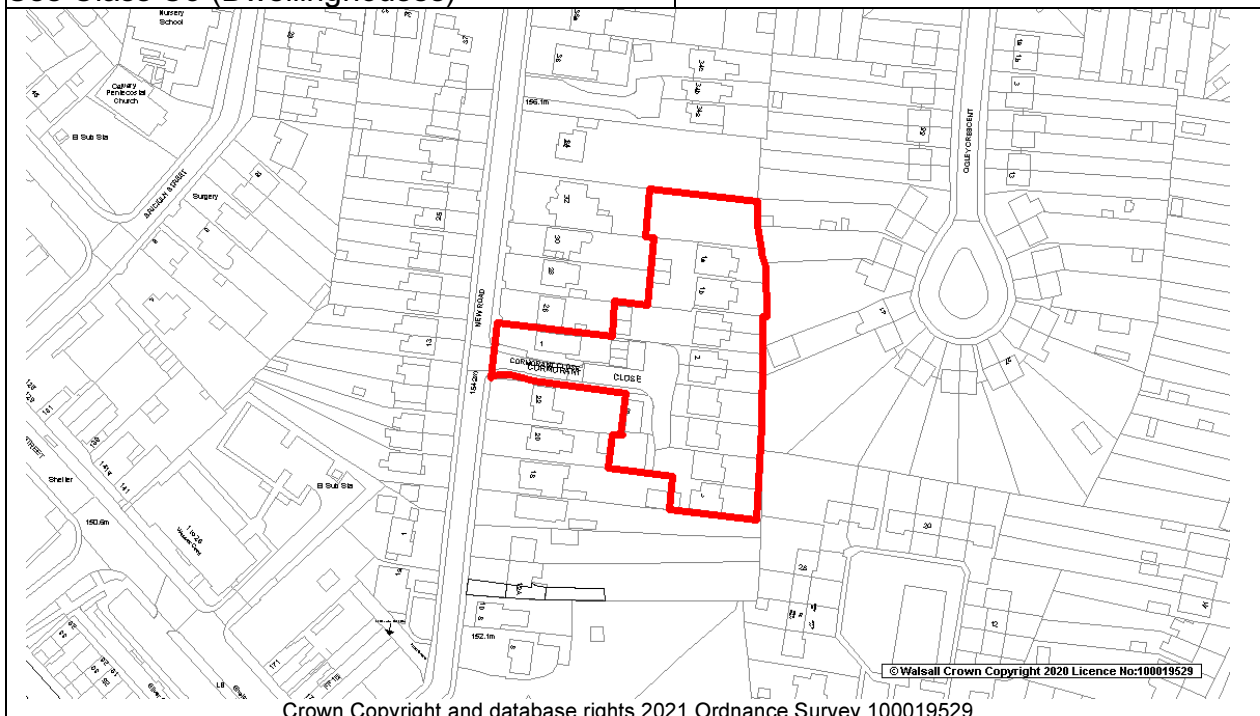
**Ward:** Brownhills

**Agent:** PALMER DESIGN

**Expired Date:** 02-Dec-2020

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

**Time Extension Expiry:** 18-Feb-2021





## **Recommendation**

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

## **Proposal**

Construction of 2 No. detached three bedroom dwellings and associated garage block on land adjacent to 1a Cormorant Close.

The application site sits to the rear of number 32 New Road and at the side of 1a Cormorant Close.

The proposed two storey, three bedroom houses are irregular in shape with the longest part of the house measuring 13.5m in length and the shortest part measuring 10.7m in length. The houses would measure approximately 6.6m in width, 4.9m to the eaves and 7.8m to the pitch and set 1m apart from each other. The rear of the houses would be a single storey rear projection with a roof lantern.

Plot 2 adjacent number 1a Cormorant Close would be set on the boundary whereas plot 1 to the north of the site would be set 0.9m off the northern boundary.

Parking would be provided in the front of the houses with at least two spaces available per dwelling. Access to the site would be from Cormorant Close.

The plots would have rear garden length of between 7.1 and 11.2m and amenity areas of 70m<sup>2</sup> for Plot 1 and 60m<sup>2</sup> for Plot 2.

This application is a re-submission of a previous similar application under reference 20/0372 which was refused against officer recommendation at the 17th September 2020 Planning Committee. Therefore the assessment of this application will focus on whether the previous reason for refusal has been overcome in this scheme.

## **Site and Surroundings**

To the west of the site is number 32 New Road, a detached bungalow that has been heavily extended to the rear. Extensions include a single storey rear and side extensions and with a rear conservatory extension concentrated towards the southern side of the property closest to number 30. The rear elevation of the bungalow has further patio doors serving a habitable room.

To the north of the site is number 34 New Road is a two storey detached dwelling. The property has a side and front gable roof, chimneys, rear pitched roof dormer with double fronted bay windows. The side elevation facing number 32 has secondary habitable room windows with main windows facing the front and rear of the site. The property has a front garden measuring approximately 11m in length with a driveway and garage to the northern boundary of the site. The rear garden measures some 56m in length and is relatively flat. There are a number of trees in the rear part of the garden. The boundary treatments with neighbouring properties is a 2m high close board fence.



To the north of number 34 New Road is a cul-de-sac serving three detached two storey dwellings positioned towards the rear of 36 New Road, numbers 34a, 34b and 34c New Road. Adjacent the driveway to these dwellings is number 36 New Road, a detached bungalow.

To the south of the proposed development at the rear of numbers 18 to 32 New Road is a cul-de-sac, Cormorant Close serving eleven dwellings. The design of these dwellings vary from two and three storey modern detached and semi-detached dwellings to dormer bungalows located behind number 32 New Road.

Towards the rear of the site is Ogley Crescent with number 45 and 47 sitting to the rear of the application site. Both of these dwellings are positioned at an angle on the plot.

On the opposite side of New Road are a fairly uniform pattern of semi-detached two storey dwellings, set back with front gardens and low boundary treatments of walls and hedges.

The site is located 120m outside of a bat buffer zone and 415m away from the edge of the Wyrley and Essington Canal. Bat surveys have been undertaken within 260m of the application site.

## **Relevant Planning History**

### **36 New Road**

05/1466/FL/E3, Erection of 2 houses refused 2005. Allowed on appeal 06-12-2006.

### **Land r/o 18-24 New Road**

05/0677/FL/E4, Erection of 7 dwellings. Grant subject to conditions 2005.

05/2394/FL/E3, Demolition of No. 24 New Road and erection of 8 residential dwellings and new access. Grant subject to conditions 2006.

06/2163/FL/E9, Substitution of house type on Plots 2 and 3 on previous planning approval 05/2394/FL/E3, to provide rear conservatories. Grant subject to conditions 2006.

### **34 New Road**

19/1566 Outline application: Construction of 2 no dwellings to rear of 34 New Road with all matters reserved refused 25-Aug-2020 for the following reason\*:

The proposal impacts on the amenity of number 32 New Road due to the proximity of the driveway which passes the down stairs bedroom window at a distance of less than 1 metre would harm the amenities of these neighbouring occupiers and the proposal for two dwellings on the site represents overdevelopment of the site. The proposal is contrary to the NPPF, Saved Policies GP2 and ENV32 of the UDP, Policy ENV3 of the BCCS and Policy HC2 of the SAD.

*\*Appeal subsequently allowed (committee overturn) and costs awarded to appellant as reasons given related to Reserved Matters which could have been dealt with at a later stage.*

## **Land Rear of 32, New Road**

Construction of 2 No. detached three bedroom dwellings and associated garage block on land adjacent to 1a Cormorant Close Refuse Permission 2020-09-28 for the following reason:

*The development would be detrimental to the amenities of the existing occupiers of Cormorant Close by way of noise and nuisance, with the extension of an un-adopted road to provide two further houses in the form of back land development, the proposed garages would be detrimental to the amenities of the occupiers of 32 new road and the two houses would be detrimental to the amenities of the residents of Ogley Crescent. The proposal would be contrary to the NPPF and Saved Policies GP2 and ENV32 of the Unitary Development Plan and Policy ENV3 of the BCCS and Policy HC2 of the SAD.*

## **Relevant Policies**

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

[www.gov.uk/guidance/national-planning-policy-framework](http://www.gov.uk/guidance/national-planning-policy-framework)

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

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

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

### **Reducing Inequalities**

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

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## **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

### **Black Country Core Strategy**

- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality
- CSP2: Development outside the growth network

### **Walsall Site Allocation Document 2019**

T4: The Highway Network

HC2: Development of Other Land for Housing

### **Supplementary Planning Documents**

#### **Designing Walsall**

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

### **Air Quality SPD**

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

## Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

## Consultation Replies

**Fire Officer** - No objection note provided on adequate water supplies and access for fire appliance.

**Local Highway Authority**- No objection, but advise that Cormorant Close is not an adopted public highway and is privately maintained.

**Pollution Control** –No objection subject to planning conditions to secure a construction management plan, and the applicant install electric vehicle charging points and a low NOx boilers.

**Severn Trent Water** – No objection subject to note for applicant regarding drainage.

**Strategic Policy** – No objection, the proposal would add to the supply of housing so can potentially be supported on strategic planning policy grounds by NPPF paragraph 60.

## Representations

One letter objecting to the proposal on the following grounds that the over intensification of development would create overlooking and a loss of light to gardens on new road which is already a problem due to TPOs.

## Determining Issues

- Principle of development
- Design and Character of the area
- Impact upon neighbouring residential occupiers
- Impact upon trees and ecology
- Access and parking
- Local Finance Considerations

## Assessment of the Proposal

### Principle of development

Planning policy CSP2 of the BCCS supports housing development outside of the growth network with Policy HC2 of the SAD supporting other land for housing development subject to detailed criteria.

Cormorant Close is a cul-de-sac that serves eleven dwellings to the rear of numbers 18 to 30 New Road and there are three dwellings served off an access driveway at the rear of number 36 New Road. It is therefore clear that the principle of dwellings set to the rear of existing dwellings has already been established through several earlier developments along the eastern side of New Road.

The proposal to erect dwellings at the rear of number 32 New Road and adjacent 1a Cormorant Close would be in keeping with the existing pattern of development along this part of New Road.

On balance, the development of the site would provide much needed housing in the Borough to meet housing needs.

### Design and character of the area

The proposal for two dwellings follows the existing established pattern of development along Cormorant Close. There is ample space within the site to accommodate two dwellings that would follow the existing pattern of development along Cormorant Close with the front of the properties along Cormorant Close facing the rear of the properties on New Road.

It is considered that the design of the proposed dwellings is considered acceptable. Along Cormorant Close there is a mixture of two storey dwellings and dormer bungalows. The proposed dwellings would be the same height as numbers 1a and 1b Cormorant Close. The design is in keeping with the design of the existing dwellings along Cormorant Close.

The development would provide a good living environment for potential occupiers and would be in line with the requirements of the Nationally Described Residential Space Standards by providing an internal floor area of 131.7m<sup>2</sup> for a two storey three bedroom dwelling for the accommodate of five people.

The proposed rear amenity space is reflective of the existing dwellings along Cormorant Close and as such can be supported, however given the generous internal space and more constrained external area it is considered that permitted development rights for extensions of the dwellings should be removed through the application of a suitably worded condition.

On balance the design is considered practical and in accordance with the character of the area.

### Impact upon neighbouring residential occupiers

An objection has been raised a regarding loss of privacy and overlooking. Further a component of the reason for refusal of the previous application was that *the two houses would be detrimental to the amenities of the residents of Ogle Crescent*. The

separation distance from the front of the proposed plots to the rear of number 32 New Road is approximately 35.7m at the furthest distance and 27.4m at the closest distance, which is in excess of the Councils guidance distance of 24m separation distance between habitable rooms found in the Designing Walsall SPD. To the rear the houses would be a minimum of 43m from the nearest house on Ogley Crescent at no 45, this distance has been increased by 0.5m from the previous application under reference 20/0372. Separation to 1a Cormorant Crescent is in line with the other houses in the road and with no windows in the side elevations of the buildings there are not considered to be any impacts in terms of privacy or overlooking to these neighbours. In addition, the rear elevations of the houses on Ogley Crescent would be set at an angle to the proposed dwellings, further limiting any possibility of being able to observe between, or from, windows in these properties.

It is therefore considered that the separation distances are sufficient to avoid any undue overlooking or impact on privacy and that the part of the reason for refusal of the previous scheme relating to this impact has been overcome.

The garages proposed in the previous scheme have been removed in the current application under assessment. The portion of the reason for refusal that highlighted *the proposed garages would be detrimental to the amenities of the occupiers of 32 new road* has therefore been overcome.

The proposal would add two houses to an existing development of 11 dwellings on Cormorant Crescent. The previous reason for refusal included a statement that the development would be *detrimental to the amenities of the existing occupiers of Cormorant Close by way of noise and nuisance*. This part of the reason for refusal taken in isolation is not considered to be sufficient to warrant the refusal of the scheme when weighed against the other material considerations. While there may be a small increase in activity as a result of the development, this is considered likely to be imperceptible over and above the existing environment, nor is it considered to significantly alter the character of the road which has been established through the previous approval, and subsequent operation, of residential development in this area. Given that all other aspects of the reason for refusal have been overcome by the amended application, including improvements to neighbours amenity, it is considered that on balance the amenity of occupiers to Cormorant Close would not be significantly worsened by this proposal and would not warrant instance refusal.

The proposal includes three first floor side-facing windows, two on the south elevation and one on the north elevation. These windows would serve a bathroom, landing and study. In order to protect the amenity of surrounding occupiers it is considered that these windows should be obscure glazed, which can be secured by condition.

Any issues regarding noise and general disturbance from construction works would need to be dealt with under Environmental Health legislation should it become an issue. Furthermore, construction works are for a limited time and not permanent. This would assist in protecting the amenities of neighbouring residential occupiers.

A construction management plan would be sought by way of planning condition to ensure there is adequate parking for contractors, and waste and mud are kept securely within the site during construction works.



### **Impact upon trees and ecology**

There are no trees on the application site which has been cleared. However, on the adjacent land to the north, 34 New Road there are a number of trees on site. The site has no significant trees or prominent trees on this adjacent site that would merit protection or retention. Outside the north boundary of the site is a number of mature TPO Sycamore trees (title no. 07/2004), however, the development of the site as proposed is unlikely to have any long term detrimental effect on their health and stability. A number of the trees on site fell over due to the storms in February 2020.

The site is within 415m of the Wyrley and Essington Canal and within 260m of sites where bat surveys have been undertaken. A planning condition requiring bat bricks to be included in the construction of the proposed dwellings would provide habitats to any bats foraging in the vicinity. A lighting condition will also be attached to ensure any lighting erected within the rear of the site does not affect foraging bats.

### **Access and Parking**

The Local Highway Authority has advised that Cormorant Close is a private driveway and as such there are no comments to be provided from a highway point of view.

The proposal seeks to provide two off road parking spaces for each plot in accordance with Policy T13 of the UDP.

There would be a very minor increase in traffic through the driveway, but the proposed configuration is considered to be reasonable and no significant impacts on internal or external traffic flows is considered likely in this instance. There is no evidence to suggest the proposal will exacerbate any existing parking issues along New Road or Cormorant Close.

### **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 two new homes.

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

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

## **Conclusions and Reasons for Decision**

The principle of residential development on the site is supported. The design, scale, appearance, layout and access are considered acceptable, the proposal would provide much needed housing in the Borough. The proposal would not unduly harm the amenities of neighbouring residential occupiers.



The proposal complies with the policies as set out in the policy section of this report.

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

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

#### **Approve**

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

### **Recommendation**

Delegate to the Head of Planning & Building Control to grant Planning Permission Subject to Conditions and the amendment and finalisation of conditions.

### **Conditions and Reasons**

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

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

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

- Location and block plan PD500/11 Rev. B submitted 30-09-2021
- Proposed Street Scene and Site plan PD500/12 Rev. B submitted 30-09-2021
- Floor plans and elevations PD500/13 Rev. A submitted 04-11-2020

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

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

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation

- has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

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

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

4a. Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces of the proposed dwellings including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

5a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

5b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

5c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

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

6a. Prior to first occupation of the development hereby permitted details of electric vehicle charging points, to be provided for each dwelling shall be submitted in writing to and agreed in writing by the Local Planning Authority.

6b. Prior to first occupation of the development the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

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

7a. Prior to occupation of the development hereby permitted a brick bat box shall be incorporated into the proposed southern elevation of both dwellings and shall thereafter be retained as such. The bat box shall be located at a point not lower than 2.5m from ground level and shall not be positioned directly above any doors or windows.

7b. The entrance to the brick bat box shall be kept clear from obstructions at all times.

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

8a. No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

8b. No external lighting shall be installed on the site otherwise than in accordance with the approved details.

Reason: In the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan.

9. No boilers shall be installed in any of the units hereby permitted, save for
- Gas and liquefied petroleum gas (LPG) boilers with maximum NOx emissions no greater than 56 mg/kWh.
  - Oil-fired boilers with maximum NOx emissions no greater than 120 mg/kWh.

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

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

- Class A (enlargement, improvement or other alterations)

shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

11. Notwithstanding the details submitted of the development hereby permitted and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, the proposed first floor side-facing windows serving the proposed as shown on Floor plans and elevations reference PD500/13 Rev. A submitted 04-11-2020 shall be obscure glazed to Pilkington (or equivalent) privacy level 4 and there shall be no opening parts lower than 1.7metres from the floor level of the rooms they serve and the windows shall thereafter be retained for the lifetime of the development.

