



## PLANNING COMMITTEE

### AGENDA

**Thursday 8 September 2022 at 5.30 pm**

**Council Chamber, Walsall Council House**

Public access to meeting via: <http://www.WalsallCouncilWebcasts.com>

#### **MEMBERSHIP:**

Councillor M. Bird (Chair)  
Councillor G. Perry (Vice Chair)  
Councillor B. Allen  
Councillor B. Bains  
Councillor H. Bashir  
Councillor P. Bott  
Councillor S. Cheema  
Councillor S. Cooper  
Councillor N. Gandham  
Councillor A. Harris  
Councillor A. Hussain  
Councillor I. Hussain  
Councillor K. Hussain  
Councillor R. Larden  
Councillor J. Murray  
Councillor A. Nawaz  
Councillor S. Samra  
Councillor M. Statham  
Councillor A. Underhill  
Councillor V. Waters

#### **QUORUM:**

Seven Members

# A G E N D A

## PART I – PUBLIC SESSION

1. Apologies.
2. Declarations of Interest.
3. Deputations and Petitions.
4. Minutes of the previous meetings - 21 July 2022 – **enclosed** (Pages 5 - 11)

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 1 protected sycamore tree at 9, Rowthorn close, Streetly, B74 2EN – report of the Head of Planning and Building Control - **enclosed** (Pages 12 - 16)
7. Enforcement report relating to land on the west side of Back Lane/junction of Hobs Hole Lane, Aldridge, Walsall – report of the Head of Planning and Building Control – copy **enclosed** (Pages 17 - 26)
8. Enforcement report relating to 26 Lodge Road, Darlaston, Wednesbury, WS10 7RZ – report of the Head of Planning and Building Control – **enclosed** (Pages 27 - 41)
9. 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** (Pages 42 - 194)

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

### Specified pecuniary interests

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

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

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

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

#### **Part 1**

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

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

## **PLANNING COMMITTEE**

**21 July 2022 at 5.30 pm**

**In the Town Hall, Council House, Walsall**

### **Present:**

Councillor M. Bird (Chair)  
Councillor B. Bains  
Councillor H. Bashir  
Councillor S. Cheema  
Councillor N. Gandham  
Councillor I. Hussain  
Councillor K. Hussain  
Councillor R. Larden  
Councillor J. Murray  
Councillor A. Nawaz  
Councillor S. Samra  
Councillor M. Statham  
Councillor A. Underhill  
Councillor V. Waters

### **In attendance:**

M. Brereton	Group Manager – Planning
S. Bird	Senior Environmental Protection Officer
E. Cook	Assistant Democratic Services Officer
K. Gannon	Developmental Control and Public Rights of Way Manager
N. Gough	Democratic Services Officer
J. Grant	Environmental Protection Manager
A. Ives	Head of Planning & Building Control
J. Price-Jones	Planning Solicitor
A. Scott	Senior Planning Officer
D. Smith	Senior Legal Executive
P. Venables	Director – Regeneration and Economy
S. Wagstaff	Principal Planning Officer

98/22

### **Apologies**

Apologies for absence were submitted on behalf of Councillors B. Allen, A. Harris, A. Hussain, G. Perry.

99/22

### **Declarations of Interest**

There were no declarations of interest received.

101/22      **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

102/22      **Minutes of previous meetings**

**Resolved:**

- 1) That the minutes of the meeting held on 7 April 2022, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.
- 2) That the minutes of the meeting held on 20 June 2022, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record, subject to the inclusion of Councillor Allen's apologies.

103/22      **Local Government (Access to Information) Act 1985 (as amended)**

**Exclusion of the Public**

**Resolved:**

That there were no items in the private session.

104/22      **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.

105/22      **Plans List 2 – 22/0035 Former Eagle Works and Shakespeare Inn sites**

The report of the Head of Planning and Building Control was introduced by the Senior Planning Officer. An overview of the proposal was given, providing details of proposed layouts and elevations, images of the proposed development and of the existing buildings. It was explained that converting the existing buildings would be unsustainable due to the poor condition of the building and that rebuilding would be more sustainable.

The site was in a flood risk area. The Group Manager – Planning added that an independent assessment had shown that including an open space contribution and Section 106 at this time would make the proposal unviable. The potential to secure a management company for landscaping areas was being investigated, which was usually secured via a Section 106.

There was one speaker in support of the application, Ms Katie Parsons (agent). Ms Parsons explained that the proposal came from an established local provider and would provide affordable housing. The developers had consulted with authorities to ensure the proposal met requirements and objectives. New builds were necessary and converting existing buildings would be unsustainable. If a Section 106 was required the proposal would not be viable.

There then followed a period of questioning. Ms Parsons explained that the site was potentially contaminated and needed future proofing because of being in a flood risk area, it involved abnormally high costs. A section 106 would further increase costs and the development would be ineligible for government grants and therefore unviable.

There followed a period of debate. Members expressed support for the application, bringing much needed affordable housing and making effective use of a brownfield site. Members expressed a wish to have landscape management including as a condition rather than via a Section 106.

*Councillor K. Hussain did not vote as he was not present for the full discussion of the item*

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

**Resolved (unanimously):**

- 1) That Planning Committee delegate to the Head of Planning & Building Control, to grant planning permission for application 22/0035 subject to the amendment and finalising of conditions, including a condition on landscape management.
- 2) That Planning Committee did not deem it appropriate to secure a Section 106 Agreement for an off-site open space contribution for application 22/0035.

The report of the Head of Planning and Building Control was introduced by the Senior Planning Officer. An overview of the proposal was given, providing details of proposed layouts and elevations, and images of the existing buildings with aerial views. Since the application was presented to Planning Committee at the meeting of 26 May 2022, amendments had been made, with three dwellings now proposed instead of four, occupying a similar footprint. Whilst some previous concerns had been addressed, there remained outstanding concerns regarding the local heritage assets and the shared access. There was insufficient parking on the site without using the neighbouring commercial property's land.

There were two speakers in support of the application, Mr Suki Singh (applicant) who attended virtually and Mr Richard Jewkes (agent) who attended in person. Mr Jewkes explained that the amended proposal was for three properties on a brownfield site and that amendments now meant it addressed the concerns previously raised. The scheme replicated neighbouring sites with regards to space and amenities and the applicant was unclear why the proposal was recommended for refusal on density grounds. As it was a central location increased density is to be expected. Parking had been reduced to increase accessibility and many similar properties provided no parking at all. Mr Singh added that the neighbouring office site was likely to have 12 TRICS per hour at busy periods. The addition of four parking spaces increased this to 16, or one per four minutes. There was thus little potential for conflict. There was now space for vehicles to turn and all parking spaces could be accessed.

There followed a period of questioning to speakers. Mr Jewkes explained that increasing the size of the three dwellings was the only way to ensure viability on the site and that adding side accesses addressed concerns regarding bin storage. On whether one of the properties would be cramped, Mr Jewkes added this was commensurate with similar properties in the area. The four parking spaces were more than required and it was only the fourth 'visitor' spot which would require more manoeuvring. The gates would cross the shared access. They would only be closed on evenings and there was space for vehicles to wait off the carriageway. It was claimed concerns relating to the gates had only materialised before this evening's meeting, however the Developmental



Control and Public Rights of Way Manager clarified they were previously raised.

There then followed a period of questioning to Officers. The Developmental Control and Public Rights of Way Manager explained that there was an ascending gradient on the property so it was doubtful whether inward-opening gates could work. The access and gates remained out of the control of future residents as they belonged to the neighbouring property and it was necessary to cross another person's land to reverse out of the parking space of property 2. It was doubtful that the inclusion of a planning condition would suffice in addressing this issue. As there was no permission to access the highway, this did not constitute accessible parking. A previous application for a nursery on the site was rejected by Planning Inspectors because of potential conflict between vehicles and pedestrians relating to the narrow shared access.

Objections regarding density were not due to the number of proposed properties but rather the space surrounding them. Neighbouring properties with similar amenity space may not necessarily comply with current standards. The Senior Environmental Protection Officer explained that while the air quality assessment provided met current UK regulations, it did not assess the site in relation to WHO interim targets and whilst these have not currently been adopted into UK legislation they expected to be adopted in place of current guidance. Environmental Protection Officers would ask for the review to be in line with these targets. The Chairman clarified that he and the Senior Environmental Protection Officer were of no familial relation.

There followed a period of debate. Some Members reiterated concerns regarding the highways dangers and the challenges of parking, especially due to tight spaces and the shared access. Other Members felt that the parking issue had largely been resolved by reducing the number of spaces to increase accessibility and by reducing the number of dwellings. There was also a good bus service in the area. Amenity space was limited, however this was no different to many other properties in the area.