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

## **Notes for Applicant**

### **Severn Trent Water**

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

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

### **Note to Applicant Air Quality SPD**

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

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

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

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

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

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

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

**END OF OFFICERS REPORT**



## Planning Committee

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

Plans List Item Number: 8

### Reason for bringing to committee

Applicant is related to an Elected Member

### Application Details

**Location:** 26, MELLISH ROAD, WALSALL, WS4 2ED

**Proposal:** FIRST FLOOR SIDE EXTENSIONS, SINGLE STOREY FRONT EXTENSION, TWO STOREY SIDE AND REAR EXTENSIONS TO PROVIDE TWO KITCHENS, TWO DINING ROOMS, PLAY ROOM, 8 ADDITIONAL BEDROOMS WITH EN-SUITES AND A GYM AREA WITH ENSUITE ON THE FIRST FLOOR.

**Application Number:** 19/0822

**Case Officer:** Rebecca Rowley

**Applicant:** Mr H Singh Samra

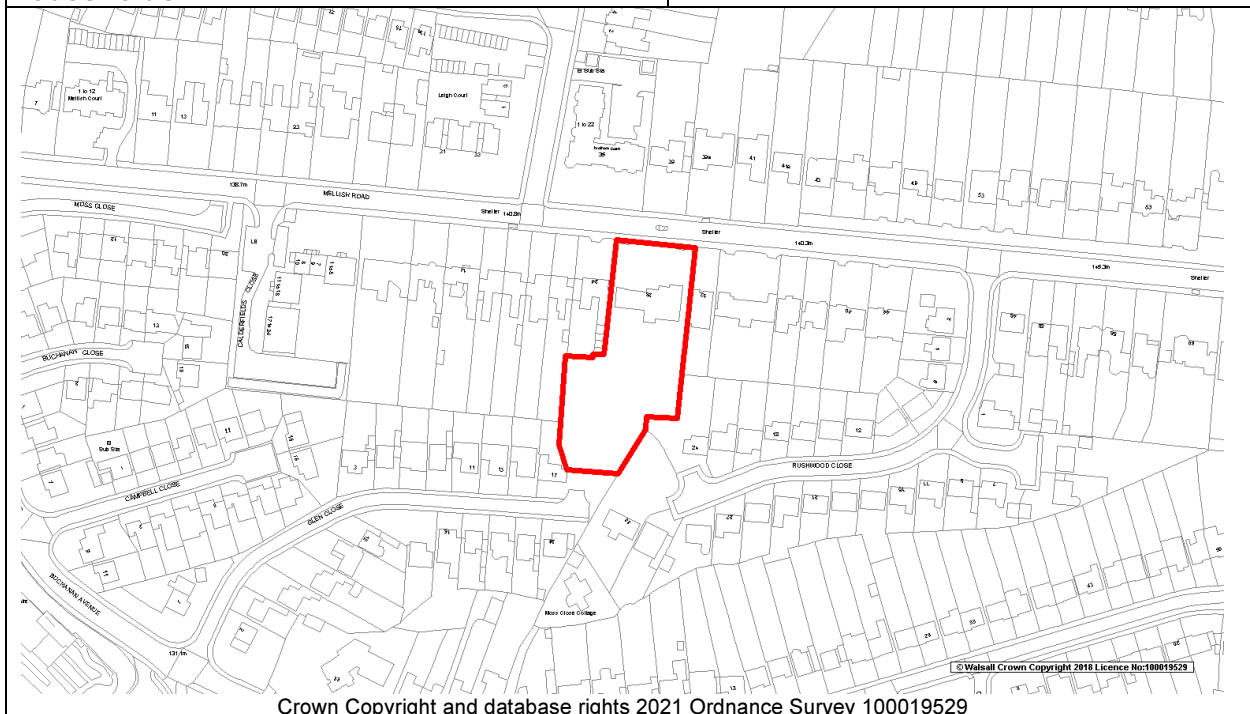
**Ward:** St Matthews

**Agent:** Michael Manraj Singh

**Expired Date:** 02-Sep-2019

**Application Type:** Full Application:  
Householder

**Time Extension Expiry:** 12-Nov-2021



## Recommendation

Refuse

## Current Status

This item was withdrawn from the Planning Committee meeting of 7th January 2021 to allow the applicant to submit revised plans to the LPA for consideration.

The following section of this update report will set out any changes since the original report (which follows), including matters to be addressed which were contained within the previous supplementary paper.

### Supplementary Paper

There were no matters contained within the previous supplementary paper relating to this item other than to confirm the item has been withdrawn from that Planning Committee meeting to allow revised plans to be submitted to the LPA for consideration.

### Other Updates

#### Positive and Proactive Working with the Applicant

The applicant's agent has provided further amended plans to those outlined in the previous committee report. Further amendments include:

An increase in height of the main roof ridge from 7.5m to 7.7m.

A reduction in the depth of the left hand side elevation facing no. 32 Mellish Road from 16m to 15.3m. This depth would be reduced from the front left hand side two storey gable elevation.

Removal of the second from left hand side front two storey gable extension and replacement with a catslide roof and a small flat roof dormer

Removal of the second gable roof feature from the right hand side of the front roof retaining a pitched roof slope above the two storey front elevation in this position

Removal of the ground floor front gable extension in front of the existing right hand side garage door

Removal of all glazing from the side elevation facing no. 24 Mellish Road

Removal of 2 first floor en-suite bathroom windows from the side elevation facing no. 32 Mellish Road

1.5m reduction in the depth of the ground floor element of the two storey rear wing and a 5.5m reduction in the depth of the first floor of this extension. The exposed ground floor roof area would be used as a roof top balcony with glazed panels surrounding the roof edge.

Removal of all first floor windows in the side elevation of the two storey rear extension facing towards no. 32 Mellish Road

Removal of a number of first floor rear windows and minor amendments to other rear glazing in similar positions to the previous proposed elevations.

The proposed extensions are:



### First Floor Side Extension adjacent to 32 Mellish Road

To create 2no. en-suite bedrooms, 1 bedroom and a bathroom plus a snug/prayer room in the landing area

9.7 metres wide

15.3 metres deep

Height to roof ridge: 7.7m

Includes 1 front gable elevation in alignment with the main roof ridge and a front flat roof dormer set in a catslide roof.

### First Floor Front Gable Extension

The existing central front gable would be extended forward by 1.6m to extend the existing front bedroom in this location and the gable roof ridge would be set down approximately 0.1m below the main roof ridge.

### First Floor Side Extension adjacent to 24 Mellish Road

To be added above the existing single storey side sections of the existing dwelling near to no 24 to create 3 no. en-suite bedrooms and a bathroom

12.9 metres wide

6m to 8.4m deep

With 7.7m high pitched roof above the two storey elevations and 1 two storey projecting front gable adjacent to no. 24 Mellish Road

### Two Storey and single storey rear extension adjacent to 24 Mellish Road

L-shaped

Attached to the first floor side extension nearest to 24 Mellish Road as described above

Depth: 3.3m stepping out to 12.3m nearest to the boundary with no. 24 Mellish Road at the ground floor and stepping out to 8.4m at the first floor.

Width: 12.9m, the projecting rear wing would be 6.2m wide at the ground floor and 5.7m wide at the first floor (there is a discrepancy on the first floor plan which shows the width of the ground floor to be 7.2m)

The flat roof area of the ground floor rear extension would be used as a rooftop balcony surrounded by glazed panels. It would be accessed via bi-folding doors from the first floor rear extension bedroom.

To create a kitchen extension and gym at ground floor level and an en-suite bedroom at first floor level

16.9 metres total depth of two storey extensions along the boundary with 24 Mellish Road

Includes a rear gable roof in alignment with the height of the main roof ridge that it extends from.

The total number of bedrooms would increase from 4 to 9.

### Assessment of the Amendments

Whether this application has overcome the previous reasons for refusal of application 16/0962, specifically:

*1. The overuse of front elevation pitched gable features would result in an over complicated and disproportionate design in an area of properties with simpler and more cohesive designs. The overlapping eaves details of the front gable features are design elements which appear clumsy, contributing to the detrimental appearance of the dwelling and character of the adjacent Conservation Area and street scene.*

The number of front gable elevations or gable features has been reduced from 6 to 3, spaced across the front elevation so that all overlapping eaves have been removed. The replacement of one two storey gable elevation with a flat roof dormer set in a catslide roof, the removal of a front gable feature to be replaced with a standard pitched roof slope and the removal of the ground floor gable feature as well as stepping back the left hand side front gable feature is considered would limit the impact of the gable features on the front elevation compared to the original proposal and no longer be considered 'overuse'.

The eaves of the main roof and the front gables have been brought into alignment and all first floor windows are in alignment. The use of a cat-slide roof between the left hand side gable elevation and the central gable elevation breaks up the mass of this dwelling. The amended design is considerably more cohesive than the refused scheme and whilst it is considered that there is potential to simplify this elevation further, on balance it is considered that the amendments have gone far enough to overcome reason 1 for refusal of the previous submission.

*2. The proposed scale, position, visual bulk and design, fails to preserve and enhance the setting of the character and appearance of the Arboretum Conservation Area. Without any public benefits that outweigh this harm.*

The design has been amended significantly from two storey elevations across the entire frontage to a design which would be less imposing as a result of a reduction in the number of projecting front gable features, a reduction in the depth of the front gable projections as well as the introduction of a cat-slide roof with a small dormer which helps to break up the visual bulk of this wide dwelling. Furthermore, reductions have been made to the depth of the rear wing extension at the ground and first floor levels which reduces the scale of the proposal, as well as a reduction from 11 to 9 bedrooms. Whilst the proposal still represents a large dwelling, on balance this reduced scheme is considered to be acceptable and the amendments have gone far enough to overcome this previous reason for refusal.

*3. The limited separation distance between the side facing bedroom windows in 24 Mellish Road and the proposed two storey side extension elevation is considered would result in an unacceptable loss of light, outlook and amenity because of the close proximity of this proposal to the neighbouring house.*

This reason for refusal was in relation to a separation distance of 2.9m between two side facing bedroom windows, one on the first floor and one on the second floor, at no.24 Mellish Road to the proposed first floor side extension. For the refused scheme nearest front corner of the extension would have sat in approximate alignment with the midpoint of the first floor window and would have sat a short way to the left hand side of the second floor window but was considered would cause sufficient harm to amenity to warrant refusal.

This amended scheme proposes a first floor front elevation in this position that would sit 0.4m further forward than the refused proposal. Not only does this proposal not overcome previous reason 3 for refusal, it would potentially worsen the impact on amenity for the occupiers of these bedrooms.

The LPA has advised the applicant's agent of this concern and has provided the opportunity for the required amendments to be submitted, but none have been received to date.

The applicant has failed to demonstrate how the proposal could proceed without causing the identified harm to this neighbour, and therefore fails to overcome this reason for refusal.

*4. The addition of primary room windows facing the existing blank two storey side elevation of the extension at 24 Mellish Road across a limited separation distance is considered would provide poor amenity for the occupiers of the dwelling and represents poor design.*

This refusal reason has been overcome as described in the previous committee report.

*5. The application has failed to include evidence to determine the possible presence of bats.*

This refusal reason has been overcome as described in the previous committee report. The bat survey submitted was dated November 2020. As this application is being considered within 1 year of submission the findings are still considered valid.

#### Other Material Planning Matters

Proposed amendments to glazing on all elevations either removes windows or makes minor amendments to openings that were already considered to be acceptable.

The introduction of a rooftop balcony at the rear of the property could give rise to the potential for additional overlooking towards neighbouring properties. However, the side boundary of this rooftop balcony nearest to no. 24 Mellish Road would look onto the two storey blank side elevation of the neighbouring property so is considered has no potential for causing any significant additional harm to the amenity of the occupants of this property by way of overlooking and loss of privacy. Conditions could also be included on any approval to secure the use of 2m high obscure glazed side panels to further minimise impacts to neighbours' amenity. On the opposite side of the roof top balcony, there would be a separation distance of around 24m to the side boundary with the neighbouring garden at no. 28 which is considered sufficient not to create any significant additional harm to the privacy of the neighbouring occupants when using their rear garden. Therefore the introduction of a rooftop balcony in this position would be considered acceptable. Notwithstanding this, the introduction of a rooftop balcony is considered to be a material amendment to the plans and a 14-day re-consultation would need to take place with neighbours should Members be minded to support the proposal.

This amended scheme proposes a snug/prayer room on the landing area of the first floor side extension adjacent to no. 32 Mellish Road. A condition could be included on any approval to secure the use of this area for occupants of the household only and not for use by any visitors, to minimise any impacts to neighbours' amenity.

The LPA has requested that the applicant's agent submit an amended site plan to reflect the amendments that have been made and a street scene plan to show the proposed front elevation in relation to the neighbouring dwellings, but neither of these plans have been received to date. An assessment has therefore been made on the basis of the information available at this time.

### **Conclusion**

As set out above, whilst improvements have been made to the proposal which is considered to have overcome a number of previous refusal reasons, this latest proposal fails to address refusal reason 3 and is considered would result in additional harm to occupiers of No.24 over and above that identified in the previously refused proposal.

This application cannot therefore be supported and should be refused.

### **Recommendation**

Refuse

### **Reason for Refusal**

1. The limited separation distance between the sole side facing first floor and second floor habitable bedroom windows in 24 Mellish Road and the proposed two storey, side extension elevation is considered would result in an unacceptable loss of light, outlook and amenity because of the close proximity of this proposal to the neighbouring house. The proposal would therefore be contrary to the National Planning Policy Framework, The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Appendix D of Designing Walsall SPD.

**THE ORIGINAL REPORT FOLLOWS:**

## Proposal

This application requests permission for extensions following a proposal for a similar scheme which was refused for the reasons outlined in the planning history. Please note that the only amendments in this current application to the previously refused proposal are:

- The removal of one ground floor, and one first floor west side facing windows;
- Reduced the number of hipped roof sections from three to two on the west side elevation;
- Set the front gable back by 1.5m at first floor nearest to No.24 (this change is only reflected on the side elevation plans);
- Set the front gable back by 1.7m at first floor nearest to No.32 (this change is only reflected on the side elevation plans);
- Increase depth of gable by 1.9m at ground floor nearest No 32 (this change is only reflected on the side elevation plans);
- Removal of single front door and re-positioning of window to front single storey gable elevation; and
- The introduction of a canopy to front elevation.

The proposed extensions are:

### First Floor Side Extension adjacent to 24 Mellish Road

- To be added above the existing single storey side sections of the existing dwelling near to no's 24 to create 4 no. first floor bedrooms.
- 13.5 metres wide
- Includes two front gable feature extensions
- Ridge line of roof 7.5 metres high
- Includes a feature gable window at eaves height adjacent to the existing two storey feature gables
- 1.5 to 2.1 metres wide gap between the extension and the side boundary with 24 Mellish Road
- The existing garage would become a dining room. A second dining room would have a side facing window installed opposite no. 24
- Pedestrian access to the rear garden would be retained next to 24 Mellish Road

### Single Storey Front Extension near to 24 Mellish Road

- Provide a second entrance into a dining room area
- 1.1 metres deep
- Have a gable roof, 2.6 metres high to the eaves and 4.1 metres high to the ridge

### First Floor Side Extension adjacent to 32 Mellish Road

- To create 4 no. new bedrooms
- 10.1 metres wide
- 15.8 metres deep

- Includes two front first floor gable features, the one closest to no. 32 would be 0.4 metres higher than the proposed ridgeline of 7.5 metres high
- Retains a 3.5 metres wide gap between the proposed extension and the side boundary with 32 Mellish Road

### Two Storey Side and Rear Extensions adjacent to 24 Mellish Road

- To create a playroom at ground floor level and gym at first floor level
- Would extend 5.7 metres further rearwards than the proposed first floor side extension nearest to 24 Mellish Road
- L-shaped
- Includes an additional rear wing extension, running along the side boundary with 24 Mellish Road for a further depth of 10.5 metres
- 22.7 metres total depth of two storey extensions along the boundary with 24 Mellish Road
- Includes ground and first floor side facing habitable room windows positioned 24.5 metres from the shared rear garden boundary with 32 Mellish Road
- Have a gable roof 0.4 metres higher than the proposed first floor side extension nearest to 24 Mellish Road

The plans indicate that linkages between the existing dwelling and the proposed extensions at first and ground floor would be retained. The total number of bedrooms would increase from 4 to 11. The frontage of the application property is hard-surfaced and provides parking for at least 3 vehicles.

## **Site and Surroundings**

The application dwelling is a large 4 bedroom detached part dormer bungalow and part two storey residential dwelling of overall simple design which occupies a large plot. A previous planning application for a first floor extension to the front and side was granted permission subject to conditions in 2000 but was not implemented and has now lapsed.

The application plot is 33 metres wide across the street frontage, widens to 48 metres to the rear of the existing property and is 98 metres in length. There is a 1.8 metres high front boundary wall with tall conifers to the rear defining the front boundary of the application plot. The rear garden of this property, beyond an existing rear patio area, is approximately 1.5 metres lower than the patio and floor level of the existing house.

There are protected trees on the front boundary of the application house and within the lower rear garden area. The application site adjoins the boundary of the Arboretum Conservation Area to the north and west, but is not included within the Conservation Area.

The street consists of large detached houses of varying design and age, including Victorian Villas, along with flats which are a more recent addition to the street scene.

The existing dwelling is set back 16.3 metres from Mellish Road, which is a District Distributor and part of the Strategic Highway Network. The existing property is 28.5 metres wide and has a central two storey section with front and rear facing feature gables.

Neighbouring properties include:

#### 24 Mellish Road

No. 24 Mellish Road is within the Arboretum Conservation Area and sits to the west of the application house. This neighbouring property has one front facing and two sole side facing bedroom windows 2.7 metres from the proposed first floor side extension at the application property.

This property has an existing part two and part single storey extension with a blank side elevation along almost the full length of its rear garden boundary with no. 26 Mellish Road. There is a rear window in the two storey extension to no. 24 which serves a landing. The rear elevation of no. 24 faces south.

#### 32 Mellish Road

No. 32 sits to the east of the application house and there is a 3.5 metres wide gap between the proposed first floor side extension and the shared boundary with no. 32. This neighbouring house has an 8 metres deep single storey rear extension with bedroom windows at first floor. There are two bathroom windows in the side elevation of no. 32 facing the application house and front facing habitable room windows. The rear elevation of no. 24 faces south and there is an approximately 2.2 metres high rear garden boundary wall between the application house and no. 32

#### 39 Mellish Road

This house faces the application property across Mellish Road with a separation distance of 46 metres.

#### 24 Rushwood Close

This house is located to the south of the application property across a separation distance of 48 metres.

#### 33 Rushwood Close

This house is located to the south of the application property across a separation distance of 70 metres.

#### 17 Glen Close

This house is located to the south of the application property across a separation distance of 55 metres.

### **Relevant Planning History**

BC63213P – Part demolition and two storey side extension – refused permission  
31/5/01

BC60265P - First floor extension to front and side – granted subject to conditions  
11/2/00. This permission was not implemented and has now expired.



BC60291P – Retrospective: Front wall – refused permission 12/1/00

14632 – Take down defective building and the erection of a kitchen – granted 11/2/49

16/0962 - First floor side extensions, single storey front extension, two storey side and rear extensions to provide two kitchens, two dining rooms, playroom, 7 additional bedrooms with en-suites and a gym area with en-suite on the first floor – refused permission on the following grounds:

- 1. The overuse of front elevation pitched gable features is considered would result in an over complicated and disproportionate design in an area of properties with simpler and more cohesive designs. The overlapping eaves details of the front gable features are design elements which appear clumsy, contributing to the detrimental appearance of the dwelling and character of the adjacent Conservation Area and street scene. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Designing Walsall SPD.*
- 2. The proposed scheme as a result of its scale, position, visual bulk and design, fails to preserve and enhance the setting of the character and appearance of the Arboretum Conservation Area. Without any public benefits that outweigh this harm. The proposal would therefore be contrary to the NPPF, Policies ENV29 and ENV32 of the Walsall Unitary Development Plan and Policy ENV 2 of the Black Country Core Strategy*
- 3. The limited separation distance between the side facing bedroom windows in 24 Mellish Road and the proposed two storey side extension elevation is considered would result in an unacceptable loss of light, outlook and amenity because of the close proximity of this proposal to the neighbouring house. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 plus Appendix D of Designing Walsall SPD.*
- 4. The proposed addition of primary room windows facing the existing blank two storey side elevation of the extension at 24 Mellish Road across a limited separation distance is considered would provide poor amenity for the occupiers of the dwelling and represents poor design. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Designing Walsall SPD.*
- 5. The application has failed to include evidence to determine the possible presence of bats. The application is therefore contrary to Walsall's Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document Conserving Walsall's Natural Environment.*

## Relevant Policies

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

[www.gov.uk/guidance/national-planning-policy-framework](http://www.gov.uk/guidance/national-planning-policy-framework)

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

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

- **NPPF 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 - Conserving and enhancing the historic environment**

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

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

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

### **National Planning Policy Guidance**

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

### **Reducing Inequalities**

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

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

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

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

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

### **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- GP2: Environmental Protection
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

### **Black Country Core Strategy**

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

### **Walsall Site Allocation Document**

- EN5: Development in Conservation Areas

### **Supplementary Planning Document**

### **Conserving Walsall’s Natural Environment**

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

- NE1 – Impact Assessment
- NE2 – Protected and Important Species

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- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

## Designing Walsall

- DW3 Character
- Appendix D

## Consultation Replies

### Conservation Officer:

The minor impact of the proposed scheme on the setting of the conservation area could be further reduced by some alterations to the proposed designs, including a reduction in the scale and massing and further consideration to reduce the heavy and solid appearance of the existing proposal with the introduction of materials to break up the brickwork elevations, but from a building conservation/ historic environment point of view there are no grounds to object to the principle of the proposed scheme.

### Pollution Control:

The property is located in an area previously identified as been disturbed ground either used for the mining of coal and lignite or limestone, with subsequent infilling. An advisory note is recommended regarding the Health and Safety implications that may result from potentially contaminated soil.

Local Highway Authority - No objection subject to note to applicant regarding no soil or debris on the public highway

Ecology Officer – no comments received.

Tree Preservation Officer – no comments received

## Representations

None received

## Determining Issues

Whether this application has overcome the previous reasons for refusal of 16/0962:

- Design of Extension and Character and Setting of the Arboretum Conservation

- Area
- Amenity of Nearby Residents
- Protected Species
- Protected Trees
- Parking

## Assessment of the Proposal

Whether this application has overcome the previous reasons for refusal of 16/0962:

### Design of Extension and Character of the Arboretum Conservation Area

The proposed plans submitted for assessment with this application are of similar dimensions and design as the previously refused scheme assessed by application 16/0962. Amendments to the west side elevation include the removal of one first floor bedroom and one ground floor dining room window in the west side elevation facing no. 24 Mellish Road. The implication of this amendment to amenity of the occupants is considered below. The number of hipped roof sections on the west side elevation has been reduced from three to two. This design feature would be of limited visibility from the public vantage point and was not a reason for refusal of the previous scheme. It is considered that this amendment would have limited further impact on the overall design. The removal of a single front door and re-positioning of window to the centre of the front single storey gable elevation nearest to no. 24 creates a balanced appearance to this elevation and but would not outweigh the overall harm arising. The canopy over this gable elevation has been increased in depth by a further 0.5m with the addition of a ground floor pitched canopy spanning the principal elevation from this roof to the pitched canopy above the main entrance door. It is considered that this addition would have negligible impact on the overall appearance when taking as a whole, but this would not outweigh the overall harm arising from the extent of proposed development.

The side elevation plans demonstrate that the ground floor of the front gable elevation nearest no. 32 has been increased in depth by 1.9m but stepped back at first floor level to the depth of the adjacent front gable. This amendment does not appear to be reflected in the floor plans at ground or first floor level. Notwithstanding any discrepancy between the elevation plans and the floor plans, the overall appearance of the gable elevations on the principal elevation plan would still reflect the appearance of the previously refused design and therefore the relevant considerations of the previous assessment of this scheme still apply.

Specifically, the overuse of pitched gable features on the front elevation is considered would result in an over complicated and disproportionate design, with elements which appear clumsy in an area of simpler and more cohesively designed properties. Overall, the front elevation design elements are considered detrimental to the appearance of the existing simply designed dwelling and character of the area, adjacent to the Conservation Area, including the overlapping eaves details of the front gable features.

The application site directly adjoins the boundary of the Arboretum Conservation Area. The proposed extensions at the application site are considered excessive and have the ability to impact and cause harm to the conservation area, and as such the site is considered to be within the setting of the conservation area

The Conservation Officer advises that from a building conservation/ historic environment point of view there are no grounds to object to the principle of the proposed scheme, however suggestions were provided for amendments to the design that could reduce the impact of the proposed scheme on the setting of the conservation area including reducing the overall massing and scale of the proposed extensions and consideration to the choice of materials and exterior finishes which could reduce the very heavy and solid appearance of the existing proposals.

This particular location and significance of the street scene follows rows of Victorian detached Gentleman's Villas which maintain much of their historic detailing with gaps in between dwellings. The main harm caused is to the aesthetic value, historic and evidential value with the loss of the visual gap in between dwellings, as well as the bulky appearance of the extensions which are overbearing and causes harm to the setting of character and appearance of the conservation area.

Consequently, it is considered that the proposed development as a result of its scale, position, visual bulk and design, fails to preserve and enhance the setting of the character and appearance of the Arboretum Conservation Area without any public benefits which outweigh this harm.

On balance and notwithstanding the amendments to the windows on the west side elevation, the proposal is considered fails to provide a high quality of design for the built environment, particularly adjacent to the Arboretum Conservation Area, and would harm the design of the existing house to the detriment of the local area and is recommended for refusal as it would not accord with the requirements of BCCS policies CSP4, ENV2 and ENV and saved UDP policies GP2 and ENV32, the SPD Designing Walsall Appendix D and the NPPF. Previous reasons 1 and 2 for refusal of this scheme have not been overcome.

#### Amenity of Nearby Residents

The rear elevations of 24, 26 and 32 Mellish Road face south. It is considered, this orientation would limit the impacts of this proposal on neighbours' existing light and amenity.

The proposed rear wing would be built alongside a similar extension to the rear of 24 Mellish Road. It is considered, this would not significantly worsen the existing amenity experienced by the occupiers of no. 24. The case officer called at both 24 and 32 Mellish Road and spoke to the occupiers to clarify what rooms their nearest windows to the proposed development served.

24 Mellish Road first floor rear facing landing window near to the boundary with the application house, is considered to be a non-habitable room window. Current planning guidance protects the light and outlook for neighbours' habitable room windows only.

The 2.7 metres separation distance between the sole side facing bedroom windows (serving two separate rooms) in no. 24 and the two storey side elevation of the proposed extension, is considered would result in an unacceptable loss of light, outlook and amenity for occupiers of the bedrooms, due to the close proximity of this extension to the 24 Mellish Road. This was specifically one of the previous reasons for refusal of this scheme and no amendments have been made to the proposal to address this concern.



The amended design includes the addition of one dining room window which would face the existing blank two storey side elevation of the extension at 24 Mellish Road across a separation distance of 2.1 metres. The previously refused scheme included 3 habitable room windows in this elevation. The original garage window which would become a dining room window would now be bricked up and the previously proposed first floor bedroom window would now be replaced with a roof light. This would reduce the harm caused to amenity for the occupiers of the dwelling. The agent has indicated planting of some foliage in front of the retained dining room window to limit the impact caused to the amenity of occupants from this habitable room window facing a two storey brick elevation at a distance of 2.1m. Whilst this separation distance would not meet the requirements of the SPD Designing Walsall Appendix D for a separation distance of 13m between habitable room windows and two storey blank side elevations, when considered in conjunction with the fact that this room would also have a main window on the front elevation of the house and therefore the side window would not be the only outlook from this room, it is considered that the retention of this side window could be acceptable in this case. These amendments are considered would overcome previous reason no. 4 for refusal of the scheme. This proposed secondary side facing dining room window opposite the boundary with 24 Mellish Road could be conditioned to be obscurely glazed to protect residents' amenity.

The two side facing bathroom windows in 32 Mellish Road serve non-habitable rooms. The proposed two new first floor side facing, non-habitable en-suite windows opposite no. 32 could be conditioned to be obscurely glazed with opening lights 1.7 metres higher than the floor of the rooms they serve to protect residents' privacy.

The proposal would meet the aims of the Council's 45 degree guidance, as referred to in Appendix D of Designing Walsall SPD in respect of front and rear facing habitable room windows in 24 and 32 Mellish Road. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook. The Council does not use a 15 degree angle when assessing planning applications.

The habitable room window to window separation distances between the proposed extensions and 39 Mellish Road, 24 Rushwood Close, 33 Rushwood Close and 17 Glen Close would exceed the Council's minimum recommended separation distance between facing habitable room windows of 24 metres, as referred to in Appendix D of Designing Walsall.

This proposal is considered would not be in full accordance with the amenity requirements of saved UDP policy GP2 and the SPD Designing Walsall Appendix D.

#### Protected Species

The site falls within an area likely to have presence of bats, particularly due to neighbouring lines of mature gardens. In this case, as the application proposes alterations to the roof, if bats are present in the house disturbance and destruction to their roost would occur.

Consequently, in accordance with NPPF 15 and Conserving Walsall's Natural Environment SPD, a bat survey report in support of this proposal was requested and was provided, with no birds or bats or evidence of bats being found in the building at the time of the survey. No further surveys were recommended. However, advice was



provided to protect potential birds and bats that could be present in the future and conditions would be included to secure their protection in any approval.

The submission of this preliminary bat survey report overcomes previous reason no. 5 for refusal of this scheme.

### Protected Trees

The nearest protected tree to any part of this proposal would have a separation distance of approximately 13.5m to the widest part of the crown. The Council's Tree Officers' have provided no adverse comments with regard to this proposal in relation to protected trees. It is considered that there would be insufficient arboricultural implications to warrant refusal of this proposal on these grounds.

### Parking

In accordance with the requirements of saved UDP policy T13, an 11 bedroom house would require a minimum of 3 off-road parking spaces. This dwelling house has sufficient space to park in excess of 3 vehicles on the hard surfaced driveway which meets this requirement. The Local Highway Authority have expressed no concerns in relation to this proposal.

## **Conclusions and Reasons for Decision**

Whilst the proposal is considered would benefit the applicant and their family by providing additional living accommodation, this would be a wholly private benefit, that would not be sufficient to outweigh the harm to the street scene, harm to the setting of the adjacent conservation area and neighbours' light and amenity to their sole bedroom windows that has been identified or the resultant development plan conflict. It is acknowledged that the revisions the applicant has made to windows in the west side elevation of the proposal and the submission of a preliminary bat survey overcome two of the five previous reasons for refusal of the scheme but do not overcome all of the concerns to be able to recommend an approval. Consequently, in this instance, the proposal is recommended to be refused

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

Officers have reminded the applicant's agent on a number of occasions the previous reasons for refusal and advised that amendments would be required to overcome these reasons. In this instance, insufficient amendments have been provided to overcome all of the previous reasons for refusal and the local planning authority are unable to support the proposal.

## **Recommendation**

Refuse

## **Reasons for Refusal**

1. The overuse of front elevation pitched gable features is considered would result in an over complicated and disproportionate design in an area of properties with simpler and more cohesive designs. The overlapping eaves details of the front gable features are design elements which appear clumsy, contributing to the detrimental appearance of the dwelling and character of the

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adjacent Conservation Area and street scene. The proposal would be contrary to the National Planning Policy Framework including paragraph no's 127 and 130, The Black Country Core Strategy policies CPS4, ENV2 and ENV3, Walsall's Unitary Development Plan, saved policies GP2 and ENV32 and the SPD Designing Walsall policy DW3.

2. The proposed scheme as a result of its scale, position, visual bulk and design fails to preserve and enhance the setting of the character and appearance of the Arboretum Conservation Area without any public benefits that outweigh this harm. The proposal would therefore be contrary to the NPPF, policy ENV2 of the Black Country Core Strategy, Walsall's Site Allocation Document policy EN5 and policy ENV32 of Walsall's saved Unitary Development Plan.
3. The limited separation distance between the side facing bedroom windows in no. 24 Mellish Road and the proposed two storey side extension elevation is considered would result in an unacceptable loss of light, outlook and amenity because of the close proximity of this proposal to the neighbouring house. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 127 and 130, The Black Country Core Strategy policies CSP4, ENV2 and ENV3, saved Unitary Development Plan policies GP2 and ENV32 and Appendix D of the SPD Designing Walsall.

#### **Notes for Applicant**

None

**END OF OFFICERS REPORT**



## **PLANNING COMMITTEE**

**4<sup>th</sup> November 2021**

### **REPORT OF HEAD OF PLANNING & BUILDING CONTROL**

#### **Development Management Performance Update Report**

##### **1. PURPOSE OF REPORT**

To advise Members of the Planning Committee of the latest performance and outcomes during the 3<sup>rd</sup> and 4<sup>th</sup> quarters 20/21 (1<sup>st</sup> October to 31<sup>st</sup> December 2020 and 1<sup>st</sup> January to 31<sup>st</sup> March 2021) and the 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2021/22 (1<sup>st</sup> April to 30<sup>th</sup> June 2021 and 1<sup>st</sup> July to 30<sup>th</sup> September 2021) and regarding development management matters and in particular to: -

- i) The performance figures for applications determined in Q3 and Q4 of 2020/21 and Q1 and Q2 of 2021/22.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q3 and Q4 of 2020/21 and Q1 and Q2 of 2021/22.
- iii) An update of Planning Applications 'called-in' by Councillors in Q3 and Q4 of 2020/21 and Q1 and Q2 of 2021/22.
- iv) A progress report of enforcement proceedings.
- v) An update on Section 106 Agreements for the 2020/21 financial year (1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021) including Q1, Q2, Q3 and Q4 which forms the basis of the Council's Infrastructure Funding Statement for that period.

Details of previous planning performance in Quarters 3 and 4 of 2019/20 and Quarters 1 and 2 of 2020/21 can be found in the report to Planning Committee of 28<sup>th</sup> November 2019.

Details of previous Section 106 updates for the period Quarter 3 in 2019/20 (1<sup>st</sup> October to 31<sup>st</sup> December 2019) to Quarter 4 in 2019/20 (1<sup>st</sup> January to 31<sup>st</sup> March 2020) can be found in the report to Planning Committee of 4<sup>th</sup> February 2021.

##### **2. RECOMMENDATIONS**

That the Committee notes the report

##### **3. FINANCIAL IMPLICATIONS**

None arising directly from this report but where a planning appeal is accompanied by an appeal for an award of costs then if the appellant is successful the costs are payable by the Council. The briefing of members as to the outcome of individual

Planning Obligations together with the total sums collected within the year will help inform and assure members of the accounting probity and monitoring that is being followed by officers.

4. **POLICY IMPLICATIONS**

Within Council policy. All planning applications and enforcement proceedings relate to local and national planning policy and guidance.

5. **LEGAL IMPLICATIONS**

The briefing of members as to the outcome of individual appeals made by the Planning Inspectorate will enable members to keep abreast of planning issues as may be raised within individual cases. Appeal decisions are material considerations and should be considered in the determination of subsequent applications where relevant.

Planning Obligations are primarily negotiated as part of the determination of planning applications in accordance with the National Planning Policy Framework 2021 (NPPF), Community Infrastructure Levy Regulations 2010 (Regulation 122)(as amended), policy DEL1 of the Black Country Core Strategy, policy GP3 of Walsall Unitary Development Plan and adopted Supplementary Planning Documents.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

None arising from the report. The Development Management service is accredited by an Equality Impact Assessment.

7. **ENVIRONMENTAL IMPACT**

The impact of decisions made by the Planning Inspectorate on the environment is included in decision letters and all planning applications are required to consider environmental issues where material to the proposed development.