It was **Moved** by Councillor Nawaz and **Seconded** by Councillor K. Hussain, that Planning Committee delegate to the Head of Planning & Building Control to grant planning permission, contrary to the Officer's recommendation. Upon being put to the vote, this was **Rejected (4 in favour, 7 against)** and the proposed resolution failed for this reason.

It was **Moved** by Councillor Bird and **Seconded** by Councillor Murray and upon being put to the vote was;

**Resolved (8 in favour, 4 against):**

**That Planning Committee refuse planning permission for application 20/1575, for the reasons set out in the Officer's report and supplementary paper, and because of concerns related to air quality.**

*At this point, Councillor Bains and Councillor Bashir left the meeting.*

107/22      **Plans List 1 – 21/1234 Ibstock Brick Aldridge Ltd**

There were no speakers on this item.

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

**Resolved (Unanimously):**

**That Planning Committee delegate to the Head of Planning & Building Control, to grant planning permission for application 21/1234 subject conditions and subject to the amendment and finalising of conditions**

108/22      **Plans List 3 – 20/1001 Land at Gomer Street**

Following an appeal being made to the Planning Inspectorate, Officers sought a resolution from Members of this Planning Committee on how they would have otherwise determined this application had it been the Committee's decision to make, to be forwarded to the Planning Inspectorate and form part of the Council's appeal documents.

There were no speakers on this item.

It was **Moved** by Councillor Bird and **Seconded** by Councillor Samra and upon being put to the vote was;

**Resolved (unanimously):**

**That Planning Committee, if it were the decision of the Committee, would refuse planning permission for application 20/1001, for the reasons set out in the Officer's report.**

*At this point, Councillor Bains re-entered the meeting.*

109/22

**Plans List 5 – 20/0851 37-38 Pinfold Street**

There were no speakers on this item.

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

**Resolved (unanimously):**

**That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 20/0851, subject to conditions and subject to;**

- 1) The amendment and finalising of conditions;**
- 2) The purchase of the defined area of Council owned land that the applicant will be required to cross to access the public highway.**

**Termination of meeting**

There being no further business, the meeting terminated at 7:08 pm.

Signed .....

Date .....



## **PLANNING COMMITTEE**

**8<sup>th</sup> September 2022**

### **REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL**

#### **APPLICATION TO REMOVE 1 PROTECTED SYCAMORE TREE AT 9, ROWTHORN CLOSE, STREETLY, B74 2EN.**

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

Reason for bringing to committee: Significant community interest.

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

Refuse Consent.

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

T1 – Sycamore to fell.

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

Rowthorn Close is a cul-de-sac located at the end of Linforth Drive, which is situated towards the southern end of Thornhill Road and 9, Rowthorn Close is situated adjacent the turning head. The area is primarily residential with properties of differing ages and architectural styles. Sutton Park is situated to the east of the property approximately 100 metres away. The area has good tree cover of diverse species and age ranges.

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

Application 04/1464/TR/T1 to prune 3 Sycamores given consent by the Council on 04/08/2004.

Application 14/1473/TR to fell 1 Sycamore and crown lift 1 Sycamore to give 4.0 metres clearance above ground level given consent by the Council on 03/11/2014.

Application 15/0611 to fell 1 Oak tree which was refused by the Council on 01/06/2015. However, consent was given to remove the lowest 2 lateral branches extending west towards the roof of 7, Rowthorn Close, B74 2EN back to the main stem and to remove a large stub at a height of approximately 2.5 metres back to the main stem.

Application 18/0718 to fell 1 Sycamore (the Sycamore which is the subject of this application) refused by the Council on 31/07/2018

Application 20/0572 to fell 1 Oak and 1 Sycamore (the same Sycamore which is the subject of this application) refused by the Council on 09/11/2020.

## **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**

Not applicable.

## **8. REPRESENTATIONS**

Three representations have been received from 7 and 9, Rowthorn Close, B74 2EN and 32, Linforth Drive, B74 2EQ supporting the proposed removal of the Sycamore tree, citing the following reasons:

- The branches overhang the roof of 7, Rowthorn Close and should they break during bad weather will cause considerable damage and danger to life.
- Leaf litter, seeds and sap falls into the gutters and drains.
- Bird droppings on the house roof tiles and car.
- Aphid secretions when in full leaf causing lacklustre finish to paintwork.
- The tree makes a mess of white plastic window frames and glass.
- Tree pollen enters house causing health issues.

## **9. DETERMINING ISSUES**

Whether the proposed removal of the Sycamore tree will be detrimental to the amenity, aesthetic and landscape value of the locality, and whether there is sufficient justification for the removal of the tree for the reasons given in the application.

## **10 ASSESSMENT OF THE PROPOSAL**

Site Visit: 04/08/2022

Tree: 1 mature Sycamore tree.

The Sycamore tree which is the subject of this application is situated adjacent the west property boundary of 9, Rowthorn Close, B74 2EN adjacent 7 Rowthorn Close and is protected by TPO title no. 46/2008. The Sycamore is labelled T1 on the application form and during the officer site visit and inspection of the tree the

following observations were made:

T1 – Sycamore – a mature tree with a stem diameter of approximately 600mm, a height of approximately 18.0 metres and a crown spread of approximately 12.0 metres. The main stem is clear of branches up to a height of approximately 7.0 metres above ground level. There are old pruning wounds on the main stem that have yet to fully occlude. The crown of the tree extends outside of the tree owners boundary overhanging the front driveway of 7, Rowthorn Close, B74 2EN by up to approximately 2.5 metres in places. From a ground inspection, the tree appears to be in good condition with no evidence of any significant faults, decay or indications of pest or disease.

The application to remove the Sycamore is supported by a tree report dated 11/04/2022 made by A L Smith a fully qualified Chartered Arboriculturist who is acting as the agent for the owner / occupier of 9, Rowthorn Close, B74 2EN. The assessment of the Sycamore was made following concerns by the owner / occupier and neighbour at 7, Rowthorn Close about the amount of leaf litter and detritus which that falls into the gutters causing blockages. In addition, Aphid secretions when the tree is in full leaf and bird droppings degrading car paintwork are also cited as a concern. The tree report considers that the crown of the Sycamore is dense and in good condition with signs of reasonable vitality. The tree report further states that the only works that can be recommended to remedy the issues associated with the tree are to have it removed as pruning is not considered a viable alternative.

In response to the representations:

- From a ground inspection the Sycamore tree appears to be in good condition and there is no evidence to suggest it is more susceptible to branch failure in severe weather events than any other healthy tree.
- The shedding of leaves and seeds is a natural biological function of the tree and whilst they can be an inconvenience, they only affect a small area of garden and their removal is considered to be part of routine property maintenance. Similarly, the removal of aphid secretions and bird droppings falling onto the property and cars is also considered to be part of routine property maintenance.
- No evidence has been supplied with the application that the Sycamore is responsible for causing health issues.

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

It is considered that the inconveniences experienced by the tree owner and near neighbours are the drawbacks of living in close proximity to a mature tree and they are not matters that would normally justify the removal of what is a healthy protected tree with demonstrable visible public amenity value. Lesser pruning works have been considered but discounted, as they would need to be severe to have any noticeable effect, which would significantly harm the trees health and amenity value.

## **12 RECOMMENDATION**

Refuse consent.

### 13 **CONDITIONS AND REASONS**

Walsall Metropolitan Borough Council, as a Local planning Authority, hereby refuses consent for the following works as shown in this application:

- To fell Sycamore tree T1

For the following reason:

- From a ground inspection the Sycamore tree appears to be in good condition and there is no evidence to suggest it is more susceptible to branch failure in severe weather events than any other healthy tree.
- The shedding of leaves and seeds is a natural biological function of the tree and whilst they can be an inconvenience, they only affect a small area of garden and their removal is considered to be part of routine property maintenance. Similarly, the removal of aphid secretions and bird droppings falling onto the property and cars is also considered to be part of routine property maintenance and does not justify the removal of a healthy tree with demonstrable visible public amenity value.
- No evidence has been supplied with the application that the Sycamore is responsible for causing health issues.

**CT OFFICER**

### 14 **CONTACT OFFICER**

Andrew Cook – Regeneration Officer Trees. Extension: 4740

**Alison Ives,**  
HEAD OF PLANNING & BUILDING CONTROL





ROWTHORN  
CLOSE

LEANDOR DRIVE





## PLANNING COMMITTEE

Date: 8<sup>th</sup> September 2022

### REPORT OF HEAD OF PLANNING AND BUILDING CONTROL.

Address: Land on the west side of Back Lane/junction of Hobs Hole Lane,  
Aldridge, Walsall. E18/0407

#### **1.0 PURPOSE OF REPORT**

- 1.1 To request from Members authority to pursue enforcement action in respect of the following alleged unauthorised development:

Without planning permission on the Land, the material Change of Use from *the keeping of horses* to a use for storage of domestic items, mixed waste materials, vehicles, and vehicle parts, together with use as a vehicle dismantling yard and creation of hardstanding.