8. **WARD(S) AFFECTED**

All.

9. **CONSULTEES**

Officers in Legal Services have been consulted in the preparation of this report.

10. **CONTACT OFFICER**

Mike Brereton: Group Manager, Planning  
[Michael.brereton@walsall.gov.uk](mailto:Michael.brereton@walsall.gov.uk)

11. **BACKGROUND PAPERS**

All published.

**Mike Brereton**  
**Group Manager, Planning**

## **PERFORMANCE UPDATE REPORT**

### **Development Management Performance Update Report**

- i) **Speed of planning applications determined in Q3 and Q4 2020/2021 (between 1<sup>st</sup> October to 31<sup>st</sup> December and 1<sup>st</sup> January to 31<sup>st</sup> March) and Q1 and Q2 2021/2022 (1<sup>st</sup> April 2021 to 30<sup>th</sup> June 2021 and 1<sup>st</sup> July 2021 to 30<sup>th</sup> September 2021)**

**Note that the table also includes figures for earlier years.**

Description	Q1 Apr - Jun	Q2 Jul - Sep	Q3 Oct - Dec	Q4 Jan - Mar	Annual Cumulative
21-22 - Major	100%	100%*			
20-21 - Major	100%	100%	85.71%	90.00%	93.92%
19-20 - Major	100%	100%	100%	90.91%	97.72%
18-19 - Major	100%	87.50%	100%	100%	96.87%
21-22 - Minor	85.00%	81.25%*			
20-21 - Minor	95.65%	86.05%	78.05%	83.33%	85.77%
19-20 - Minor	91.80%	92.11%	97.73%	90.00%	92.91%
18-19 - Minor	94.74%	92.68%	88.33%	92.73%	92.12%
21-22 - Other	92.00%	86.08%*			
20-21 - Other	92.80%	91.77%	92.55%	91.04%	92.04%
19-20 - Other	92.22%	91.78%	87.20%	90.22%	90.35%
18-19 - Other	93.14%	97.92%	90.73%	93.79%	93.89%

**\*Figures for quarter 2 of 2021/22 are draft at present.**

- 12.1 The latest performance figures represent a continuation of results exceeding national performance standards in all areas (majors 60% in 13 weeks, Minors 70% in 8 weeks and Others 70% in 8 weeks). Whilst performance has slightly reduced for minor and others in quarters 1 and 2 of 21/22 we anticipate that improvements will be seen in the final 2 quarters following a suite of measures introduced by the service area to help speed up decision-making.
- 12.2 As noted in previous reports, the challenge for 2020/21, and into 2021/22, has been to maintain these performance levels given the high case-loads of officers as a result of a number of staffing changes and absences experienced within the team. These issues have been compounded by the emerging Service Transformation Plan (STP), and the associated inability to recruit to vacant posts during this time. The ability to recruit experienced planning officers continues to prove to be difficult and coupled with a need for continued input from an agency contractor to assist with clearing backlog planning applications. This position is not unique to Walsall as other local authorities are in the same position. Officers continue to strive to keep this impact to a minimum.
- 12.3 A wider range of chargeable services has also been introduced from January 2021 which has been well received by customers, and has resulted in an increase in

paid-for advice and other services being applied for. This has contributed to the high workloads of officers, and the STP aims to address this through the implementation of a new structure with appropriate resources.

- 12.4 Since March 2020 officers have been working from home and this has accelerated a move to a largely paperless office and a greater shift towards the use of electronic communications.
- 12.5 Processes are being reviewed regularly to aim to improve the speed of decision making and the overall customer experience. This includes the introduction of a 'one revision' only policy for householder planning applications from June 2021. Work is also currently underway to roll out this policy to minor / other application types to speed up determination periods given that they make up the majority of the incoming workload to the LPA, but are usually accompanied by relatively low planning application fees (set nationally) thus do not always reflect the level of resource required from the LPA.
- 12.6 The LPA seeks to agree extensions of time (EOT) on planning applications in negotiations with applicant's and planning agent's where necessary to aim to work through any matters arising throughout the life of an application, and within an agreed timeframe to offer a level of certainty and commitment. Whilst there will be a continued role for EOTs in certain cases, it is anticipated that the introduction of the above measures will help to reduce the need for an EOT whereby additional resources, and a reduction in the number of accepted revisions, should help to speed up the decision making process.

**ii) Decisions made by the Planning Inspectorate in Q3 (between 1<sup>st</sup> October and 31<sup>st</sup> December 2020)**

<b>Application Number</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Council Decision</b>	<b>Appeal Decision</b>
<b>20/0166</b>	Land Between No1 and No.3, Yew Tree Road, SHELFIELD, WALSALL, WS4 1RG	Erection of a three bedroom detached dwelling	Refused (Delegated Decision)	Dismissed
<b>Comments on:</b> Relationship of proposed dwelling and No.3 with limited spacing is at odds with the established pattern of development, would appear cramped and would result in harm to the character and appearance of the area. Would fail to provide a suitable level of accommodation for intended occupiers.				
<b>Target = no more than 10% determined contrary to Council's decision</b> Total number of qualifying appeals = 1 <b>0</b> qualifying appeals, not decided in accordance with Councils decision = <b>0%</b>  *Appeals against non-determination, conservation / listed building consent, adverts and those withdrawn are not included.				

**Decisions made by the Planning Inspectorate in Q4 (between 1<sup>st</sup> January and 31<sup>st</sup> March 2021)**



Application Number	Site Address	Proposal	Council Decision	Appeal Decision
20/0240	44, BLUEBELL ROAD, WALSALL WOOD, WALSALL, WS9 9EU	Single storey side and front extension and two storey side extension.	Refused (Delegated Decision)	Allowed
<b>Comments on:</b> Proposal would not detract from the character and appearance of the area and would not result in overbearing impacts to No.135 and No.137, nor any loss of privacy or significant additional shading to Nos 133 and 137A. Conditions imposed to secure implementation in accordance with submitted plans.				
20/0418	4, BADGERS CLOSE, PELSALL, WALSALL, WS3 5BX	Erection of detached domestic single garage to front of house	Refused (Delegated Decision)	Dismissed
<b>Comments on:</b> Impacts on character and appearance of the area and outlook to No.1 Mallard Close.				
20/0479	227, LICHFIELD ROAD, WALSALL WOOD, WALSALL, WS9 9PB	Recessed double garage into existing front raised garden with rear access via stairs to ground level	Refused (Delegated Decision)	Dismissed
<b>Comments on:</b> Highway safety and disruption to traffic flow of Lichfield Road and impacts to the character and appearance of the area.				
20/0837	169, LOWE AVENUE, DARLASTON, WEDNESBURY, WS10 8NT	Retrospective permission for a two storey side extension	Refused (Delegated Decision)	Dismissed
<b>Comments on:</b> Impacts to the character and appearance of the area.				
<b>Target = no more than 10% determined contrary to Council's decision</b> Total number of qualifying appeals = 4 (Appeals against non-determination, conservation / listed building consent, adverts and those withdrawn are not included). <b>1</b> qualifying appeals, not decided in accordance with Councils decision = <b>25%</b>				

**Decisions made by the Planning Inspectorate in Q1 (between 1<sup>st</sup> April and 30<sup>th</sup> June 2021)**

Application Number	Site Address	Proposal	Council Decision	Appeal Decision
19/1525	254, MILTON STREET, WALSALL, WS1	Two storey side and single storey rear extension	Refused (Delegated Decision)	Allowed

	4LR	(resubmission of refused planning application 19/0253)		
<b>Comments on:</b> Proposal would not look out of place with locality due to existing large additions to attached property, large plot and varied built form in locality. Proposal would not breach the 45 degree code, or result in an overly dominant form of development to No.89. Insufficient evidence to require a bat survey. Conditions imposed to secure implementation in accordance with submitted plans and to safeguard neighbours privacy.				
<b>19/1566</b>	34, NEW ROAD, BROWNHILLS, WALSALL, WS8 6AT	Outline application: Construction of 2no dwellings to rear of 34 New Road with all matters reserved	Refused (Committee Decision - against Officer recommendation to approve)	Allowed*
<b>Comments on:</b> Proposal would not result in a cramped form of development and would not result in unacceptable impacts to neighbours living conditions. Conditions imposed relating to future reserved matters submission.  *Costs awarded to appellant as reasons given related to Reserved Matters which could have been dealt with at a later stage.				
<b>20/0113</b>	17-18, NORTON ROAD, PELSALL, WALSALL, WS3 4AY	Demolition of existing public convenience and rear ground floor extension to 17 & 18 Norton Road and erection of 3 terraced houses on the site, conversion of the existing offices to residential houses	Refused (Delegated Decision)	Dismissed*
<b>Comments on:</b> Proposal fails to preserve or enhance the character and appearance of Pelsall Common Conservation Area and would harm character of surrounding area. Would fail to provide satisfactory living conditions in terms of outlook to Plot 1 - 3.  *Part award of costs to appellant due to mis-interpretation of revised plans and unclear justification for some refusal reasons leading to additional expenses incurred by appellant.				
<b>20/0361</b>	27, FEATHERSTON ROAD, STREETLY, SUTTON COLDFIELD, B74 3JW	Partial demolition of existing residential dwelling to provide two additional residential dwellings.	Refused (Delegated Decision)	Dismissed
<b>Comments on:</b> Proposal would have a cramped appearance, out of keeping with the area and would result in harm to the character and appearance of the area. Harm to intended occupiers of Plot 27b by way of noise disturbance and light pollution.				

<b>20/0740</b>	48, WESTON CRESCENT, ALDRIDGE, WALSALL, WS9 0HB	Proposed detached garage	Refused (Delegated Decision)	Dismissed*
<p><b>Comments on:</b> Proposal would introduce a prominent and intrusive building forward of existing building line in an area of open frontages and would harm the character and appearance of the area.</p> <p>*Award of costs to appellant refused on the basis it was not unreasonable for the LPA to consider the 45 degree code in the wider assessment of the proposal.</p> <p><b>Target = no more than 10% determined contrary to Council's decision</b>  Total number of qualifying appeals = 5  (Appeals against non-determination, conservation / listed building consent, adverts and those withdrawn are not included).  <b>2</b> qualifying appeals, not decided in accordance with Councils decision = <b>40%</b></p>				

**Decisions made by the Planning Inspectorate in Q2 (between 1<sup>st</sup> July and 30<sup>th</sup> September 2021)**

<b>Application Number</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Council Decision</b>	<b>Appeal Decision</b>
<b>20/1254</b>	17, RUSHALL CLOSE, WALSALL, WS4 2HQ	Two storey rear and first floor side extensions plus garage conversion	Refused (Committee Decision - against Officer recommendation to approve)	Allowed
<p><b>Comments on:</b> Proposal would not create a terracing effect, would appear subservient and reflects the mixed appearance of surrounding properties. Would not breach the 45 degree code, and would not result in significant additional loss of light to No.15 and No.19 or overlooking of gardens serving properties along Rushall Manor Close. Conditions imposed to secure implementation in accordance with submitted plans and to safeguard neighbours privacy.</p>				
<b>20/0664</b>	SADDLERS ARMS, FISHLEY LANE, BLOXWICH, WALSALL, WS3 3PS	Construction of two detached houses and car parking.	Refused (Delegated Decision)	Dismissed
<p><b>Comments on:</b> Proposed deep footprint of dwellings and contrived layout would result in harm to the character and appearance of the area. Harm to existing and intended occupiers amenity in relation to privacy and outdoor amenity space.</p>				
<b>20/1429</b>	41, Manor Road, Streetly, B74 3NG	First floor side extension, single storey and two storey rear	Refused (Delegated Decision)	Dismissed

		extensions, single storey front and porch extension and loft conversion with rear dormer		
<b>Comments on:</b> Proposal would close the gap with No.39 to the detriment of the spacious character of the area and result in a terracing effect.				
<b>Target = no more than 10% determined contrary to Council's decision</b> Total number of qualifying appeals = 3 (Appeals against non-determination, conservation / listed building consent, adverts and those withdrawn are not included). <b>1</b> qualifying appeals, not decided in accordance with Councils decision = <b>33%</b>				

- 12.7 To enable the Council to ensure it retains the ability to refuse the most harmful applications which may affect the people and businesses in the Borough, it is vital that robust reasons for refusal are given that state relevant National and Local policies. In this way decisions can be presented in the most robust manner possible to the Planning Inspectorate to optimise the Councils ability to defend refusal decisions most effectively at appeal, and minimise the risk of costs being awarded to appellants.

### iii) Called in Applications

- 12.8 Planning Committee requested information regarding the number of applications that have been called in and agreed that this should appear in this performance report as a regular item. The table below shows the following:

Period	Call Ins
Q3 2019/2020 (Oct-Dec 2019)	5 applications called in during 3 meetings
Q4 2019/2020 (Jan-Mar 2020)	5 applications called in during 3 meetings
Q1 2020/2021 (Apr-Jun 2020)	4 applications called in during 2 meetings
Q2 2020/2021 (Jul-Sept 2020)	6 applications called in during 3 meetings
Q3 2020/2021 (Oct-Dec 2020)	4 applications called in during 3 meetings
Q4 2020/2021 (Jan-Mar 2021)	4 applications called in during 3 meetings
Q1 2021/2022 (Apr-Jun 2021)	9 applications called in during 2 meetings
Q2 2021/2022 (Jul-Sept 2021)	7 applications called in during 3 meetings

- 12.9 The Call-in Procedure is set out in paragraph (12) of Part 3: Responsibility for Functions of the Constitution.

#### (12) Call-in procedure

(a) Notwithstanding the terms of reference of Planning Committee any planning application can be called in by a Councillor for determination by the Committee;

(b) Prior to a Councillor calling in an application he/she must inspect the submitted plans and discuss the application with the Development Control Team Leader or his/her deputy or Head Of Service/Service Manager.

(c) The call-in will be activated by the completion of an appropriate form which must give a planning reason why it should be determined by the Committee;

(d) The form must be received by the Planning Department within 10 working days from the receipt of the weekly list by Councillors (one day will be allowed for delivery following date of dispatch)

(e) The Committee report will identify the Councillor who called in the application along with the reason given.

12.10 For details of applications previously called in please refer to the previous performance reports.

Q3 2020/2021 (Oct-Dec 2020)

Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Application Address	Method/Reason for Call In
15 <sup>th</sup> October 2020 – No applications called in.				
12 <sup>th</sup> November 2020				
Councillor Sears	Aldridge North And Walsall Wood	20/0463	LAND ADJACENT 370, CHESTER ROAD, ALDRIDGE	Development is needed in the area and will benefit the NHS
Councillor Douglas-Maul	Streetly	19/0468	LIVING AREA ABOVE, 317, CHESTER ROAD, ALDRIDGE, WALSALL, WS9 0PH	Significant community interest
Councillor Andrew	Pheasey Park Farm	20/1049	9, MORETON AVENUE, GREAT BARR, BIRMINGHAM, B43 7QP	Significant community interest
10 <sup>th</sup> December 2020				
Councillor A Nazir	St Matthews	19/0209	15D EMERY STREET, WALSALL, WS1 3AJ	Obtain a comprehensive decision whereas a planning officer may be constrained by narrower guidelines and a previous lack of enforcement

Q4 2020/2021 (Jan-Mar 2021)

Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Application Address	Method/Reason for Call In
7 <sup>th</sup> January 2021				
Councillor Hussain	St Matthews	17/0938	1, HOPE STREET, WALSALL, WS1 3RG	Derelict and eyesore site and the applicant has been engaging with officers for a resolution
4 <sup>th</sup> February 2021				
Councillor Gurmeet Singh Sohal	St Matthews	20/0745	LAND TO REAR OF 5 AND 7 JESSON ROAD, WALSALL, WS1 3AY	Significant public interest
Councillor Khizar Hussain	Pleck	20/1218	13, SOMERS ROAD, WALSALL, WS2 9AU	Supports proposal
4 <sup>th</sup> March 2021				
Councillor S Johal	Streetly	19/0846	4, FIELD MAPLE ROAD, STREETLY, SUTTON COLDFIELD, B74 2AD	Significant community interest

Q1 2021/2022 (Apr-Jun 2021)

Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Application Address	Method/Reason for Call In
29 April 2021				
Councillor K Hussain	Pleck	20/1655	LAND REAR OF 14-18 MOAT ROAD,	Delicate judgement is required and the benefits of the

			WALSALL, WS2 9PJ	proposed facility outweigh the reasons for refusal and the impact on neighbouring properties is not significant enough to refuse the planning application
21 <sup>st</sup> June 2021				
Councillor Bird	Paddock	21/0498	53, CHARLEMONT ROAD, WALSALL, WS5 3NQ	Called into Committee for consideration as there are further breaches of the original planning permission and significant community interest
Councillor A Nazir	St Matthews	19/0622	JOHAL SUPERMARKET, 19, WEST BROMWICH ROAD, WALSALL, WS1 3HS	Application has been outstanding for some time and would benefit from being heard by Members of Planning Committee
Councillor Gurmeet Singh Sohal	St Matthews	20/0745	LAND TO REAR OF 5 AND 7 JESSON ROAD, WALSALL, WS1 3AY	Significant public interest
Councillor S Johal	Streetly	19/1372	15, Middleton Road, STREETLY, SUTTON COLDFIELD, Walsall, B74 3EU	Significant community interest
Councillor Bashir	Palfrey	20/1634	400 , West Bromwich Road, Walsall, WS5 4NS	The proposed extension will not result in unacceptable impacts
Councillor Wilson	Aldridge Central And South	19/0313	144, WHETSTONE LANE, ALDRIDGE, WALSALL, WS9	Significant community interest and requires delicate judgement



			0EZ	
Councillor Gurmeet Singh Sohal	Pheasey Park Farm	21/0175	344, SKIP LANE, WALSALL, WS5 3RA	Significant community interest
Councillor Gurmeet Singh Sohal	Paddock	21/0246	185, SUTTON ROAD, WALSALL, WS5 3AW	Sensitive planning

Q2 2021/2022 (Jul-Sept 2021)

Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Application Address	Method/Reason for Call In
15 <sup>th</sup> July 2021				
Councillor Bashir	Palfrey	20/1634	400 , West Bromwich Road, Walsall, WS5 4NS	The proposed extension will not result in unacceptable impacts
Councillor Wilson	Aldridge Central And South	19/0313	144, WHETSTONE LANE, ALDRIDGE, WALSALL, WS9 0EZ	Significant community interest and requires delicate judgement
Councillor Gurmeet Singh Sohal	Pheasey Park Farm	21/0175	344, SKIP LANE, WALSALL, WS5 3RA	Sensitive planning
Councillor Gurmeet Singh Sohal	Paddock	21/0246	185, SUTTON ROAD, WALSALL, WS5 3AW	Sensitive planning
5 <sup>th</sup> August 2021				
Councillor Andrew	Bloxwich East	20/1222	Land to the rear of 105, 107 and 109 Lichfield Road, Walsall, WS3 3LU	Public interest
9 <sup>th</sup> September 2021				
Councillor Wilson	Aldridge Central And South	21/0189	99, BIRMINGHAM ROAD,	Significant community interest

			ALDRIDGE, WALSALL, WS9 0AJ	
Councillor Gurmeet Singh Sohal	Paddock	21/0246	185, SUTTON ROAD, WALSALL, WS5 3AW	Sensitive planning

#### **iv) Progress on Enforcement Proceedings**

(i) Public session – attached Table 1 and 2

(ii) Private session – see attached Table 3

Please note that Table 3 contains information which is private and confidential and so is not available for public inspection.