#### **2.0 RECOMMENDATIONS**

- 2.1 **That authority is granted to the Head of Planning and Building Control, to issue an Enforcement Notice** under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as shown in 3.2.
- 2.2 **To authorise the Head of Planning and Building Control to institute prosecution proceedings** in the event of non-compliance with an Enforcement Notice.
- 2.3 **To authorise the Head of Planning and Building Control, to amend, add to, or delete from the wording** set out below stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, or the

boundaries of the site, in the interests of ensuring that accurate and up to date notices are served.

### **3.0: DETAILS OF THE ENFORCEMENT NOTICE**

#### **3.1 The Breach of Planning Control**

Without planning permission, the material change of use of the Land from a lawful use of grazing by horses to use as a storage, scrap and vehicle dismantling yard and creation of hardstanding, outlined in red on the attached plan.

Thereby now referred to as “the unauthorised development”.

#### **3.2 Steps required to remedy the breach:**

3.2.1 Permanently cease use of the land for storage and remove all vehicles, trailers, vehicle parts and bodies, scrap, metal and plastic drums, bins, containers, gas cylinders, pallet truck, building materials, timber, plastic items, road signs/cones, roof sheets, burnt materials, boat, toilet, refuse and domestic paraphernalia including toys, from the land.

3.2.2 Permanently cease use for vehicle dismantling and remove all associated equipment, tools, hoists and paraphernalia from the land;

3.2.3 Permanently remove from the land the area of hard standing located south of the approved stable building which is outlined in green on the attached plan; and

3.2.4 Leave the land in a clean and tidy condition, disposing of all waste materials generated from the activities listed at 3.2.1, 3.2.2 and 3.2.3 to a suitable facility licensed to accept these items.

#### **3.3 Period for compliance:**

**3 months from when the notice takes effect** - to undertake the works as set out in paragraph 3.2

#### **3.4 Reasons for taking Enforcement Action.**

3.4.1 It appears to the Council that the above alleged breach of planning control has occurred within the last ten years.

3.4.2 The unauthorised use for the vehicle dismantling and storage is inappropriate and when combined with equipment and paraphernalia relating to each of these uses, results in harm to the visual appearance and the openness of the Green Belt. This is contrary to the fundamental aim of the Green Belt which is to prevent urban sprawl by keeping land permanently open.

The unauthorised uses are therefore inappropriate in the Green Belt and, as no very special circumstances have been provided to justify support for the development, it is expedient to take enforcement action. The continued use of the site for the unauthorised uses also erodes the availability of land for the keeping of horses.

3.4.3 The Land is being used for the uncontrolled and unregulated storage of scrap and mixed waste materials in the open, contrary to Chapter 7 of the adopted Black Country Core Strategy, in particular Policy WM1 Sustainable Waste and Resource Management, WM3 Strategic Waste Management Proposals, WM4 Locational Considerations for New Waste Management Facilities, WM5 Resource Management and New Development. The uncontrolled and unregulated open storage of mixed waste materials is unsustainable and is therefore contrary to Policies W2, W3 and W4 of the adopted Walsall Site Allocation Document (2019).

3.4.4 The alleged storage of scrap and mixed waste material on the Land is considered harmful to the Black Country's Environmental Infrastructure and contrary to Policies ENV1 (Nature Conservation), ENV3 (Design Quality), ENV4 (Canals), ENV5 (Flood Risk, Sustainable Drainage Systems and Urban Heat Island) of the adopted Black Country Core Strategy (2011).

3.4.5 The alleged storage of mixed waste materials on the Land fails to make a positive contribution to the quality of the environment and the principles of sustainable development and has an unacceptable adverse impact on the environment, contrary to Policy GP2 of the adopted Walsall Unitary Development Plan (2005).

3.4.6 The storage of scrap and mixed waste materials on the Land fails to properly take account of the context and surroundings, contrary to Policy ENV32 (Design and Development Proposals) of the adopted Walsall Unitary Development Plan (2005).

## **FINANCIAL IMPLICATIONS**

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

## 5.0 POLICY IMPLICATIONS

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

### 5.1 National Planning Policy Framework (NPPF) [www.gov.uk](http://www.gov.uk)

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

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

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

Key provisions of the NPPF relevant in this case:

- NPPF 2 – Achieving sustainable development
- NPPF 4 – Decision making
- NPPF 12 - Achieving well-designed places
- NPPF 13 – Protecting Green Belt land

### 5.2 Local Policy

Black Country Core Strategy

- ENV1 Nature Conservation
- ENV3 Design Quality

Unitary Development Plan saved policies

- GP2 Environmental Protection
- ENV2: Control of Development in the Green Belt
- ENV5 Stabling and riding of Horses and Ponies
- ENV10 Pollution
- ENV32 Design and Development Proposals
- 3.2 to 3.4 The Countryside and Green Belt
- [https://go.walsall.gov.uk/language/en-us/planning\\_and\\_building\\_control/planning\\_policy/unitary\\_development\\_plan](https://go.walsall.gov.uk/language/en-us/planning_and_building_control/planning_policy/unitary_development_plan)

Walsall Site Allocations Document (SAD)

- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN1 Natural Environment Protection, Management and Enhancement

Policies are available to view online:

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

## 6.0 LEGAL IMPLICATIONS

- 6.1 Pursuant to section 171A (a) of the Town and Country Planning Act 1990 (as amended) the carrying out of development without the required planning permission or failing to comply with a condition or limitation subject to which planning permission has been granted constitutes a breach of planning control.
- 6.2 Section 171B adds that where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed. In respect of any other breach (such as change of use or breach of condition) no enforcement action may be taken after the end of the period of ten years from the date of the breach except where the breach of planning control consists of a change of use of any building to use as a single dwelling house, in which case a four-year period applies.
- 6.3 The local planning authority considers the breach of planning control that has occurred at this site commenced within the last 10 years.
- 6.4 Section 172 of the Town and Country Planning Act 1990 (as amended) provides that the local planning authority may issue an Enforcement Notice where it appears to them:
- (a) that there has been a breach of planning control; and
  - (b) that it is expedient to issue the notice, having regard to the development plan and to any other material considerations.
- 6.5 The breach of planning control is set out in this report. Members must decide whether it is expedient for the enforcement notice to be issued, taking into account the contents of this report.
- 6.6 Non-compliance with an Enforcement Notice constitutes an offence. In the event of non-compliance, the Council may instigate legal proceedings. Pursuant to section 178 of the Town and Country Planning Act 1990 (as amended):
- “Where any steps required by an enforcement notice to be taken are not taken within the period for compliance with the notice, the local planning authority may –
- (a) Enter the land and take the steps; and
  - (b) Recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.”

## **7.0 EQUAL OPPORTUNITY IMPLICATIONS**

- 7.1 Article 8 and Article 1 of the first protocol to the Convention on Human Rights state that a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedom of others. In this case, the wider impact of the development and its use overrules the owner's right to the peaceful enjoyment of his property.
- 7.2 The Equality Act 2010. The Council has had regard to its duties under the Equality Act 2010 and considers that the issue of the notice will not affect the exercise of those duties under S149 to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b). Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c). foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **8.0 ENVIRONMENTAL IMPACT**

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

## **9.0 WARD(S) AFFECTED**

Aldridge

## **10.0 CONSULTEES**

None.

## **11.0 CONTACT OFFICERS**

Richard Stokes – Planning Enforcement Officer  
[richard.stokes@walsall.gov.uk](mailto:richard.stokes@walsall.gov.uk), 01922 655786 or 652593

Arshad Mahmood – Senior Planning Enforcement Officer  
[arshad.mahmood@walsall.gov.uk](mailto:arshad.mahmood@walsall.gov.uk) 01922 655786 or 654085

## **12.0 BACKGROUND PAPERS**

Planning Ref: BC62331P  
Enforcement file E18/0407 not published.