It includes information which reveals that the authority proposes:

- a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
- b) to make an order or direction under any enactment.

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

#### **v) Update on Section 106 Agreements**

12.11 This is an amalgamated report updating on progress with legal obligations for the 2020/21 financial year (1st April 2020 to 31st March 2021) including Q1, Q2, Q3 and Q4 which forms the basis of the Council's Infrastructure Funding Statement for that period.

12.12 Following the recent introduction of additional resource within the planning service to specifically record and update S106 records, substantial work has already taken place to capture and update records, but this is an on-going work stream to ensure this, and future updates, provide an accurate position on the securing, receipt, and allocation / expenditure of S106 contributions and other non-financial Planning Obligations.

12.13 The report will subsequently be made available to all members for information. It provides a summary of all Planning Obligations (Section 106 Agreements/ Unilateral Undertakings / Supplemental Deeds) that have been secured as part of the determination of planning applications in accordance with adopted policies of the Council. These details are set out in the attached appendices and Members will note that the information has been broken down into the various types of contributions.

12.14 Section 106 of the Town & Country Planning Act 1990 enables developers to submit unilateral undertakings, or local authorities to reach agreements with developers, for certain works to be carried out in association with a development. The Community Infrastructure Levy Regulations 2010 (Regulation 122) sets out a statutory requirement that Planning Obligations must be necessary to make the proposed development acceptable in planning terms; relevant to planning; and directly related in scale and kind to the proposed development. They must also be reasonable in all other respects.

- 12.15 The Council is required to comply with the National Planning Policy Framework (NPPF) 2021, Community Infrastructure Levy Regulations 2010 (as amended), policy DEL1 of the Black Country Core Strategy (BCCS) and policy GP3 of the Unitary Development Plan (UDP) when seeking developer contributions. The NPPF encourages Local Planning Authorities to be flexible when seeking Planning Obligations to prevent development being stalled, an approach that Walsall Council's Development Management service has already been taking over the last few years to facilitate development in the Borough and will continue to do so where necessary.
- 12.16 The Government views planning obligations as useful instruments where they are necessary to a proposed development to overcome obstacles that would otherwise result in the refusal of planning permission. They must not be used to effectively buy planning permissions.
- 12.17 Under the Community Infrastructure Levy Regulations any authority that receives a contribution from development through the levy or section 106 planning obligations must prepare an infrastructure funding statement at least annually. For the financial year 2019/2020 onwards, any local authority that has received developer contributions (section 106 planning obligations or Community Infrastructure Levy) must publish online an infrastructure funding statement by 31 December 2020 and by the 31 December each year thereafter. Infrastructure funding statements must cover the previous financial year from 1 April to 31 March.
- 12.18 This S106 Planning Obligations update report forms the basis of the infrastructure funding statement and covers the financial period 1 April 2020 to 31 March 2021 and includes:
- Obligations that have been entered into in the reported year;
  - Money that has been received in any year but not spent;
  - Monies that have been allocated but not spent during the reported year;
  - Money that has been spent during the reported year; and
  - Historic planning obligations where money has been received in the reported period or in previous years but has not yet been spent.
- 12.19 It can be noted that out of nearly £4.5million received in contributions to date, approximately £1.8million has been expended and / or allocated to date. The majority of the remaining balance comprises of a series of contributions for development that has either recently been approved, the target dates for expenditure are yet to be reached, or formal allocations of monies are yet to be confirmed. This also reflects the on-going collaborative work stream with service areas to update the Council's S106 records, and a trawl of paper records will be carried out in due course to identify any further necessary updates.
- 12.20 Summary details of all expenditure is provided below.

<b>Service Area</b>	<b>S106 Contribution received to date</b>	<b>Spent to date</b>	<b>Committed / Allocated</b>	<b>Balance Remaining</b>
Affordable	£1,556,888.17	£0.00	£274,993.56	£1,281,894.61

Housing				
Children's Services	£538,815.08	£259,027.48	£108,350.00	£171,437.60
Clean & Green	£1,822,909.53	£884,819.30	£139,439.85	£798,650.38
TOTAL	£3,918,612.78	£1,143,846.78	£522,783.41	£2,251,982.59

12.21 Details of the latest expenditure of received contributions is provided in Appendix 1 and details of new Planning Obligations completed in 2020/21 is within Appendix 2.

## **PLANNING COMMITTEE – 4<sup>th</sup> November 2021: PROGRESS OF FORMAL ENFORCEMENT ACTIONS**

**Table 1 - Sites with Notices served or authorisation to Serve Notices**

<b>Case Number</b>	<b>Officer</b>	<b>Address</b>	<b>Date</b>	<b>Type of Action and date of issue</b>	<b>Current position</b>
E20/0033	RS	Foley Wood, Egerton Road, Streetly	10 <sup>th</sup> December 2020	Unauthorised COU. PEN Authorised – Pending further info prior to service.	Cease use and remove fence/domestic paraphernalia - within 3 months from when the notice takes effect. Ownership details unknown at time of enquiry. Land owners not identified
			17 March 2021	4 ENs served	3 ENs appealed, one complied with.
			<b>4 November 2021</b>		<b>1 appeal is currently being dealt with by (adjourned) public inquiry. New date likely to be Feb 22. Other 2 written representation appeals waiting for PINS decision</b>
E11/0274	RS	12-14 Lower Lichfield Street, Willenhall	2/5/2013	S215 Notice issued 28 <sup>th</sup> June 2012.	Unightly properties. Section 215 notice served, but not actioned. Prosecution was considered in 2016 but not actioned.
			25 <sup>th</sup> Sept 18		Warning letter with regards action sent January 2018 and site to be monitored.
			19 <sup>th</sup> Dec 2018		Site not improved consideration for service of new S215 notice, as site has further deteriorated, new notice is delegated to ward members.

			<p>14<sup>th</sup> November 2019</p> <p>10<sup>th</sup> December 2020</p> <p><b>4 November 2021</b></p>		<p>Action in abeyance as a planning application for redevelopment of the site is under consideration.</p> <p>To be reviewed by new enforcement officer.</p> <p><b>Outline consent approved in 2019 and remains extant until August 2022. Recommend closing the case.</b></p>
E17/0135	RH	Three Crowns Public House	<p>2<sup>nd</sup> April 2015</p> <p>3<sup>rd</sup> August 2017</p> <p>5<sup>th</sup> June 2018</p> <p>25<sup>th</sup> Sept 18</p> <p>19<sup>th</sup> Dec 2018</p>		<p>Enforcement Notice regarding unauthorised car wash use and associated paraphernalia, siting of a residential caravan, the untidy nature of the site, the engineering works and depositing of spoil on the adjacent SINC. Compliance period ends on 29<sup>th</sup> January 2018. Appeal has been lodged with PINS.</p> <p>Appeal dismissed for planning decision to refuse a further temporary planning consent for the hand car wash facility and associated residential caravan.</p> <p>Awaiting Enforcement appeal start date, there is a backlog of cases at the Inspectorate.</p> <p>Appeal confirmed as valid by PINS. Start date of 11<sup>th</sup> May 2018.</p> <p>Appeal ongoing appellant failed to attend appeal site visit, awaiting a new date to be set by PINS.</p> <p>Appeal site visit booked for 7<sup>th</sup> January 2019.</p>

			<p>11<sup>th</sup> March 2019</p> <p>3<sup>rd</sup> June 2019</p> <p>14<sup>th</sup> November 2019</p> <p>10 December 2020</p> <p><b>4 November 2021</b></p>		<p>Appeal dismissed notice upheld slight amendment to remove elements relating to tidying the site on 26<sup>th</sup> February 2019. Works to be completed within 90 days.</p> <p>Compliance site visit undertaken and partial compliance has occurred car wash ceased and items removed apart from storage container and caravan use ceased and removed. Owners written to a requested further works to secure full compliance with requirements of the notice.</p> <p>Further works have been undertaken to address the notice requirements, still awaiting confirmation from owner with regards to ecological issues.</p> <p>Applicant has implemented their planning approval and erected hoardings around the application site. Car wash doesn't appear to be operating. Site to be monitored.</p> <p><b>Further monitoring required.</b></p>
E17/0463	RS	Land south of Cartbridge Lane	<p>25<sup>th</sup> Sept 18</p> <p>19<sup>th</sup> Dec 2018</p> <p>3<sup>rd</sup> June 2019</p>	<p>Enforcement action authorised by planning committee 12/7/18</p>	<p>Enforcement Notice served 26<sup>th</sup> July 2018 and notice became effective on 24<sup>th</sup> August 2018 and due to be complied with by 24<sup>th</sup> October 2018.</p> <p>Agents have sought advice on amending structure to overcome the Enforcement Notice, this is not supported and officers are seeking compliance with notice.</p>



			10 December 2020  <b>4 November 2021</b>		<p>Owners have submitted a certificate of lawfulness application (relating to the keeping of horses on the land). Additional information requested –</p> <p>19/0091 – CLEUD not yet determined. Site being monitored.</p> <p><b>As above. 19/0091 – CLEUD not yet determined. Site being monitored.</b></p>
E18/0248	RS	Stables Rear of 211-212 Norton Road, Pelsall	4 <sup>th</sup> June 2019       14 <sup>th</sup> November 2019   10 December 2020   <b>4 November 2021</b>	Enforcement action authorised by planning committee 18/4/19	<p>Enforcement Notice served on 3<sup>rd</sup> May 2019 and notice is to be effective on 5<sup>th</sup> June 2019. Compliance date is 5<sup>th</sup> December 2019.</p> <p>Appeal lodged 3<sup>rd</sup> June 2019, awaiting validation by PINS. Requested to be a Public Inquiry.</p> <p>No update matter still with PINS to set Inquiry date</p> <p>Inquiry set for 8th June 2021. Council's case is being prepared.</p> <p><b>PINs confirm the appeal decision will be issued within the next few weeks.</b></p>
E14/0515	RH	Cloudwood Arabian Stud, Aldridge Road	3 <sup>rd</sup> June 2019	Enforcement action authorised by planning committee on 18/4/19	Enforcement Notice served for material change of use and operational development on 28 <sup>th</sup> May 2019, notice will be effective on 27 <sup>th</sup> June 2019. Compliance to be undertaken by 27 <sup>th</sup> Sept 2019.

			14 <sup>th</sup> November 2019		Original Notice withdrawn and new amended notice served removing reference to flood lighting. Served 28 <sup>th</sup> June 2019, effective on 30 <sup>th</sup> July 2019 and compliance due 20 <sup>th</sup> October 2019. Appeal has been lodged.
			17 July 2020		Appellant signed a legal undertaking to withdraw the appeal against the enforcement notice and three months from covid restrictions being lifted for caravans
			20 July 2020		Planning Inspector confirmed the appeal had been withdrawn
			10 December 2020		Checking compliance on site
			<b>4 November 2021</b>		<b>Further monitoring required.</b>

**Table 2 - Historical Cases under review following Committee Resolutions**

[illegible]

E08/0246	RS	Land at Canalside Close, Walsall	<p>9/1/2007</p> <p>5<sup>th</sup> June 2018</p> <p>10<sup>th</sup> December 2020</p> <p><b>4 November 2021</b></p>	<p>Enforcement Notice – 5/11/2007</p>	<p>Erection of boundary wall, building and gates. Appeal partially upheld on 15/8/08. Planning permission granted subject to conditions for a change of use to motor vehicle salvage and breakers yard including alterations to the boundary wall by September 2012 subject to time limit actions. Actions not complied with. Discussions with new tenant and advice sought from officers regarding a new planning application to address the issues. Site visit undertaken on 13<sup>th</sup> April 2016. Site was locked up and secured with nobody on site. Sign on wall outside states that the facility will be opening soon. Contact is to be made with the current owners to ascertain their intentions. A further monitoring visit is proposed to assess the situation.</p> <p>New case officer to assess site and recommend actions.</p> <p>Site visited and at this time considered not expedient to seek reduction in wall height. Case to remain open and be reviewed if use of site changes.</p> <p>As per the 5 June 18 comments.</p> <p><b>No change to previous updates. Recommend closing the case.</b></p>

E13/0042	RH	Land rear of Tempus Drive, Walsall	2/5/2013	Enforcement Notice	<p>Change of use to deposition of waste material. Enforcement Notice issued. Appeal lodged but subsequently withdrawn. Enforcement notice compliance period expired April 2014. New EIA Screening Opinion issued 11/12/14 confirming Environmental Statement not required. Planning permission 15/0333/FL was granted on 8<sup>th</sup> January 2016 for earthworks comprising the redistribution of spoil from the south of the site (the Opal site) to the north (the Onyx site), including on-site remediation of material as necessary, to provide a level platform for future development. The permission requires commencement of the works within 12 months of the grant of permission to remedy the issue of unauthorised waste on site. Works have progressed on site and are likely to have triggered commencement under permission 15/0333/FL. Commencement of permission confirmed as 14<sup>th</sup> October 2016 and works are required to be completed by 14<sup>th</sup> October 2017. A further planning application under 16/1883 was approved on 2<sup>nd</sup> May 2017 to vary conditions under 15/0333/FL regarding importation of materials, drainage, flooding and mining risk. The conditions are currently in the process of being discharged.</p> <p>Site being monitored for compliance with Planning application 16/1883.</p> <p><b>No further changes. Recommend closing the case.</b></p>
			February 2018		



			<p>19<sup>th</sup> Dec 2018</p> <p>4<sup>th</sup> June 2019</p> <p>10<sup>th</sup> December 2020</p> <p><b>4 November 2021</b></p>		<p>At last planning committee members resolved to support the planning application to redevelop the site subject to updated ecology report. Matter in is abeyance pending resolution of application.</p> <p>Ecology report submitted and consultation ongoing. Enforcement action held in abeyance pending resolution of application.</p> <p>Planning permission granted on 28<sup>th</sup> June 2019 and can be implemented up to June 2022.</p> <p><b>Discussions on-going with internal service areas on current status of site.</b></p>
E14/0280	RS	Middlemore Lane West – Former GKN	<p>September 2014</p> <p>10<sup>th</sup> December 2020</p>	Enforcement Notice	<p>Owners have removed the unauthorised embankment and are in discussions with officers for the submission of a planning application to landscape the front of the site.</p> <p>Meeting to be proposed with planning case officer to ascertain the current situation.</p> <p>EG as new case officer to monitor site and advice on action to be undertaken.</p> <p>To be reviewed by new enforcement officer.</p>



			<b>4 November 2021</b>		<b>Recommend closing the case as works exceed more than 4 years.</b>
E15/0260	RS	Hawthorns, Former Baytree House, Erdington Road, Aldridge	3/9/15  10 <sup>th</sup> December 2020  <b>4 November 2021</b>	Enforcement Notice	<p>The operators of the site have begun proceedings with officers of the Council to look at improving the provision of care available to residents including registration with the Care Quality Commission (CQC) to operate as a care home and ensure compliance with planning application 12/1400/FL. The measures put forward are being considered by officers. Officers are negotiation with the applicants on the terms of the revised s106 and will be preparing a report to update Members on the situation.</p> <p>To be reviewed by new enforcement officer.</p> <p><b>Previous enforcement officer recommended the case be closed on 12.10.18 due to no restrictive conditions attached to the permission and the ability to change use within the Use Classes Order. Recommend closing the case.</b></p>
E14/0323	RS	39 Shire Ridge, Walsall Wood	01/09/16	Enforcement action authorised by 01/09/16 planning committee	<p>The fence and wall to the side have been reduced in height in accordance with the approved planning application. The owners have been advised that an application will be required for the change in levels of the rear garden.</p> <p>Officers in negotiation regarding this matter.</p>



			2020  <b>4 November 2021</b>		<p>Reviewing the file. Previous enforcement officer re-assessed the case confirming the level of harm is not expedient to pursue, recommended closing the case.</p> <p><b>No change to previous update. Recommend closing the case.</b></p>
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# Appendix 1 - Latest S106 Expenditure