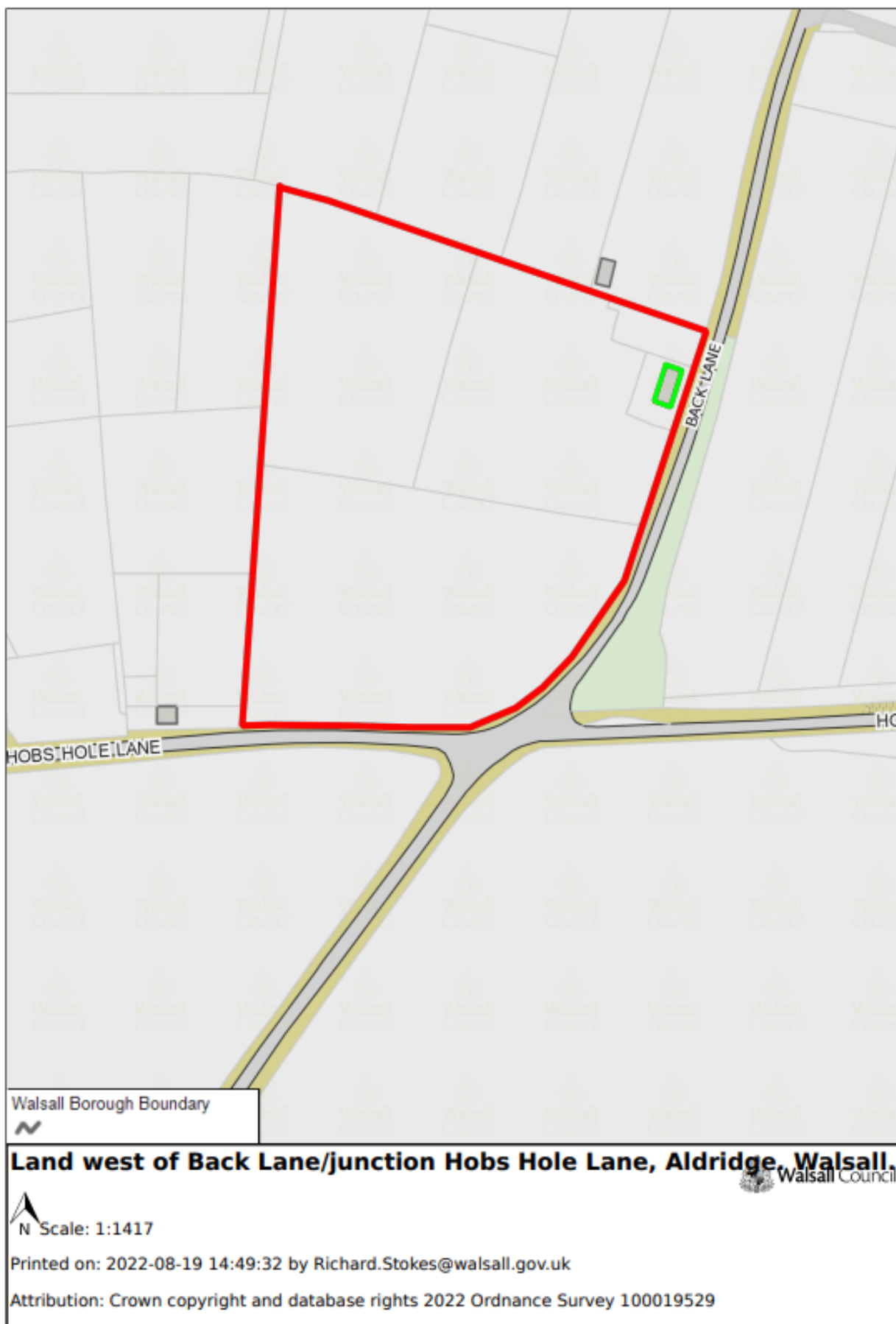
## **13.0 BACKGROUND AND REPORT DETAIL**

## Background

- 13.1 A plan showing the location of the site considered in breach of planning control is attached to this report.
- 13.2 The land subject of this report is a field west of Back Lane. The southern edge of the land is flanked by Hobs Hole Lane. It is designated green belt land.
- 13.3 Back lane is a narrow single track road, linking Hobs Hole Lane and the A452 Chester Road. It is largely 'unsurfaced'. It is flanked with trees and hedgerows and frequented by those seeking access to a nearby farm and the adjacent land, which is largely in use for agriculture and the keeping of horses.
- 13.4 On 11th November 2000, the LPA granted permission for a change of use of the land from *agricultural* to the *keeping of horses* (Planning Ref: BC62331P). The permission included the erection of a timber stable building in the north eastern corner of the land. Condition 4 of the permission reads *'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no horse boxes, caravans, vehicles or other structures shall be permanently parked on the site and no horse jumps shall be positioned on the site without the prior approval of a planning application.'*
- 13.5 On 21<sup>st</sup> November 2018, the LPA received a complaint that the land was being used for vehicle storage, repair and breaking.
- 13.6 As such, the case officer visited and found a stable in the north eastern corner of the site, together with several horses and associated equestrian equipment. However, the area immediately surrounding the stable building was littered with items including scrap vehicles, trailers, a caravan, engines, vehicle transmissions and running gear, together with associated automotive equipment and other waste reminiscent of a scrap yard. Engine oil deposits were/are visible on the ground.
- 13.7 Following an initial letter to the owner in November 2018, the owner carried out minimal tidying of the site. However, he continued to carry out vehicle dismantling.
- 13.8 The owner failed to respond to several telephone messages in 2019, until in February 2020 where the occupier stated he had received a new hip and lost his phone.
- 13.9 In June 2021, the case officer visited the land and found it still appeared to be a scrap/dismantling/storage yard and remained largely unaltered. He emailed the owner, highlighting the authorised Planning use and instructed the matter would be brought to the attention of Walsall Planning Committee.

- 13.10 In November 2021, the case officer met the owner leaving the site in a vehicle. The site was still in breach of Planning control as it remained largely unaltered. He stated 'life in general' and a 'bad back' have impeded his progress in clearing the site. Following the visit, the case officer wrote to the owner advising that the matter would be brought to the attention of Walsall Planning Committee.
- 13.11 During a site visit in July 2022, the case officer noted that in addition to the continued unauthorised use, an area of the land adjacent to the south of the structure, measuring approx. 14 x 5 metres had been recently hard surfaced. At its edge, 2 x posts (former telegraph poles) had been installed in the ground.
- 13.12 Enforcement action should be commensurate with the breach of planning control to which it relates. It will normally be inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to amenity. This is often referred to as the **expediency** test.
- 13.14 When assessing whether to instigate enforcement action the committee are advised that the following needs to be considered:
- i. the proposed action must be in the public interest
  - ii. the breach must be sufficiently harmful to justify taking action
  - iii. the proposed action must be reasonable and commensurate with the breach in planning control to which it relates
  - iv. the action undertaken should be cost effective
  - v. whether or not the development is in accordance with planning policies.
- 13.15 The unauthorised uses of the Land for storage, including scrap, vehicles, trailers and vehicle parts, are inappropriate and, when combined with the equipment and other paraphernalia associated with each of these uses, results in harm to the visual appearance and the openness of the Green Belt. Such uses would also be subject to mitigation measures (UDP ENV32 and JP8) to prevent adverse environmental impacts and such mitigation would itself result in further harm to the Green Belt. This is contrary to the fundamental aim of the Green Belt which is to prevent urban sprawl by keeping land permanently open. The unauthorised uses are therefore inappropriate in the Green Belt and no very special circumstances have been provided to justify support for this inappropriate development in the Green Belt. The continued use of the Land for the unauthorised uses also erodes the availability of agricultural land. Accordingly, the change of use is contrary to Policies ENV1 and ENV3 of the Black Country Core Strategy, saved policies GP2, ENV5, ENV6, ENV 7, ENV32 and JP8 of the Walsall Unitary Development Plan, policy GB1 of the Walsall Site Allocation Document and paragraphs 147-151 of the National Planning Policy Framework.
- 13.16 Therefore, the recommended enforcement action is considered expedient as the breaches are sufficiently harmful. The action is reasonable and commensurate with the breaches, cost effective and in accordance with planning policies.







**Land west of Back Lane/junction Hobs Hole Lane, Aldridge, Walsall,** Walsall Council

N Scale: 1:1417

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## **PLANNING COMMITTEE**

**Date: 8<sup>th</sup> September 2022**

### **REPORT OF HEAD OF PLANNING AND BUILDING CONTROL.**

**Address: 26 Lodge Road, Darlaston, Wednesbury, WS10 7RZ**  
**Reference no. E22/0099**

#### **1.0 PURPOSE OF REPORT**

- 1.1 To advise Members of ongoing issues and to request authority to pursue planning enforcement action against the following unauthorised departure from planning permission granted under 21/0038.
- a) Without planning permission, the introduction of a Box Dormer Extension, flush with the ridge of the roof at the rear of the property.
  - b) Without planning permission, an additional 1<sup>st</sup> floor flat roof rear extension has been constructed above the rear single storey extension.
  - c) Without planning permission the formation of a rear balcony with security rails.
  - d) Without planning permission the introduction of veranda attached to the rear ground floor extension.
  - e) Without planning permission the roof of the side extension has been built flush with the existing front elevation.
  - f) Without planning permission the introduction of two windows to the side extension.

- g) Without planning permission the introduction of a veranda to the side elevation of the side extension.
- h) Without planning permission the introduction of a flat roof and balcony with glass screening introduced to the 1<sup>st</sup> floor front elevation.
- i) Without planning permission the introduction of patio doors to the 1<sup>st</sup> floor front elevation providing access to the unauthorised front balcony.
- j) Without planning permission the introduction of a projecting canopy extended across the front elevation.
- k) Without planning permission the introduction of two Velux windows to the unauthorised canopy.
- l) Without planning permission the introduction of an alternative porch and entrance to the dwelling.
- m) Without planning permission the introduction of two Velux windows introduced to the principal elevation of the original roof plane.
- n) Without planning permission the introduction of grey roof tiles.
- o) Without planning permission the introduction of external cladding applied to the exterior of the building.
- p) Without planning permission the introduction of a hard surface area for parking cars to the front curtilage.
- q) Without planning permission the introduction of boundary wall erected to the front of the dwelling with pillars over 1 metre high.

## 2.0 RECOMMENDATIONS

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

## 3.0 DETAILS OF THE ENFORCEMENT NOTICE

### 3.1 The Breach of Planning Control

- a) Without planning permission, the introduction of a Box Dormer Extension, flush with the ridge of the roof at the rear of the property.
- b) Without planning permission, an additional 1<sup>st</sup> floor flat roof rear extension has been constructed above the rear single storey extension.
- c) Without planning permission the formation of a rear balcony with security rails.
- d) Without planning permission the introduction of a rear veranda attached to the rear ground floor extension.
- e) Without planning permission the roof of the side extension has been built flush with the existing front elevation.

- f) Without planning permission two windows have been introduced to the left-hand side elevation.
- g) Without planning permission the introduction of a veranda to the side elevation of the side extension.
- h) Without planning permission a flat roof balcony and glass screening introduced to the 1<sup>st</sup> floor front elevation.
- i) Without planning permission the introduction of patio doors to the first floor front elevation giving access to the unauthorised balcony.
- j) Without planning permission the introduction of a projecting canopy extended across the front elevation.
- k) Without planning permission the introduction of two Velux windows to the unauthorised front canopy.
- l) Without planning permission the introduction of an alternative porch and entrance to the dwelling
- m) Without planning permission the introduction of two Velux windows introduced to the principal elevation of the original roof plane.
- n) Without planning permission the introduction of grey roof tiles.
- o) Without planning permission the introduction of external cladding applied to the exterior of the building.
- p) Without planning permission the introduction of a hard surface area for parking cars to the front curtilage.
- q) Without planning permission the introduction of boundary wall erected to the front of the dwelling with pillars over 1 metre high.

### 3.2.1 Steps required to remedy the breach:

In respect of (a-d) above:

Demolish the rear box dormer, rear first floor extension, rear balcony and associated railings and rear veranda attached to the ground floor rear extension. Introduce the dual pitch dormer, below the ridge of the existing roof in accordance with planning permission 21/0038 drawing no. C433/Rev B dated 31/03/2021.

Introduce the small rear dormer with obscure glazed, rear facing window to serve the bathroom as depicted in the approved planning application 21/0038 drawing no. C433/Rev B dated 31/03/2021.

Entirely remove all associated materials resulting from the required demolition from the site to a place identified as a licensed facility.

In respect of (e-g) above, reduce and set back the roof height of the side elevation from the front of the dwelling as depicted in the approved planning application 21/0038 drawing no. C433/Rev B dated 31/03/2021.

Remove the veranda attached to the ground floor side extension.

Remove the windows introduced to the side extension.

Ensure the side extension is built in accordance with the original, matching materials of the original dwelling in accordance with the approved planning application 21/0038.

Entirely remove all associated materials resulting from the required demolition from the site to a licensed facility.

In respect of (h-n) above,

Demolish the flat roof balcony and associated glass screening introduced to the 1<sup>st</sup> floor front elevation, remove the Patio doors introduced to the 1<sup>st</sup> floor front elevation to be replaced with windows in the manner depicted on the approved plans 21/003, drawing no. C433/Rev B.

Demolish the porch attached to the front of the dwelling to be replaced with the porch in the manner depicted on the approved plans 21/003, drawing no. C433/Rev B.

Remove the canopy from the front of the dwelling. Introduce the canopy to the correct position above the porch as in accordance with the approved planning application 21/0023, drawing no. C433/Rev B dated 31/03/2021.

Entirely remove all associated materials resulting from the required demolition from the site to a licensed facility.

In respect of (o) above,

Remove the external cladding applied to all external surfaces of the dwelling.

Return the exterior of the dwelling to the original brickwork in accordance with planning permission 21/0038.

Entirely remove all associated materials resulting from the required removal of the external cladding from the site to a licensed facility.

In respect of (p) above,

Reduce the surface area of the hard standing on the front of the curtilage to not exceeding 5 square metres in order to comply with schedule 2, Part 1, Class F of



the Town & Country Planning (General Permitted Development) (England) Order 2015.

Entirely remove all associated materials resulting from the required demolition from the site to a licensed facility.

In respect of (q) above,

Reduce the height of the boundary walls and pillars on the front of the curtilage to not exceeding 1 metre in height to comply with schedule 2, Part 2, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015.

Entirely remove all associated materials resulting from the required demolition from the site to a licensed facility.

### 3.3 Period for compliance:

**5 months from when the notice takes effect** - to undertake the works as set out in paragraph 3.2

### 3.4 The reasons for taking enforcement action:

#### **In respect to works undertaken to the principal elevation;**

(a), the front balcony and patio doors to give access to the balcony are considered a dominant and incongruous addition to the street scene which presents a substantial and domineering vantage point to frontal amenity spaces of neighbouring properties and properties across the road and further down each side of the street. Thus, having a significant detrimental aspect to the street scene, currently characterised either by largely open plan front gardens, parking spaces for private cars and generally low-level front enclosures of either dwarf type brick walls or hedges. Condition 2 of the approved planning application 21/0038 states *'The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans, details and documents: Site and Block Plan, drawing no. C433/002 Rev B submitted 31/03/2021 and Proposed Plans and Elevations, drawing no. C433 Rev B submitted 31/03/2021'*. The reason being *'to ensure 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)'*. The balcony does not fall under the description of permitted development on the grounds that, The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 1 Class B (*additions etc to the roof of a dwellinghouse*) states Development Not Permitted B.1 (e) it would consist of or include (i) the construction or provision of a veranda, balcony or raised platform.

(b) The external cladding presents a visually dominant, overbearing impact, detrimental to the street scene and fails to maintain a sympathetic relationship with the adjoining property. It was not approved as part of the planning application 21/0038 where condition 3 clearly states *'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 rear flat roof shall be constructed from a single ply membrane and the facing materials shall be retained thereafter for the lifetime of the*



development' The external cladding does not constitute permitted development as described in The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 1 Class A.3 *Development is permitted by Class A subject to the following conditions* (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The result is a visually prominent and intrusive aspect, causing harm to the character of the site itself and wider area, and to the significance of the neighbouring properties.

(c) The porch and canopy to the principal elevation deviate significantly from the approved planning application 21/0038. Condition 2 of the approved planning application 21/0038 states 'The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans, details and documents: Site and Block Plan, drawing no. C433/002 Rev B submitted 31/03/2021 and Proposed Plans and Elevations, drawing no. C433 Rev B submitted 31/03/2021. According to drawing no. C433 Rev B. The canopy was proposed to project from the front of the dwelling above the porch, covering 50% of the front elevation of the proposed side extension with a window situated above (where patio doors have been installed), on the front facing elevation of the side extension to enable light to enter a room identified on the plans as a bedroom.

(d) the introduction of boundary wall erected to the front of the dwelling with pillars over 1 metre high did not form part of the approved planning application. They do not comply with the conditions stipulated in The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 2 Class A.1 *Development is not permitted by Class A if* (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed (ii) 1 metre above ground level.

#### **In respect to the works undertaken to the rear elevation;**

(a), the box dormer is projecting from the ridge line of the roof at the rear of the dwelling. Its appearance is as a rectangular block which is incongruous with the character of the dwelling and provides no architectural merit in its design or function. It is providing access to the rear balcony and therefore contributes to the harm of the neighbouring amenity spaces and privacy related to the enjoyment of the neighbouring amenity spaces. The box dormer fails to comply with Condition 2 of the approved planning application 21/0038 which states 'The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans, details and documents: Site and Block Plan, drawing no. C433/002 Rev B submitted 31/03/2021 and Proposed Plans and Elevations, drawing no. C433 Rev B submitted 31/03/2021. The box dormer does not correspond with the description provided in The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 1, Class B *The enlargement of a dwellinghouse consisting of an addition or alteration to its roof* B.2. *Development is permitted by class B subject to the following conditions* – materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the dwelling house.

(b) the balcony introduced to the unauthorised first floor rear extension above the single storey rear extension is considered a dominant and incongruous addition to the rear of the dwelling which presents a substantial and domineering vantage point to neighbouring rear amenity spaces. Thus, having a significant detrimental impact to the enjoyment of the neighbouring amenity spaces and privacy related to the enjoyment of the neighbouring amenity spaces. The balcony does not fall under the description of permitted development on the grounds that The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 1 Class B (*additions etc to the roof of a dwellinghouse*) states Development Not Permitted B.1 (e) it would consist of or include (i) the construction or provision of a veranda, balcony or raised platform.