Planning Ref No.	Planning Site Address	Planning Proposal	Decision Date	Agreement Start Date	Re-payment Date	Contribution	Council Obligations (Conditions / Clauses)	(£) Contribution Due	(£) Contribution Received	Date Contribution Paid	Contribution Transferred (£)	Total Transferred (£)	(£) Committed/Allocated	Date Committed/Allocated	(£) Actual Spend to Date	Balance Remaining (£)	Contribution spent (Date)	Update from Service Lead on status of project
17/1447	LAND ADJACENT 16 AND CAR PARK R/O 16-22 HIGH STREET, ALDRIDGE, WALSALL	Change of use of 2 no. retail units to form 2 no. retirement living apartments	20.04.2018	12.04.2018	12.04.2025	Affordable Housing	Contribution towards the provision of affordable housing in Walsall.	£11,890.00	£11,890.00	24.02.2020	£11,711.65	£11,711.65	£0.00	n/a	£0.00	£11,711.65		Report is being submitted to 15 December 2021 Cabinet seeking approval for this committed sum to be part of a ringfenced fund to purchase empty homes in Walsall that will then provide affordable temporary accommodation for homeless households.
						Urban Open Space	Contribution towards ongoing maintenance and improvement of open space 'Anchor Meadow'.	£959.00	£959.00	24.02.2020	£944.62	£944.62	£0.00	n/a	£141.69	£802.93		Possible improvements to Aldridge airport access
17/0195	LAND ADJACENT 16 AND CAR PARK R/O 16-22 HIGH STREET, ALDRIDGE, WALSALL	Redevelopment to form 2 retail units and 37 retirement living apartments including communal facilities, access, car parking (private and public) and landscaping.	23.06.2017	22.06.2017	27.06.2022	Affordable Housing	Contribution towards the provision of affordable housing in the locality.	£220,000.00	£220,000.00	27.06.2017	£216,700.00	£216,700.00	£216,700.00	TBC	£0.00	£0.00		This funding was ringfenced for the purchase of 2 long term empty homes secured through Compulsory Purchase Order. These 2 homes are now part of the Council's temporary accommodation stock for homeless households.
						Urban Open Space	Contribution towards upgrading and or maintenance of Urban Open Space in the locality.	£62,456.00	£62,456.00	27.10.2017	£61,519.00	£61,519.16	£0.00	n/a	£9,227.87	£52,291.29		Possible improvements to Aldridge airport access
16/1669	RUSHALL MEWS, NEW STREET, RUSHALL, WALSALL, WS4 1JQ	Demolition of existing care home and erection of 26 dwellings (19 x 3 bed & 7 x 4 bed) with associated access and parking arrangements.	06.07.17	04.07.2017	n/a	Affordable Housing	Contribution towards the provision of affordable housing in the locality.	£227,500.00	£227,500.00	26.02.2019	£224,088.00	£224,087.50	£0.00	n/a	£0.00	£224,087.50		Report is being submitted to 15 December 2021 Cabinet seeking approval for this committed sum to be part of a ringfenced fund to purchase empty homes in Walsall that will then provide affordable temporary accommodation for homeless households.
					n/a	Tree Planting Contribution	Contribution towards the planting of new trees at Rushall Skate Park.	£12,000.00	£12,000.00	05.07.2018	£11,820.00	£11,820.00	£0.00	n/a	£0.00	£11,820.00		
					n/a	Urban Open Space	To utilise the Urban Open Space contribution for the following:  - Carbridge Lane Allotments (East Walsall Allotment Association) Rushall. Delivery of action plan as per findings of a condition survey - £15,000.  - Radley Play Area, Bickley Road, Rushall. Contribution to play area improvements - £29,475.  - Park Lime Pits, Park Road, Rushall. Footpath improvements - £29,475.	£73,950.00	£73,950.00	05.07.2018	£72,840.75	£72,840.75	£0.00	n/a	£59,199.39	£13,641.36		Access improvements allotments, tree planting, footpath improvements
19/1514	LAND BETWEEN VICTORIA ROAD, SLATER STREET, DARLSTON	Erection of 30 dwellings and associated works. Adjacent to Public Footpath (Dar19). Deed of Variation to S106 regarding Affordable Housing.	19.03.2020	11.03.2020	10 years from date of payment of the last contribution	Affordable Housing	To utilise the Affordable Housing contribution for the provision of affordable housing in the locality.	£283,500.00	£283,500.00	18.03.2020	£279,248.00	£279,248.00	£0.00	n/a	£0.00	£279,248.00		Report is being submitted to 15 December 2021 Cabinet seeking approval for this committed sum to be part of a ringfenced fund to purchase empty homes in Walsall that will then provide affordable temporary accommodation for homeless households.
					10 years from date of payment of the last contribution	Urban Open Space	To utilise the Urban Open Space contribution for the provision of maintenance or enhancement of Urban Open Space at:  - Arthur Webb Allotments, Victoria Road, Darlston, WS10 8AP  - Victoria Park, Victoria Road, Darlston, WS10 8AA	£51,282.00	£0.00		£0.00	£0.00	£0.00	n/a	£0.00	£0.00		Discussion with ward Cllrs about play area improvements and removal of derelict building
18/0072	Land at Heathfield Lane West, Darlston, Wednesbury, West Midlands	Proposed erection of 207 dwellings, engineering works, landscaping, provision of open space and associated works and re-roading of public right of way Dar1	27.09.18	26.09.2018	n/a	Affordable Housing	To utilise the Affordable Housing contribution in the locality.	£96,655.33	£96,655.00	30.07.19	£95,205.51	£95,205.51	£0.00	n/a	£0.00	£95,205.51		Report is being submitted to 15 December 2021 Cabinet seeking approval for this committed sum to be part of a ringfenced fund to purchase empty homes in Walsall that will then provide affordable temporary accommodation for homeless households.
					n/a	Urban Open Space	Utilise the Urban Open Space Contribution for the following:  1. The provision of healthy walking / trim-trail around the perimeter, landscaping and enhancement works to Darlston Recreation Centre, Hall Street  2. Enhancement of facilities including construction of the fishing platforms at Heathfield Land Fishing Pool 3. Public information boards directional signage to and from the following recreation areas: a. George Rose Park b. Darlston Recreation Centre c. King Hill Park d. Victoria Park e. Walsall canal  4. Public access improvements hedgerow and tree planting alongside access routes and measures to combat anti-social behaviour at: a. George Rose Park	£193,310.67	£195,674.00	30.01.19	£192,738.98	£192,738.98	£128,910.85	2018/19	£0.00	£63,828.13		£28,910.85 (15%) top-sliced from contribution towards on-going maintenance of the scheme. £100K is being allocated to fund the ERDF Blue Network II Project (Proposed Wildflower meadow/ bio-diversity development, access and site habitat interpretation as part of BC Blue Green project match funded through ERDF). Proposed improvements to George Rose Park.
11/1364/FL	WALSALL DEPOT, NORFOLK PLACE, BLOWICH ROAD, WALSALL	Amendments to planning permission 10/0763/FL relating to the erection of 267 dwellings reducing the amount to 251 dwellings, amending details of phasing and location of affordable housing, drainage detail, landscaping, house types, and associated works.	09.12.2011	17.05.2012	03.10.2017	Urban Open Space	To use the Urban Open Space solely for the uses specified	£188,100.00	£188,100.00	03.09.2012 - 55002	£1,852,785.50	£185,278.50	£0.00	n/a	£176,122.00	£9,156.50		Proposed development at Reedswood Park for Spaces to Ride match funding
11/0516/FL	45 Victoria Avenue and Land to Rear of 39-51 Victoria Avenue; 39-47 and 66 Drake Road; and 125-139 Field Road	Erection of 43 houses and 1 flat (total 44 dwellings) together with associated parking, garages, landscaping and	11.04.2012	24.07.2013	n/a	Affordable Housing	To use the Affordable Housing Contribution only towards the provision of affordable housing within the Council's administrative area.	£250,000.00	£246,250.00	18.08.14 - 61100 05.05.15 - 63901 14.12.15 - 64000	30781.25 184,687.50 30781.25	£246,250.00		n/a	£0.00	£246,250.00		Report is being submitted to 15 December 2021 Cabinet seeking approval for this committed sum to be part of a ringfenced fund to purchase empty homes in Walsall that will then provide affordable temporary accommodation for homeless households.

		PROVIDING PUBLIC ACCESS.		27.03.2012	16.05.2018	Urban Open Space	To use the contributions payable under Schedule 2 only towards the provision of Urban Open Space within the wider area of the Site in accordance with Policy DEL2 of the Black Country Joint Core Strategy and policies GP3 and LC1 of Walsall Unitary Development Plan.	£83,570.00	£82,316.00	16.04.13 - Paid at Banking Hall	£82,316.00	£82,316.00	£4,863.00	TBC	£77,443.00	£10.00		Final amount allocated to accessible play at KGS, or improved security.
10/1593/FL	LAND OFF WATERMEAD GRANGE/SILVER STREET, BROWNHILLS, WALSALL.	Residential development consisting of 2, 3 and 4 bedroom, 2 and 2.5 storey mews and detached dwellings, 36 no. in total.	06.07.11	05.07.2011	29.12.2018	Education Contribution	To be used towards the provision of secondary education facilities within a 3 mile radius of the site and shall be provided in accordance with Policies GP3 and 8.8 of the Walsall Unitary Development Plan (2005) and Supplementary Planning Document such sum to be increased by the amount (if any) equal to the rise in Index.	£96,741.62	£95,290.00	29.11.13	£97,576.00	£97,576.00	£0.00	n/a	£97,576.00	£0.00	Financial Year 2019/20	Elmwood Special School - Project Complete
					02.10.2019	Health Care Contribution	To be used towards the provision of accessible healthcare facilities to serve the development in accordance with saved policies GP3 and 6.9 of Walsall Unitary Development Plan and Supplementary Planning Document: Healthcare.	£46,884.60	£50,482.67	02.09.14	£46,181.33 £4301.34	£50,482.67	£0.00	n/a	£0.00	£50,482.67		
					29.12.2018	Urban Open Space	To be used towards the provision of Urban Open Space within the vicinity of the wider area of the Development in accordance with saved policies GP3 and LC1 (d) of Walsall Unitary Development Plan and Supplementary Planning Document: Urban Open Space.	£102,236.00	£100,702.00	29.11.13	£103,119.00	£103,119.00	£2,118.00	TBC	£101,001.00	£0.00		Final amount contributed towards skate park improvements and parking improvements at Holland Park
					30.04.2019	Affordable Housing	To use the Contributions solely for the uses specified	£54,138.78	£58,293.56	31.03.14	£53,326.70 £49,66.86	£58,293.56	£58,293.56	TBC	£0.00	£0.00		This funding was ringfenced for the purchase of 2 long term empty homes secured through Compulsory Purchase Order. These 2 homes are now part of the Council's temporary accommodation stock for homeless households.
12/0736/FL	FORMER ST JOHN'S SCHOOL & 11 LICHFIELD ROAD, WALSALL WOOD, WALSALL	Demolition of the Former St. John's school and No.11 Lichfield Road, Walsall Wood and construction of 12 houses with associated car parking and site works.	10.03.2014	05.03.2014	10.06.2021	Urban Open Space	Not to use the Open Space Contribution otherwise than for the purposes of providing servicing and maintaining public open space within the vicinity of the Development.	£30,168.00	£30,168.00	10.06.2014 - 1755749	£29,744.82	£29,744.82	£3,548.00	TBC	£26,197.00	-£0.18		All funding committed to access improvements
10/1706/FL	FORMER REDHOUSE SCHOOL (JMI), GORSEY WAY, ALDRIDGE, WALSALL, WS9 8EQ	Proposed residential development and community building - Section 73 to vary condition 22 of 07/2074/OL/E11 to build community centre after occupation of houses.	21.02.2012	01.06.2012	13.11.2020	Urban Open Space	To use the Compensatory Sports Pitch Provision Contribution ('the Contribution') in accordance with the policies specified in Schedule 2 in order to achieve any or all of the following: (a) the provision of new sports pitches; (b) the improvement of existing sports pitches; (c) the fullest use of existing sports pitches; within the vicinity of the Site.	£80,000.00	£80,000.00	13.10.15 - 6499	£78,800.00	£78,800.00	£0.00	n/a	£0.00	£78,800.00		Awaiting suitable project for artificial pitch development
17/0155	STENCILS FARM, ALDRIDGE ROAD, WALSALL, WS4 2JW	Outline Application: Demolition of existing buildings and erection of up to 12 dwellings. Access only, all other matters reserved.	22.03.2018	21.03.2018	30.11.2025	Urban Open Space	To utilise the Open Space Contribution for public access improvements and habitat management at Aldridge Airport and Hay Head Wood.	£34,650.00	£33,957.00	30.11.2020 - Cheque	£33,957.00	£33,957.00	£0.00	n/a	£17,712.00	£16,245.00		Proposed improvements to airport access improvements
05/1566/O L/W3	NEPTUNE PUBLIC HOUSE, BILSTON LANE, WILLENHALL, WEST MIDLANDS, WV13 2LF	OUTLINE : Demolition of Existing Public House and Erection of 43 No. 1 and 2 Bed Flats, Underground Parking and Associated Vehicular Access	18.10.2006		n/a	Affordable Housing Contribution	13/0440/FL	£65,000.00	£65,000.00	16.01.2015	£64,025.00	£64,025.00	£0.00	n/a	£0.00	£64,025.00		Report is being submitted to 15 December 2021 Cabinet seeking approval for this commuted sum to be part of a ringfenced fund to purchase empty homes in Walsall that will then provide affordable temporary accommodation for homeless households.
12/1486/FL	FORMER ST. MARGARETS HOSPITAL, QUESLETT ROAD, WALSALL, B43 7EZ	Minor material amendment to permission 09/0753/RM to vary condition 2 allowing substitution of house types for plots 378-415 (phase 3) of residential development of 141 dwellings	24.06.2013	19.06.2013	n/a	Affordable Housing Contribution	To provide affordable housing units (as defined in the principal deed (as amended)) on that part of the Site shown edged in red on Plan A.	£199,500.00	£199,500.00	25.06.2013	£196,507.50	£196,507.50	£0.00	n/a	£0.00	£196,507.50		Report is being submitted to 15 December 2021 Cabinet seeking approval for this commuted sum to be part of a ringfenced fund to purchase empty homes in Walsall that will then provide affordable temporary accommodation for homeless households.
15/1268	41 LEIGHSWOOD ROAD, WALSALL, WS9 8AL	Demolition of existing buildings and erection of a three storey building for Retirement Living Housing (35 flats and ancillary accommodation) with landscaping and car parking.	05.04.2016	31.03.2016	27.11.2024	Affordable Housing Contribution	To utilise the Affordable Housing Contribution for the provision of Affordable Housing in the locality	£144,850.00	£148,299.61	27.11.2017	£146,075.12	£146,075.12	£0.00	n/a	£0.00	£146,075.12		Report is being submitted to 15 December 2021 Cabinet seeking approval for this commuted sum to be part of a ringfenced fund to purchase empty homes in Walsall that will then provide affordable temporary accommodation for homeless households.
						Highways Contribution	To utilise the Highways Contribution for the installation of a Puffin crossing on Leighswood Road at a point to be agreed with the Highway Authority	£60,000.00	£61,428.90	27.11.2017	£60,507.47	£60,507.47	£0.00	n/a	£0.00	£60,507.47		The Leighswood Road puffin crossing was installed by the UTC as part of the care home development works
						Urban Open Space Contribution	To utilise the Urban Open Space Contribution for the provision, upgrading and or maintenance of Urban Open Space in the locality which may include, but shall not be limited to:  Leigh's Wood open space: (Green space Strategy reference 1001) - Play area refurbishment - Skate park refurbishment - Access improvements - Habitat management  The Croft open space: (Green space Strategy reference 1003) - Play area refurbishment - Skate park refurbishment - Access improvements	£57,650.00	£59,022.04	27.11.2017	£58,137.60	£58,137.60	£0.00	n/a	£18,618.51	£39,519.09		Proposed access improvements security and play improvements at Leighswood Park

13/1529/FL	FORMER PARK TAVERN, 43 BROADWAY NORTH, WALSALL, WS1 2QG	Demolition of existing building and erection of 28 No later living retirement housing (category II type accommodation) including provision of communal facilities, landscaping and car parking.	17.04.2014	16.04.2014	21.04.2022	Urban Open Space Contribution	Towards the provision of Urban Open Space within the locality of Walsall	£29,442.00	£29,938.08	21.04.2015	£29,000.37	£29,000.37	£0.00	n/a	£26,097.07	£2,903.30		Funding arboretum access improvements
09/0215/FL	LAND CORNER OF LEVE LANE/JOHN STREET, WILLENHALL, WALSALL	Proposed demolition of existing warehouse and construction of 12 new 2 bedroom apartments.	04.06.2009	14.08.2014	27.06.2024	Urban Open Space Contribution	Towards the provision of public open space within the wider area of the Site in accordance with and defined by Policy GP3 and LC1 of the Walsall Unitary Development Plan	£16,632.00	£16,632.00	27.06.2017	£16,382.52	£16,382.52	£0.00	n/a	£9,321.38	£7,061.14		Willenhall Park improvements
16/1241	LAND TO THE WEST OF TEDESLEY STREET, WALSALL, WS4 2AH	33 no. two, three and four bedroom dwellings for affordable rent and shared ownership with associated landscaping and parking.	13.07.2017	13.07.2018	26.09.2022	Urban Open Space Contribution		£56,080.00	£56,080.00	26.09.2017			£0.00	n/a	£8,285.82	-£8,285.82		Improvements at Mill Lane LNR
15/1606	BULLS HEAD, 79, Park Road, BLOWWICH, WALSALL, WS3 3SW	Demolition of the former Bulls Head public house and erection of 14 supported living units and associated communal hub.	17.03.2016	17.03.2016	n/a	Urban Open Space Contribution	To utilise the Urban Open Space Contribution for the provision, upgrading and or maintenance of the King George V Playing Fields Urban Open Space which may include, but shall not be limited to: a. Horticultural planting schemes b. Car parking	£9,590.00	£9,590.00	22.03.2018	£9,446.15	£9,446.15	£0.00	n/a	£1,416.92	£8,029.23		Security improvements at King George 5th Park
04/0845/O L/W3	FORMER DERBY ARMS PH, BAILEIGH STREET, WALSALL, WEST MIDLANDS, WS2 8JY	Outline: Erection of 10 flats.	13.01.2005	10.01.2005	n/a	Urban Open Space Contribution	Towards the cost of the Council carrying out improvements to open space facilities in the wider area	£2,000.00	£2,000.00	28.03.2007	£2,000.00	£2,000.00	£0.00	n/a	£1,160.19	£839.81		Reedwood Park improvements
03/1308/FL /E4	LAND TO THE REAR OFF, 7 STACKHOUSE DRIVE, PELSALL, WALSALL, WEST MIDLANDS, WS3 4RN	Outline: Residential development for 14 two bedroom apartments	19.01.2005	19.01.2005	n/a	Urban Open Space Contribution	Towards the provision of public open space	£2,800.00	£2,800.00	04.03.2009	£2,758.00	£2,758.00	£0.00	n/a	£698.70	£2,059.30		
03/1853/FL /E6	THE WELCOME STRANGER P.H., HAWBUSH ROAD, LEAMORE, WALSALL, WEST MIDLANDS, WS3 1AG	Demolition of existing public house and erection of 20 one and two bedroom flats	30.04.2004	30.04.2004	n/a	Urban Open Space Contribution	Towards the provision of off site recreational facilities pursuant to policy 8.4 of the Walsall Unitary Development Plan.	£3,603.06	£3,603.06	17.02.2009	£3,549.01	£3,549.01	£0.00	n/a	£3,135.35	£413.66		Access barriers Goscote Valley
02/1494/FL /E2	FORMER FIELD ROAD INDUSTRIAL ESTATE, FIELD ROAD, BLOWWICH, WALSALL, WEST MIDLANDS	Erection of 22 No. 1, 2, 3, and 4 bedroom houses and flats with access road, garaging, parking and	30.11.2004	30.11.2004		Urban Open Space Contribution	Towards the enhancement of off-site open space and for no other purpose.	£5,600.00	£5,600.00	23.11.2009	£5,516.00	£5,516.00	£0.00	n/a	£827.40	£4,688.60		Bins at Wallington Heath Pool
02/1983/FL /W3	CAR PARK, PROVIDENCE CLOSE, LEAMORE, WALSALL	Erection of 6 Bungalows	11.09.2003	10.09.2003	TBC	Urban Open Space Contribution	provision of public open space facilities within the Site and to be used in improving public open space facilities in the wider area in accordance with Policy 8.4 of the Walsall Unitary Development Plan 1995.	£1,200.00	£1,480.35	14.11.2011	£1,462.35	£1,462.35	£0.00	n/a	£219.35	£1,243.00		Improvements to the story telling garden
BC64477P	Land Adj. Brewers Drive, Walsall	Creation of public open space	11.06.2003	10.06.2003	n/a	Urban Open Space Contribution	Maintenance costs for open space transferred to the Council. Boundary of open space detailed on plan 1025/111 Rev C in relation to supplemental agreement dated 21/12/06.	£60,000.00	£0.00		£60,000.00	£60,000.00	£0.00	n/a	£26,000.00	£34,000.00		Contribution towards maintenance
					n/a	Leisure	Maintenance of open space at Windrush Close. Ranked by Level	£40,000.00			£40,000.00	£40,000.00	£0.00	n/a	£0.00	£40,000.00		Contribution towards maintenance
06/2209/O L/E9	C.LICHFIELD ROAD, BROWN HILLS, WALSALL, WEST MIDLANDS	Outline: Residential development, access only to be considered.	05.11.2007	22.06.2010		Education Contribution	towards the provision of primary education facilities within 2 miles radius and secondary education facilities within 3 miles radius of the site shall be provided	£110,000.00	£110,000.00	03.05.2013	£108,350.00	£108,350.00	£108,350.00	2021/22	£0.00	£0.00	Financial Year 2021/22	Oakwood Special School Expansion - Project Completed September 2021.
						Urban Open Space Contribution	Towards urban open space shall be provided in accordance with Policy LC1 of Walsall's Unitary Development Plan (2005) and Supplementary Planning Document: Urban Open Space (April 2006)	£62,000.00	£62,000.00	03.05.2013	£61,070.00	£61,070.00	£0.00	n/a	£0.00	£61,070.00		Access improvements Park Lime Pits
						Health Care Contribution	Towards healthcare facilities shall be provided in accordance with Supplementary provided in accordance with Supplementary Planning Document: Healthcare (Jan 2007)	£28,000.00	£28,000.00	03.05.2013	£27,580.00	£27,580.00	£0.00	n/a	£0.00	£27,580.00		
						Nature Reserve Contribution		£5,000.00	£5,000.00	13.09.2011	£4,925.00	£4,925.00	£0.00	n/a	£0.00	£4,925.00		
13/1056/FL	FORMER JEBRON WORKS, BRIGHT STREET, WEDNESBURY, WS10 9HX	Erection of 55 houses and 12 apartments with access, car parking, landscaping, gardens and associated works following demolition of existing building.	06.11.2013	06.11.2013	n/a	Urban Open Space Contribution	For the purposes of urban open space, in particular Kings Hill Park 50000	£50,000.00	£50,000.00	27.01.2015	£49,250.00	£49,250.00	£0.00	n/a	£48,218.38	£1,031.62		Kings Hill Park improvements and play improvements at Great bridge Road.
07/2731/FL /E11	LAND TO THE REAR OF 201 217 LICHFIELD ROAD, RUSHALL, WALSALL, WS4 1EA	Demolition of Nos. 215 and 217 Lichfield Road and Erection of 21 New Dwellings Including Access Road and Associated Works	15.05.2008	09.03.2011	17.12.2025	Education Contribution	Towards the provision of secondary school places within the area in accordance with The Walsall Unitary Development Plan 2005	£45,585.19	£45,585.19	17.12.2015	£44,901.41	£44,901.41	£44,901.41	2021/22	£0.00	£683.78	Financial Year 2021/22	New Leaf PRU - Project Complete September 2021.
					17.12.2025	Urban Open Space Contribution	Towards the provision of secondary school places within the area in accordance with The Walsall Unitary Development Plan 2005	£57,420.00	£57,420.00	17.12.2015	£56,558.70	£56,558.70	£0.00	n/a	£30,729.77	£26,690.23		
15/0238/FL	FORMER CLOTHIER STREET PRIMARY SCHOOL, HARRY PERKS STREET, WALSALL	Erection of 48 no. 1, 2 and 3 bedroom dwelling houses with associated ground works and access road	06.11.2015	06.11.2015	n/a	Urban Open Space Contribution	To be used by the Council for the purposes of maintenance and improvements to urban open space within the vicinity of the Willenhall Area.	£73,458.00	£73,458.00	09.11.2015	£72,356.13	£72,356.13	£0.00	n/a	£67,323.42	£5,032.71		Contributions towards Willenhall Park

15/1744	Land between Park Lane/Wood Street, WS10 9RS	Demolition of existing buildings and erection of 42 dwellings with new vehicular access, landscaping and other associated works.	31.03.2016	30.03.2016	n/a	Urban Open Space Contribution	To utilise the Urban Open Space Contribution for the provision, upgrading and or maintenance of the Park Lane/Cook Street Urban Open Space (Green Space Strategy site identification code 401.3) which may include, but shall not be limited to: a. Pedestrian access improvements: i. Vehicle & motorcycle barriers ii. Hard-surfaced footpaths b. Boundary improvements: i. Tree planting schemes; ii. Hedge planting; iii. Screening c. Habitat creation -- wildflower meadows d. Mown areas for informal recreation e. Furniture - bins & benches f. Lighting - linking pathway between Cook Street & Park Lane g. Signage - interpretation, directional, Council information	£61,677.00	£61,677.00	13.04.2016	£60,751.85	£60,751.85	£0.00	n/a	£21,112.78	£39,639.07		Improvements to Bentley Green way and proposed improvements to POS at Park Street.
15/1683	LAND AT WILKES AVENUE, BENTLEY, WALSALL	Erection of 37 dwellings with new vehicular access, landscaping and other associated works.	08.04.2016	08.04.2016	n/a	Urban Open Space Contribution	To utilise the Urban Open Space Contribution for the provision, upgrading and or maintenance of Public Realm in the locality which may include, but shall not be limited to:  Poplar Avenue open space: (Green Space Strategy reference 4007) - Pedestrian access improvements - Vehicle and motorcycle barriers - Hard-surfaced footpaths - Habitat creation -- wildflower meadows - Mown areas for informal recreation  Poplar Avenue ABC open space: (Green Space Strategy reference 4006) - Pedestrian access improvements - Vehicle and motorcycle barriers - Hard-surfaced footpaths - Habitat creation -- wildflower meadows - Mown areas for informal recreation  Old Hall Pool: (Green Space Strategy reference 4005) - Pedestrian access improvements	£54,054.00	£54,054.00	19.04.2016	£53,243.19	£53,243.19	£0.00	n/a	£27,486.48	£25,756.71		Improvements to Bentley Green way
16/1233	LAND AT DAW END SCHOOL, FLOYDS LANE, RUSHALL, WALSALL, WS4 1LF	Erection of 63 dwellings, revised access and associated infrastructure.	27.02.2017	27.02.2017	n/a	Urban Open Space Contribution	Enhancement or maintenance of urban open space	£107,880.00	£107,880.00	12.04.2017	£106,261.80	£106,261.81			£64,562.48	£41,699.33		Improvements to Sheffield Park accessible play
14/1345/FL	SITE OF FORMER COALPOOL CLINIC, ROSS ROAD, RYECHOP, WALSALL	Erection of 12 no. 1 bedroom apartments in a three storey block	06.03.2015	06.03.2015	n/a	Urban Open Space Contribution		£8,220.00	£8,220.00	21.02.2018	£8,096.70	£8,096.70		n/a	£4,514.51	£3,582.19		Contribution to Swannies Remembrance memorial
14/1554/FL	PELSALL LABOUR CLUB, CHURCH ROAD, WALSALL, WS3 4QW	Proposed demolition of Club, Church Road, Walsall, WS3 4QW. Residential and commercial development of a new Labour club, 24 dwellings total (23 for private sale and 1 flat above club for manager only). New access road, ancillary garages/car parking, external store and smoking shelter. Affecting the setting of a public rights of way.	06.05.2015	05.05.2015	n/a	Urban Open Space Contribution	To utilise the Urban Open Space Contribution for the provision, upgrading and or maintenance of Urban Open Space in the vicinity of the Development.	£53,070.00	£60,000.00	04.03.2020	19700 19700 9850 9850	£59,100.00	£0.00	n/a	£8,865.00	£50,235.00		Suggestions from Pelsall Friends about more signs/ and park furniture
15/0612/FL	Brico, Stubbers Green Road, Aldridge, Walsall, WS9 8BJ	Demolition of former accident and repair facility and erection of 10 two bedroom	03.02.2016	02.02.2016	n/a	Urban Open Space Contribution	To utilise the Urban Open Space Contribution for the provision, upgrading and or maintenance of Urban Open Space in the vicinity of the Development.	£23,060.00	£23,060.00	22.10.2018	£22,714.10	£22,714.10	£0.00	n/a	£3,407.12	£19,306.98		Proposed improvements to the Swag
16/1675	145-147, LICHFIELD STREET, WALSALL, WS1 1SE	Proposed conversion of first, second and third floors to create 10 two bedroom	22.09.2017	22.09.2017	n/a	Urban Open Space Contribution	To utilise the Urban Open Space Contribution for the enhancement and or maintenance of open spaces in the locality.	£8,412.00	£0.00		£0.00	£0.00	£0.00	n/a	£1,242.87	-£1,242.87		Arboretum access improvements
09/1695/FL	FORMER BLOXWICH ENGINEERING LTD, BELL LANE, WALSALL	Proposed erection of 108 dwellings, garages and associated parking, construction of access roads, landscaping and associated works	10.03.2010	10.03.2010	16.08.2017	Education Contribution	For secondary school provision in accordance with policies GP3, 8.8 and SPD of the Walsall Unitary Development Plan.	£210,000.00	£210,000.00	16.08.2012	£206,850.00	£206,850.00	£45,398.52	2019/20 & 2021/22	£161,451.48	£0.00	FY 2019/20 & 2021/22	Allocated to Special Schools - Elmwood, New Leaf, Jane Lane, Mary Elliot, Castle, Sheppwell. All complete as at September 2021.
					10.07.2017	Health Care Contribution	For healthcare in accordance with policies GP3, 8.9 and SPD of the Walsall Unitary Development Plan.	£64,800.00	£64,800.00	10.07.2012	£63,828.00	£63,828.00	£0.00	n/a	£0.00	£63,828.00		
					16.08.2017	Public Art Contribution	In accordance with policy DW9 SPD Designing Walsall of the Walsall Unitary Development Plan.	£19,800.00	£19,800.00	16.08.2012	£19,503.00	£19,503.00	£0.00	n/a	£0.00	£19,503.00		
					16.08.2017	Urban Open Space Contribution	for open space provision within the vicinity of the wider area of the Development. In accordance with Policies GP3, LCI (g) and SPD Urban Open Space of the Walsall Unitary Development Plan.	£115,400.00	£115,400.00	16.05.2012	£113,669.00	£113,669.00	£0.00	n/a	£0.00	£113,669.00		
05/2039/FL /E4	BINARY HOUSE, BOATMANS LANE, WALSALL, WEST MIDLANDS, WS9 9AG	Erection of 24 Two Bedroom Apartments and ancillary works	08.02.2006	20.01.2006	n/a	Education Contribution	Towards facilitating secondary school education in accordance with Policies GP3 and 8.8 of the Walsall Unitary Development Plan.	£45,732.24	£45,732.24	20/02/2010	£45,046.26	£45,046.26	£45,046.26	2021/22	£0.00	£0.00	Financial Year 2021/22	New Leaf PRU - Project Complete September 2021.
06/0344/FL /E3	2, COPPICE ROAD, WALSALL, WEST MIDLANDS, WS9 9BH	Erection of 15 no. 2 bedroom apartments.	22.06.2006	16.06.2006	n/a	Education Contribution	Towards the provision of education.	£28,582.65	£28,582.65	16.06.2006	£28,582.65	£28,582.65	£28,582.65	2021/22	£0.00	£0.00	Financial Year 2021/22	New Leaf PRU - Project Complete September 2021.
06/0641/FL /E9	THE STAGFIELD ROAD, WALSALL, WEST MIDLANDS	Proposed erection of 9 houses and 7 self-contained flats	10.10.2006		n/a	Education Contribution	Towards the provision of secondary school places within a 3 mile radius of the site.	£3,625.00	£3,625.00	28.11.2006	£3,625.00	£3,625.00	£3,625.00	2021/22	£0.00	£0.00	Financial Year 2021/22	New Leaf PRU - Project Complete September 2021.
					n/a	Urban Open Space Contribution	Towards the urban open space within the Bloxwich area.	£2,603.00	£2,603.00	28.11.2006	£2,603.00	£2,603.00	£0.00	n/a	£0.00	£2,603.00		
18/1267	Beacon Dairy Farm, Doe Bank Lane.	Demolition of existing farm, commercial and farmhouse buildings and the erection of 14 dwelling houses.	11.06.2019	04.11.2019	n/a	Urban Open Space Contribution	Improvement of the play area and playing fields at Doe Bank Park, Doe Bank Lane	£42,548.00	£0.00		£0.00	£0.00	£0.00	n/a	£0.00	£0.00		