(c) the rear canopy attached to the rear extension does not comply with the description of permitted development by virtue of not being attached to the rear wall of the original dwellinghouse as identified in The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 1 Class A (*the enlargement, improvement or other alteration of a dwelling house*). Development Not Permitted A1 (f) (i) the enlarged part of the dwelling house would have a single storey and extend beyond the rear wall of the original dwellinghouse by more than 3 metres.

(d) grey roof tiles have been introduced to the roof of the dwelling replacing the original orange/red roof tile. The re-tiling of the roof does not correspond with the approved development in planning application 21/0038 drawing no. C433/004/Rev B, Condition 3 clearly states '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 rear flat roof shall be constructed from a single ply membrane and the facing materials shall be retained thereafter for the lifetime of the development' The reason being to ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan. Neither does it correspond with the description provided in The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 1, Class B, B.2. *Development is permitted by class B subject to the following conditions – materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the dwelling house.* Furthermore, it is visually intrusive, fails to maintain a sympathetic relationship with the adjoining property, causing harm to the character of the area and subsequently has a detrimental aspect on the uniformity of the street scene.

#### **In respect to the works undertaken to the side elevation;**

(a) planning permission 21/0038 drawing no C433/004/Rev B approved the introduction of the two storey side extension. However, the roof line and front elevation were clearly set back from the frontage. Whilst it is acknowledged that the front elevation of the side extension has been set back, this has been undertaken to facilitate the introduction of an unauthorised balcony. The roof line for the side extension has been constructed flush with the original roof line of the house therefore presenting no distinction between original and additional building works.

(b) Two windows introduced to the side extension were not depicted in the approved planning application 21/0038 drawing no C433/004/Rev B. Condition 4 of the approved

planning application clearly states 'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revising, revoking or succeeding that Order with or without modification, no side facing windows, doors or other openings other than those shown on the approved plans, shall be installed in any part of the development'. The reason for this condition is to safeguard the amenities of the occupiers of the adjoining premises and to comply with the saved policy GP2 of the Walsall's Unitary Development Plan

(c) The introduction of the veranda to the side extension does not comply with the description of permitted development by virtue of not being attached to the wall of the original dwellinghouse as identified in The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 1 Class A (*the enlargement, improvement or other alteration of a dwelling house*). Development Not Permitted A1 (k) it would consist of or include (i) the construction or provision of a veranda, balcony or raised platform.

For these reasons the development undertaken is considered contrary to the guidelines of the NPPF and the requirements of ENV2 and ENV3 of the Black Country Core Strategy (2011) and saved policies 3.6, GP2 and ENV32 of the Walsall Unitary Development Plan (2005), and is also not consistent with DW3 and DW9 of the Designing Walsall Supplementary Planning Document.

Members are requested to note that the option of the submission of a retrospective planning application for the retention of the unauthorised works has been considered. However, such is the level of harm to the dwelling, the immediate neighbouring properties and the street scene in general that it would be futile to request the alterations be regularised through the planning process as it is believed that the unauthorised works are significantly contrary to the Local Authorities Policies and the National Planning Policy Framework.

Permitted development rights do not provide scope for the works that have been undertaken at 26 Lodge Road as has been previously explained. In this instance, it is considered that a large part of the harm caused by the unauthorised works arises from the effect the unauthorised balconies, extensions and external cladding, not only across the frontage, but the side and rear and is considered excessive and detrimental to the neighbouring properties and the street scene as a whole.

To that end, a limited reduction or alteration of the unauthorised development would unlikely restore sufficient visual amenity in the street scene. Furthermore, it would not restore a balance the amenity of the neighbouring dwellings. The requirements of an enforcement notice seeking partial removal of the unauthorised works would likely be unworkable. For these reasons it is considered that demolition to ground level achieves is a simpler solution whilst still being proportionate to the harm. This would enable the owner of 26 Lodge Road the opportunity to implement the approved planning permission 21/0038 within the remaining timescale of the date planning permission was granted. It would not be feasible to count the unauthorised works as implementing the planning permission within 3 years of the approved date due to the fact that the unauthorised works undertaken did not reflect the approved planning application and therefore planning permission was not implemented.

#### 4.0 FINANCIAL IMPLICATIONS

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

#### 5.0 POLICY IMPLICATIONS

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

##### 5.1 National Planning Policy Framework (NPPF) [www.gov.uk](http://www.gov.uk)

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

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

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

Key provisions of the NPPF relevant in this case:

- NPPF 12 – Achieving well-designed places
- NPPF 4 – Decision making

58. Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

## 5.2 Local Policy

### Black Country Core Strategy

- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality

### Saved Unitary Development Plan policies

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

### Designing Walsall SPD

Policies are available to view online:

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

- DW3: Character
- DW9: High Quality Public Realm

## 6.0 LEGAL IMPLICATIONS

- 6.1 Pursuant to section 171A (a) of the Town and Country Planning Act 1990 (as amended) the carrying out of development without the required planning permission or failing to comply with a condition or limitation subject to which planning permission has been granted constitutes a breach of planning control.
- 6.2 Section 171B adds that where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed. In respect of any other breach (such as change of use or breach of condition) no enforcement action may be taken after the end of the period of ten years from the date of the breach except where the breach of planning control consists of a change of use of any building to use as a single dwelling house, in which case a four-year period applies.
- 6.3 The local planning authority considers the breach of planning control that has occurred at this site commenced within the last 4 years.
- 6.4 Section 172 of the Town and Country Planning Act 1990 (as amended) provides that the local planning authority may issue an Enforcement Notice where it appears to them:
- (a) that there has been a breach of planning control; and
  - (b) that it is expedient to issue the notice, having regard to the development plan and to any other material considerations.

- 6.5 The breach of planning control is set out in this report. Members must decide whether it is expedient for the enforcement notice to be issued, taking into account the contents of this report.
- 6.6 Non-compliance with an Enforcement Notice constitutes an offence. In the event of non-compliance, the Council may instigate legal proceedings. The Council may also take direct action to carry out works and recover the costs of those works from the person on whom the Enforcement Notice was served. Any person on whom an Enforcement Notice is served has a right of appeal to the Secretary of State.

## **7.0 EQUAL OPPORTUNITY IMPLICATIONS**

- 7.1 Article 8 and Article 1 of the first protocol to the Convention on Human Rights state that a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedom of others. In this case, the wider impact of the development and its use overrules the owner's right to the peaceful enjoyment of his property.
- 7.2 The Equality Act 2010. The Council has had regard to its duties under the Equality Act 2010 and considers that the issue of the notice will not affect the exercise of those duties under S149 to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b). Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c). foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **8.0 ENVIRONMENTAL IMPACT**

The enforcement action will improve the visual amenities of the environment and protect the amenities of the surrounding neighbours.

## **9.0 WARD(S) AFFECTED**

- 9.1 Darlaston South

## **10.0 CONSULTEES**

- 10.1 None

## **11.0 CONTACT OFFICERS**

- 11.1 Richard Saunders - Enforcement Officer  
11.2 Arshad Mahmood – Planning Enforcement Manager



## 12.0 BACKGROUND PAPERS

- 12.1 Planning Application 21/0038  
Enforcement file E22/0099 not published.

### **PLANNING COMMITTEE**

**DATE: 8<sup>th</sup> September 2022**

## 13.0 BACKGROUND AND REPORT DETAIL

- 13.1 A plan showing the location of the site considered in breach of planning control is attached to this report.

- 13.2 Number 26 Lodge Road is a semi-detached house. Front access is afforded via Lodge Road.

- 13.3 In April 2022, the Council received a complaint that the owner of a residential property at 26 Lodge Road had began to develop the boundary treatment different to that stated on the approved plan.