16/1048	FORMER CENTRAL PATTERNMAKING COMPANY LIMITED, 44, STRINGES LANE, WILLENHALL, WV13 1LU	Change of use of light industrial unit (B1) to 12 Flats (C3) and associated parking and amenity space.	20.06.2017	20.06.2017	n/a	Urban Open Space Contribution	Upgrading, enhancing and or maintenance of Urban Open Space located at Willenhall Memorial Park, Pinson Road, Willenhall	£8,316.00	£8,316.00		£8,191.26	£8,191.26	£0.00	n/a	£0.00	£8,191.26		Discussions with Freinds group at Willenhall Park about priorities for watering improvements and storage.
19/0382	Land adjacent, 24 Woodwards Road, Walsall	13no. dwellings with associated access road, parking and gardens.	01.10.2021	21.07.2021	10 years from date of payment of the last contribution	Urban Open Space Contribution	To use the Open Space Contribution for provision of open space within the wider vicinity of the Site, the nearest Urban Open Spaces being the playground to the west of Alumwell Business and Enterprise College (Primley Avenue), which is 496 metres away, Pleck Park, which is 620 metres away and sports ground off Broadway West, which is 620 metres away from the Site, in accordance with the Council's urban Open Space Supplementary Planning Document and the National Planning Policy Framework as first published on 27 March 2012 and updated on 24 July 2018 and 19 February 2019.	£33,956.00	£0.00		£0.00	£0.00	£0.00	n/a	£0.00	£0.00		
19/0768	The Armstrong Building, C/o The Green and Booth Street, DARLASTON, WS10 8JP	Demolition of existing building and erection of 24 new affordable residential units, access, landscaping and associated works.	18.03.2020	18.03.21	n/a	Urban Open Space Contribution	To utilise the Open Space Contribution for improvements to and maintenance of Owen Park	£31,185.00	£0.00		£0.00	£0.00	£0.00	n/a	£0.00	£0.00		
15/0759/FL	ROAPP HALL, DORSETT ROAD TERRACE, DARLASTON, WEDNESBURY, WS10 8TP	Construction of 6 no. two bedroom flats and 5 no. one bedroom flats in a three storey building with associated parking, bin store and cycle store.	13.12.2016	09.12.2016	n/a	Urban Open Space Contribution	For the provision enhancement or maintenance of Urban Open Space.	£11,781.00	£0.00		£0.00	£0.00	£0.00	n/a	£0.00	£0.00		
15/0165/FL	UNIVERSITY OF WOLVERHAMPTON, WALSALL CAMPUS, GORWAY ROAD, WALSALL, WS1 3BD	Construction of new access off The Broadway together with new car park and associated landscaping, plus closure of access from Magdalene Road.	25.01.2016	12.01.2016	n/a	Sports Facilities Contribution	Towards upgrading of existing sports facilities in the District of Walsall	£120,000.00			£0.00	£0.00	£0.00	n/a	£0.00	£0.00		
15/0105/FL	PLECK WORKING MEN CLUB, 502 PLECK ROAD, WALSALL, WS2 9HE	Demolition of existing Working Men Club and construction of no. 11 residential units.	08.03.2016	07.03.2016	n/a	Urban Open Space Contribution	To utilise the Urban Open Space Contribution for the provision, upgrading and or maintenance of Urban Open Space in the vicinity of the Development.	£14,366.00	£0.00		£0.00	£0.00	£0.00	n/a	£0.00	£0.00		
14/1754/FL	FORMER MILLFIELDS NURSERY SCHOOL SITE, STONEY LANE/LICHFIELD ROAD, BLOXWICH, WS3 3LU	Erection of 14 x 2 bedroom flats.	08.06.2018	08.06.2018	n/a	Urban Open Space Contribution	To utilise the Urban Open Space Contribution towards the delivery and/or maintenance of a play area located on Livingstone Road and/or towards the proactive tree management replacement programme, as more particularly outlined within the Council's adopted Urban Forestry Strategy dated 2016 to 2026 (and as may be amended from time to time). The tree planting shall be delivered in one or a combination of any of the following locations:  a. Livingstone Road; b. Lichfield road; c. Wolverhampton Road; d. King George V Park	£19,180.00	£0.00		£0.00	£0.00	£0.00	n/a	£0.00	£0.00		
					n/a	Tree Planting Contribution	To utilise the Off-site Tree Planting Contribution for the planting and/or replacement of up to 8 trees on the Wolverhampton Road.	£5,000.00	£0.00		£0.00	£0.00	£0.00	n/a	£0.00	£0.00		
14/0793/FL	FORMER ROYAL NAVAL CLUB, 120 ELMORE GREEN ROAD, WALSALL, WS3 2HS	Demolition of former Royal Naval Club; erection of 10 no. flats with associated works (resubmission of application 10/1008/FL)	19.11.2015	26.10.2015	n/a	Urban Open Space Contribution	To utilise the Urban Open Space Contribution for the provision, upgrading and or maintenance of Urban Open Space in the vicinity of the Development.	£13,700.00	£0.00		£0.00	£0.00	£0.00	n/a	£0.00	£0.00		
13/1490/FL	SITE OF FORMER MARY ELLIOTT SCHOOL AND BREWER STREET CENTRE, BREWER STREET, WALSALL, WS2	Erection of 62 Dwellings	11.06.2014	09.06.2014	5 years from date of payment	Subway Lighting Contribution	For the provision of improved lighting at the subway in the vicinity of the Development.	£30,776.70	£0.00		£0.00	£0.00	£0.00	n/a	£0.00	£0.00		
						Urban Open Space Contribution	For the improvement of urban open space in the vicinity of the Development.	£102,065.00	£0.00		£0.00	£0.00	£0.00	n/a	£0.00	£0.00		
13/0440/FL	LAND SOUTH OF WOLVERHAMPTON STREET, WALSALL, WS2 8BL	Hybrid Application - Full Planning Application for Multi-Screen Cinema (Use Class D2) at first and second floor with Retail, Restaurants and Cafes, Drinking Establishments (Use Class A1/A3/A4) at ground floor level and two separate units for Restaurants and Cafes and Drinking Establishments (Use Class A3/A4), car parking, external seating area, landscape works, additional temporary surface car parking.	21.06.2013		n/a	Canal Contribution	To be used as a contribution towards the cost of Canal Bridge Works and public realm Towing Path Works at the Canal to enhance pedestrian connection between residential sites in Charles Street and the Site and for no other purpose.	£75,000.00	£75,000.00	12.11.2015		£0.00	n/a	£0.00	£0.00			
						Highways Contribution	Towards feasibility assessment and traffic and pedestrian monitoring.	£75,000.00	£75,000.00	23.04.2015	£73,875.00	£73,875.00	£0.00	n/a	£0.00	£73,875.00		There is a long-standing ambition to improve the signal-controlled pedestrian crossing (Crown Wharf to Gallery Square) to make it more people-friendly (remove traffic signals completely, remove high kerbing and guard railing; use of higher-quality surfacing/materials?).  All lines and signs to be reviewed and updated. Planters and cycle parking to be deployed.  Status: - No design work yet undertaken; limited staff resources available for design development. To be progress in 2022/23
12/1598/FL	FORMER BARLEY MOW PUBLIC HOUSE, GOSCOTE LANE, WALSALL	Proposed erection of 14 no 3 bedroom houses and associated works.	18.07.2013	12.07.2013	7 years of receipt of payment	Urban Open Space Contribution	Not to use the Open Space Contribution otherwise than for the purposes of providing servicing and maintaining public open space within the vicinity of the Development.	£28,770.00	£0.00		£0.00	£0.00	£0.00	n/a	£0.00	£0.00		

12/0036/OL	Goscote Lane Regeneration Corridor incorporating sites in Shakespeare Crescent, Keats Road, Tenynson Road, Chaucer Road, Wordsworth Road, Dryden Road, Harden Road and Well Lane.	Outline permission for residential development on sites A, D and J (access only to be considered) as follows: Site A – Approximately 243 dwellings (including 56 affordable units) Site D – Approximately 134 dwellings (including 121 affordable units) Site J – Approximately 25 dwellings (all affordable) All sites incorporating means of access (not reserved), car parking, landscaping, infrastructure and servicing.	13.08.2014	13.08.2014	n/a	Highways Contribution	For the purposes of implementing road safety measures along Harden Road, between its junction with Blowwich Road to its junction with Coal Pool Lane, which may include build-outs; signing and lining improvements; and junction improvements at Harden Road/Broadstone Avenue.	£139,000.00	£136,915.00	20.10.2014	£136,915.00	£136,915.00	£0.00	n/a	£0.00	£136,915.00	2021/22	A local safety scheme has now been installed on Harden Road, including double mini-roundabout at Broadstone Avenue
11/1584/FL	UNIT 13, CROWN WHARF SHOPPING PARK, WOLVERHAMPTON STREET, WALSALL, WS2 8LL	Creation of 460sqm of additional retail floorspace (Class A1) at mezzanine level.	20.07.2012	27.06.2012	n/a	Highways Contribution	Improvements to the existing pedestrian crossing on Town End Street in the vicinity of the Land which shall comprise adjustments to the existing guard railing, signing and tactile paving and/or such other improvements to the said pedestrian crossing as the Council shall in its discretion decide upon.	£15,000.00	£15,000.00		£14,775.00	£14,775.00	£0.00	n/a	£0.00	£14,775.00		There is a long-standing ambition to improve the signal-controlled pedestrian crossing (Crown Wharf to Gallery Square) to make it more people-friendly (remove traffic signals completely, remove high kerbing and guard railing; use of higher-quality surfacing/materials?).  All lines and signs to be reviewed and updated. Planters and cycle parking to be deployed.  Status: - No design work yet undertaken; limited staff resources available for design development. To be progress in 2022/23
11/1576/FL	The Limes, Linley Road, Walsall, WS4 1HL	Demolition of existing building and erection of 13 dwellings.	22.03.2012	02.07.2012	01.09.2018	Urban Open Space Contribution	To use the Open Space Contribution for provision of open space within the wider vicinity of the Site in accordance with the Council's Urban Open Space Supplementary Planning Document and Planning Policy Guidance 17: Planning for Open Space, Sport and recreation.	£41,760.00	£41,760.00	01.08.2013	£41,187.89	£41,187.89	£0.00	n/a	£0.00	£41,187.89		
11/1537/FL	LAND AT CARL STREET, WALSALL, WS2 7BE	Erection of 18 flats and 12 houses with associated parking, landscaping, access and associated works.	08.10.2012	21.09.2012	5 years and 1 month from the date of payment	Urban Open Space Contribution	To use the contributions payable under Schedule 2 only towards the provision of Urban Open Space within the wider area of the Site in accordance with Policy DELL of the Black Country Joint Core Strategy and policies GP3 and LCL1 of Walsall Unitary Development Plan.	£44,864.00	£0.00		£0.00	£0.00	£0.00	n/a	£0.00	£0.00		
11/1197/FL	Former Sanstone House Care Home, Sanstone Road, Blowich, WS3 3SJ	Demolition of care home and erection of 14 detached houses with garages.	09.01.2012	09.02.2012	29.03.2017	Urban Open Space Contribution	To use the Open Space Contribution for provision of open space within the wider vicinity of the Site in accordance with the Council's Urban Open Space Supplementary Planning Document and Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation.	£45,210.00	£45,210.00	29.02.2012	£44,531.85	£44,531.85	£0.00	n/a	£44,531.85	£0.00		The funding has been attributed to King George Vth Playing Fields (80 to 90%) and the delivery of the 5 year improvement masterplan. Some spend has begun and we are due out to tender in the near future on the 1st phase priority plan based on customer and
19/0945	SITE OF FORMER HARVESTIME BAKERY, RALEIGH STREET, WALSALL	Proposed residential development of 88 residential units comprising 18 x 1 bed flats, 25 x 2 bedroom houses, 41 x 3 bedroom houses, 4 x 4 bedroom houses with associated access, landscaping and 164 car parking spaces	02.06.2020	20/11/2020	n/a	Urban Open Space Contribution	To utilise the Initial Open Space Contribution and the Clawback Open Space Contribution towards the upgrade and maintenance of the urban open space in the locality which shall include Sydenham playing fields and which may also include highway mitigation measures on Raleigh Street and or Jessel Road	£50,000	£0.00		£0.00	£0.00	£0.00		£0.00	£0.00		
								£85,171.00	£0.00		£0.00	£0.00	£0.00		£0.00	£0.00		
20/0004	BEECHDALE COMMUNITY HOUSING ASSOCIATION, CHILTON HOUSE, STEPHENSON AVENUE, WALSALL, WS2 7EU	The proposal consists of the demolition of the vacant Former Beechdale Community Housing Association building and the erection of 12 affordable homes with associated parking and rear gardens	30/11/2020	25/11/2020	7 Years from date of payment	Urban Open Space Contribution	To utilise the Open Space Contribution which is payable pursuant to the obligations contained in this Deed for improvements to and maintenance of Beechdale Fishing Pool Beechdale Walsall West Midlands	£16,824.00	£16,824.00	04/01/2021	£16,572.00	£0.00	£0.00		£0.00	£0.00		
20/0254	Land off Darlaston Road Between Canal and, Bentley Mill Way, Bentley, WS2 9SC	Construction of commercial building (use classes B2 and B8 with ancillary offices), associated highways works to Darlaston Road, provision of parking, access and circulation areas within site, provision of flood compensation area and all other associated works.	12/10/2020	12/04/2020	n/a	Canal Contribution	For works outside of the Property to improve pedestrian links along the Walsall Canal.	£5,000.00	£0.00		£0.00	£0.00	£0.00		£0.00	£0.00		
19/0768	The Armstrong Building, C/o The Green and Booth Street, DARLASTON, WS10 8JP	Demolition of existing building and erection of 24 new affordable residential units, access, landscaping and associated works.	18/03/2020	18/03/2020	n/a	Urban Open Space Contribution	To utilise the Open Space Contribution for improvements to and maintenance of Owen Park	£31,185.00	£0.00		£0.00	£0.00	£0.00		£0.00	£0.00		
<b>TOTALS</b>								<b>TOTAL RECEIVED</b>	<b>£4,462,039.35</b>			<b>TOTAL ALLOCATED</b>	<b>£690,337.25</b>	<b>TOTAL SPENT</b>	<b>£1,143,846.78</b>	<b>£2,533,703.66</b>		

## Appendix 2 - New Obligations 2020-2021

Infrastructure Funding Reporting Period	Agreement Start Date	Application Number	Site Address	Re-payment Date	Contribution Amount	Obligations (Conditions / Clauses)	Trigger	Service Lead / Other Lead	Service Area Contribution Received (£)	Date Contribution Received	Service Area Update Status of Project	Service Area Spend to Date (£)	Service Area Committed (allocated) (£)	Service Area Balance Remaining (£)
Q3 (Oct - Dec) 2020	20/11/2020	19/0945	SITE OF FORMER HARVESTIME BAKERY, RALEIGH STREET	n/a	n/a	Landscape Management Company	Prior to commencement of implementation works.	n/a	n/a					
				n/a	£50,000.00	To utilise the Initial Open Space Contribution towards the upgrade and maintenance of the urban open space in the locality which shall include Sydenham playing fields and which may also include highway mitigation measures on Raleigh Street and or Jessel Road	Prior to the carrying out of any Implementation Works to pay to the Council the Initial Open Space Contribution	Clean and Green	£0					
				n/a	£85,171	Clawback Open Space Contribution - Towards upgrade and maintenance of open space in the locality including Sydenham playing fields, and may include highway mitigation measures on Raleigh Street and or Jessel Road.	Viability review not before 50% dwellings constructed and before 55% dwellings construction. Any payable open space contribution payable prior to 61% dwellings construction.	Clean and Green	£0					
				n/a	n/a	25% affordable housing units on-site (22 dwellings) to be provided as 18 x social rent and 4 as shared ownership.	Location to be agreed prior to implementation works. Social rent dwellings fully occupied prior to 50% of open market occupations. Shared ownership dwellings fully occupied prior to 75% of open market occupations.	Strategic Housing	n/a					
Q3 (Oct - Dec) 2020	10/11/2020	18/1233	SITE OF FORMER MOXLEY TIP, MOXLEY ROAD, DARLASTON	n/a	n/a	To secure a Travel Plan co-ordinator and full Travel Plan.	Travel Plan implementation and co-ordinator to be appointed prior to first occupation.	Local Highway Authority	n/a					
Q3 (Oct - Dec) 2020	20/11/2020	19/0353 & 18/1601	Calderfields Hotel Golf and Country Club, Aldridge Road, Walsall, Ws4 2js	n/a	n/a	Deed of variation to tie in new planning permissions.	n/a	n/a	n/a					
Q3 (Oct - Dec) 2020	16/11/2020	17/1656	Former Cerro EMS Ltd, Goscote Lane, Bloxwich, WALSALL, WS3 1SJ	n/a	n/a	25% affordable housing units on-site (66 dwellings) to be provided as 16 x social rent and 50 as shared ownership or discounted sale (nor more than 34 dwellings as discounted sale).	33% of the affordable dwellings to be disposed of prior to 25% occupation of open market dwellings. 66% affordable dwellings disposed of prior to 50% occupation of open market dwellings. 100% affordable dwellings disposed of prior to 85% occupation of open market dwellings.	Strategic Housing	n/a					
						To secure a Travel Plan co-ordinator and full Travel Plan.	Travel Plan implementation and co-ordinator to be appointed prior to first occupation.	Local Highway Authority	n/a					
						Landscape Management Company	Prior to commencement of implementation works.	n/a	n/a					
Q3 (Oct - Dec) 2020	25/11/2020	20/0004	CHILTON HOUSE, STEPHENSON AVENUE, WALSALL, WS2 7EU	04/02/2028	£16,824.00	Towards improvements and maintenance of Beechdale Fishing Pool	Prior to commencement of implementation works.	Clean and Green	£16,572.00	04/01/2021	None at present.			£16,572.00
Q3 (Oct - Dec) 2020	04/12/2020	20/0254	Land off Darlaston Road Between Canal and, Bentley Mill Way, Bentley, WS2 9SG	n/a	£5,000	Towards pedestrian links along Walsall Canal	Prior to commencement of implementation works.	Canal and River Trust	£0					
Q3 (Oct - Dec) 2020	21/12/2020	20/0412	ACCIDENT AND EMERGENCY, MANOR HOSPITAL, MOAT ROAD, WALSALL, WS2 9PS	n/a	n/a	To secure a full Travel Plan	Prior to first occupation of the development.	Local Highway Authority	n/a					
Q4 (Jan - Mar) 20/21	12/01/2021	20/0686	THE ARMSTRONG BUILDING, THE GREEN AND BOOTH STREET, DARLASTON, WEDNESBURY, WS10 8JP	n/a	n/a	Deed of Variation to S106 attached to 19/0768 to amend the tenure of all 6 affordable units (25%) to affordable rent	n/a	Strategic Housing	n/a					
Q4 (Jan - Mar) 20/21	08/02/2021	19/1206	Land at Queslett Road East, Streetly	Within 7 years and 1 month of payment	£100,000	Towards improvements and maintenance of open space at Goodwood Drive, Streetly.	Prior to 26th occupation	Clean and Green	£0					
Q4 (Jan - Mar) 20/22	18/03/2020	19/0768	The Armstrong Building, C/o The Green and Booth Street, DARLASTON, WS10 8JP	n/a	n/a	25% affordable housing units on-site (6 of 24) to provide a mix of 2 and 3 bedroom dwellings and of which 2 shall be Shared Ownership Units and 4 Dwellings shall be Social Rented Units.	Various triggers see Deed of Variation attached to planning permission 20/0686	Strategic Housing	n/a					
				n/a	£31,185.00	Urban Open Space Contribution	Prior to commencement of implementation works.	Clean and Green	£0					
<b>TOTALS</b>					<b>£288,180.00</b>				<b>£16,572.00</b>					<b>£16,572.00</b>