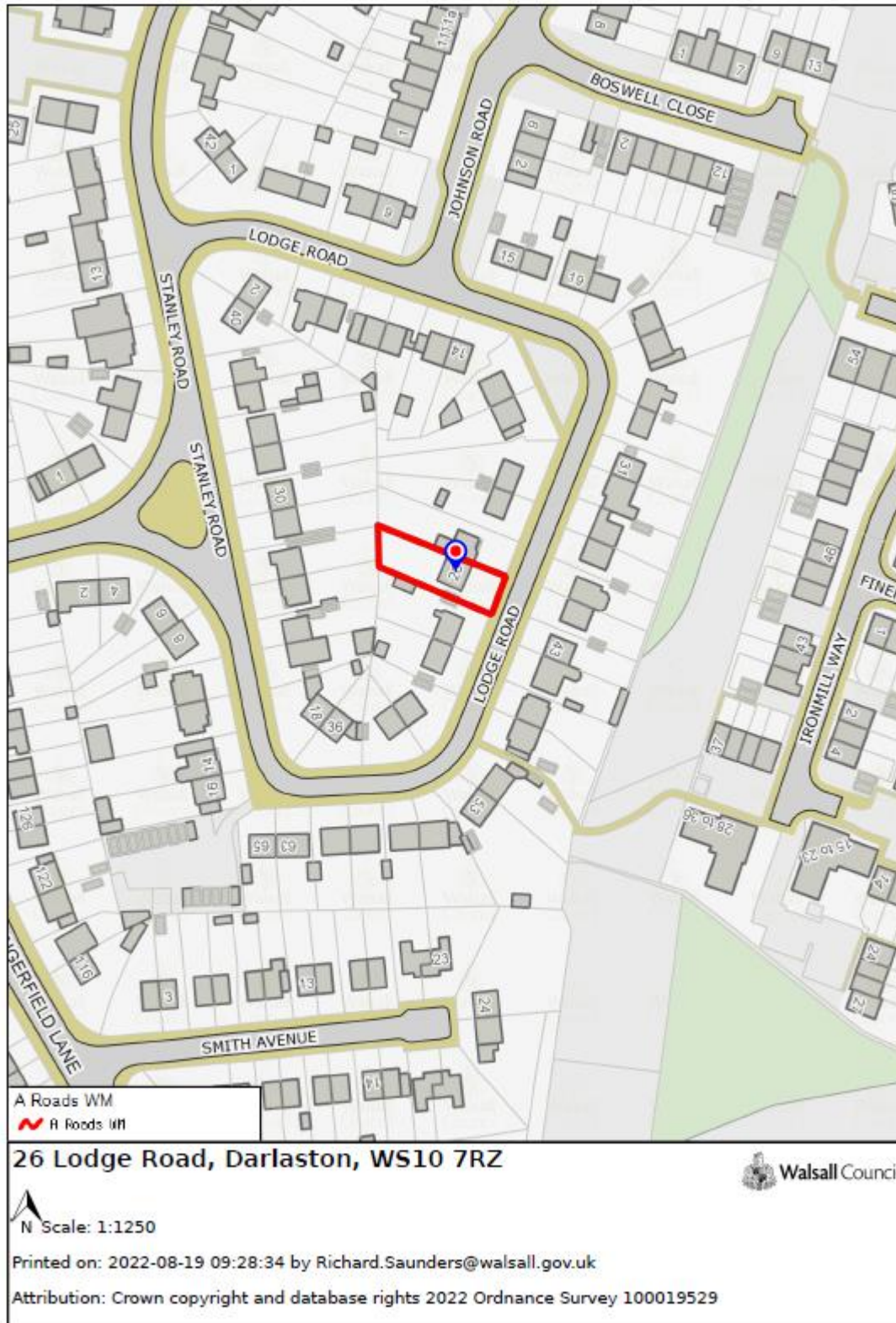
- 13.4 On 7<sup>th</sup> July 2022, the Local Planning Authority visited 26 Lodge Road taking digital images of the site, including the land surrounding.

- 13.5 On visiting the premises and reviewing images it was immediately apparent that the owner has built extensions to the dwelling significantly different in place of the agreed extensions stated on the agreed planning permission ref 21/0038. The owner and the builder who were present were advised to cease work and to remove the unauthorised structures and comply with the approved planning permission (ref 21/0038).

- 13.6 On 26<sup>th</sup> July 2022, the Local Planning Authority wrote to the owner explaining the works were unauthorised and setting out actions required to remedy the breach including demolition of the unauthorised works. It was agreed that the submission of a retrospective planning application for consideration would be unlikely to be approved due to the significant harm caused to the neighbouring properties.

- 13.7 On 9<sup>th</sup> August 2022, the Local Planning Authority had a telephone conversation with the agent representing the owner. It was confirmed that Enforcement Action would be pursued due to the direct breach of the approved planning permission. Advice was given that a retrospective planning application for the retention of the unauthorised works was not likely to be successful given the harm arising to the neighbouring properties and the character of the area.
- 13.8 Enforcement action should be commensurate with the breach of planning control to which it relates. It will normally be inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to amenity. This is often referred to as the **expediency** test.
- 13.10 When assessing whether to instigate enforcement action the committee are advised that the following needs to be considered:
- i. the proposed action must be in the public interest
  - ii. the breach must be sufficiently harmful to justify taking action
  - iii. the proposed action must be reasonable and commensurate with the breach in planning control to which it relates
  - iv. the action undertaken should be cost effective
  - v. whether or not the development is in accordance with planning policies.
- 13.11 The unauthorised works form a significant feature, are visually prominent and intrusive, causing harm to the character of the site itself and wider area. For these reasons the unauthorised works are considered contrary to the guidelines of the NPPF and the requirements of ENV2 and ENV3 of the Black Country Core Strategy (2011) and saved policies 3.6, GP2 and ENV32 of the Walsall Unitary Development Plan (2005) and is also not consistent with DW3 and DW9 of the Designing Walsall Supplementary Planning Document.
- 13.12 Therefore, the recommended enforcement action is considered expedient as the breaches are sufficiently harmful. The action is reasonable and commensurate with the breaches, cost effective and in accordance with planning policies.







## Development Management Planning Committee

Report of Head of Planning and Building Control on 08/09/2022

### CONTENTS

Item	Planning Application Number	Planning Application Site Address	Planning Application Proposal	Officer Recommendation
1	22/0254	LAND OFF THE GREEN, ALDRIDGE  <b>Ward:</b> Aldridge Central And South	ERECTION OF 49 RETIREMENT LIVING APARTMENTS FOR OLDER PEOPLE (COMPRISING 34. NO 1-BED AND 15 NO. 2-BEDS) INCLUDING COMMUNAL FACILITIES, ACCESS, CAR PARKING AND LANDSCAPING; AND THE RECONFIGURATION OF THE COMPASS SUITES CAR PARK TO PROVIDE 50 SPACES.	REFUSE
2a	22/0279	ALDRIDGE MANOR, LITTLE ASTON ROAD, ALDRIDGE, WALSALL, WS9 8NJ  <b>Ward:</b> Aldridge Central And South	ALTERATIONS TO THE MANOR HOUSE TO FORM EIGHT RESIDENTIAL FLATS. ALSO, THE DEMOLITION OF A GARAGE AND ACTIVITY HALL IN THE CURTILAGE OF THE SITE, ASSOCIATED CAR	REFUSE.

			PARKING, HARD AND SOFT LANDSCAPING.	
2b	22/0282	<p>ALDRIDGE MANOR, LITTLE ASTON ROAD, ALDRIDGE, WALSALL, WS9 8NJ</p> <p><b>WARD:</b> ALDRIDGE CENTRAL AND SOUTH</p>	<p>LISTED BUILDING CONSENT APPLICATION FOR ALTERATIONS TO THE MANOR HOUSE TO FORM EIGHT RESIDENTIAL FLATS. ALSO, THE DEMOLITION OF A GARAGE AND ACTIVITY HALL IN THE CURTILAGE OF THE SITE. ASSOCIATED CARPARKING, HARD AND SOFT LANDSCAPING.</p>	<p>PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING &amp; BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO;</p> <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> <li>• SECURING AMENDED FLOOR PLANS AND ELEVATIONS ILLUSTRATING THE REMOVAL OF BEDROOM 3 OF FLAT 6, INCLUDING THE INTERNAL PARTITIONS AND THE NEW WINDOW;</li> <li>• SECURING AMENDED LANDSCAPE PROPOSALS PLAN, SHOWING SEMI MATURE HEDGE PLANTING TO SCREEN THE</li> </ul>

				PROPOSED BOUNDARY BETWEEN ALDRIDGE MANOR AND THE MASONIC LODGE AND TO THE PRIVATE GARDEN FRONTING LITTLE ASTON ROAD.
3	20/1515	<p>WALSALL DEAF PEOPLES CENTRE, 59A, LICHFIELD STREET, WALSALL, WS4 2BX</p> <p><b>Ward:</b> St Matthews</p>	CONVERSION OF THE EXISTING SEMI DETACHED BUILDING TO INCLUDE 2 NO. 2 BEDROOM APARTMENTS AND A NEW 3 STOREY BUILDING TO THE REAR WITH 3 NO. 2 BEDROOM APARTMENTS AND 9 NO. 1 BEDROOM APARTMENTS ALONG WITH THE PROVISION OF 14 OFF-STREET PARKING SPACES.	REFUSE
4	22/0388	<p>GREEN LANE CAMPUS, WALSALL COLLEGE, LONG ACRE STREET, WALSALL, WS2 8HX</p> <p><b>Ward:</b> Birchills Leamore</p>	FRONT EXTENSION TO EXISTING COLLEGE BUILDING, ON THREE FLOORS.	<p>PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING &amp; BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO</p> <ul style="list-style-type: none"> <li>• THE AMENDMENT AND FINALISING OF CONDITIONS; AND</li> <li>• OVERCOMING THE OUTSTANDING LOCAL HIGHWAY</li> </ul>

				AUTHORITY CONCERNS.
5	21/1400	70, LICHFIELD ROAD, WALSALL, WS4 2DL  <b>Ward:</b> St Matthews	REPLACEMENT 6 BEDROOM DETACHED DWELLING AND SINGLE STOREY DETACHED REAR OUTBUILDING	<p>PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING &amp; BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO:</p> <ul style="list-style-type: none"> <li>• THE AMENDMENT AND FINALISING OF CONDITIONS;</li> <li>• OVERCOMING THE OUTSTANDING CONCERNS RAISED BY THE TREE OFFICER</li> <li>• APPLICANT TO PROVIDE AMENDED PLANS FOR THE OUTBUILDING</li> <li>• APPLICANT TO PROVIDE AMENDED PLANS IN RELATION TO THE VEHICULAR PARKING AND ACCESSES</li> <li>• APPLICANT TO PROVIDE PLANS DETAILING THE FRONT BOUNDARY TREATMENT, WHICH IS TO BE NO HIGHER THAN 1.5 METRES WHEN MEASURED FROM THE PAVEMENT SURFACE ILLUSTRATING RAILINGS, BRICK</li> </ul>

				<p>PILLARS AND GATES TO TAKE INTO ACCOUNT THE PROTECTED TREES AND THE REQUIRED PEDESTRIAN VISIBILITY SPLAYS.</p> <ul style="list-style-type: none"> <li>• APPLICANT TO PROVIDE CONSTRUCTION DETAILS OF THE FRONT BOUNDARY TREATMENT ILLUSTRATING HOW THE BOUNDARY TREATMENT MINIMISES IMPACTS TO ANY OF THE PROTECTED TREES AND THEIR ROOT SYSTEMS</li> </ul>
6	22/0652	<p>90, SANDRINGHAM AVENUE, WILLENHALL, WV12 5SX</p> <p><b>Ward:</b> Willenhall North</p>	<p>SINGLE STOREY FRONT EXTENSION AND CONVERSION OF THE EXISTING GARAGE WITH NEW DUAL PITCHED ROOF. (AFFECTS SETTING PUBLIC FOOTPATH WILL31).</p>	<p>GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS</p>
7	22/0641	<p>27, LODGE ROAD, PELSALL, WALSALL, WS4 1DE</p> <p><b>Ward:</b> Rushall-Shelfield</p>	<p>TWO STOREY AND SINGLE STOREY REAR EXTENSION PLUS NEW HIPPED ROOF OVER EXISTING FLAT ROOF SIDE EXTENSION</p>	<p>PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING &amp; BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO THE AMENDMENT AND</p>

				FINALISING OF CONDITIONS.
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## Planning Committee

Report of Head of Planning and Building Control on 08 September 2022

Plans List Item Number: 1

### Reason for bringing to committee

The applicant has appealed to the Planning Inspectorate against non-determination of the planning application. The Planning Authority is seeking a resolution from Members of the Planning Committee on how they would have otherwise determined the application. The resolution will be forwarded to the Planning Inspectorate and will form part of the Council's appeal documents.

### Application Details

**Location:** LAND OFF THE GREEN, ALDRIDGE

**Proposal:** ERECTION OF 49 RETIREMENT LIVING APARTMENTS FOR OLDER PEOPLE (COMPRISING 34. NO 1-BED AND 15 NO. 2-BEDS) INCLUDING COMMUNAL FACILITIES, ACCESS, CAR PARKING AND LANDSCAPING; AND THE RECONFIGURATION OF THE COMPASS SUITES CAR PARK TO PROVIDE 50 SPACES.

**Application Number:** 22/0254

**Case Officer:** Sally Wagstaff

**Applicant:** Churchill Retirement Living Ltd.

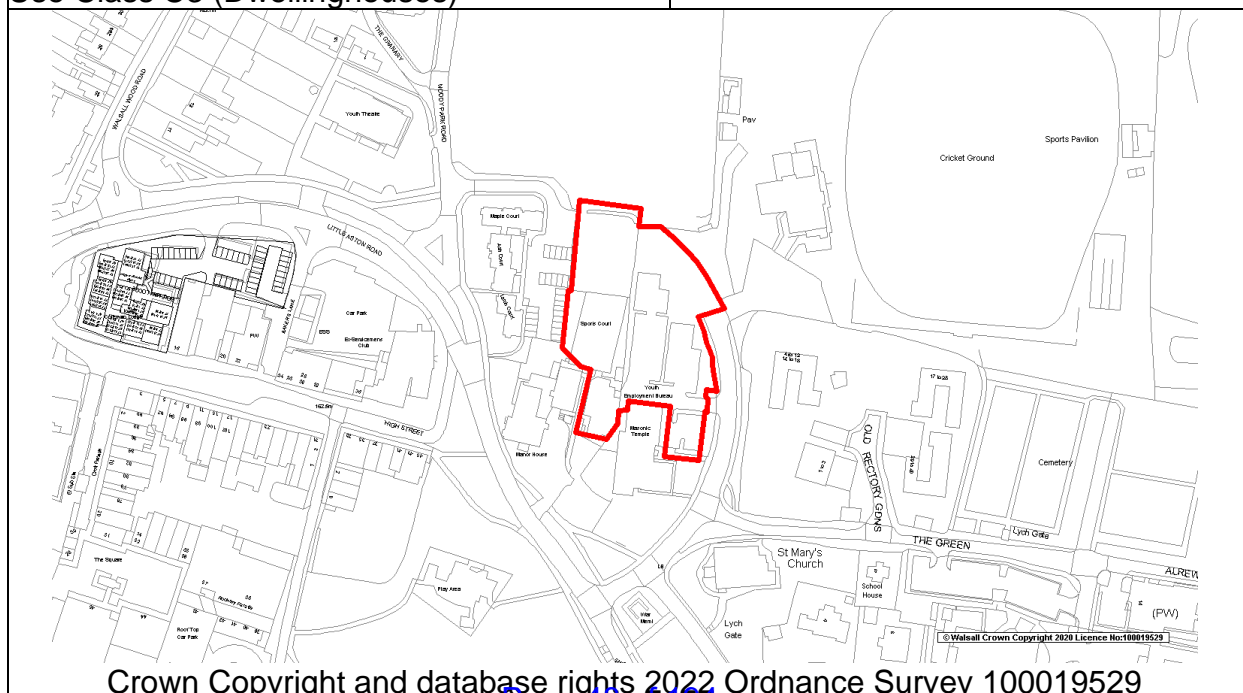
**Ward:** Aldridge Central And South

**Agent:** Ziyad Thomas

**Expired Date:** 24-May-2022

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

**Time Extension Expiry:**





## Recommendation:

- Refuse

## Proposal

The proposal relates to redevelopment of the site for 49 retirement living apartments (comprising 34 no. one bedroom apartments and no. 15 no. two-bedroom apartments) including communal facilities, access, car parking and landscaping.

The proposal includes 17 car parking spaces to be provided on site for the retirement apartments which would be accessed off The Green.

The application also seeks consent to reconfigure Compass Suites car park to provide 50 car parking spaces for the Compass Suites building.

The proposed extra care retirement apartments would be accommodated in a single s-shaped building positioned to the rear of the Aldridge Compass Suites and east of Aldridge Manor House. The building would be three stories in height, approximately 8.6 metres to the eaves 9.9 metres to the highest ridge. The design of the building is traditional, reflecting traditional Georgian and Victorian Villas with a pitched roof.

To the south of the proposed building would be the car park for the retirement apartments. A buggy store and substation are also proposed with the car park.

There is a communal terrace and landscape garden to the east of the site.

The building would provide the following residential accommodation.

### Ground Floor:

11 units x 1bedroom

4 units x 2bedroom

### First Floor

12 units x 1bedroom

5 units x 2 bedrooms

## Second Floor

11 units x 1 bedroom

6 units x 2 bedrooms

The applicant submitted amended plans/additional information on 16th July 2022 after receiving responses from consultees. The changes made are summarised as follows:

- Ridge height revised from 10.7 metres to 9.9 metres by reducing roof pitch.
- Revising the boundary treatment to the south of the site from timber fencing to post and railing, also increasing the landscaping on site.
- Brick window headers have been provided on all elevations and brick window, brick banding omitted on western elevation only
- Balconies over communal owners lounge and the patio on the south eastern elevation have been omitted

The appeal relating to the current application was lodged on 21st July 2022 against non-determination of the application Public Inquiry set for the 1st-8th November 2022.

A duplicate planning application was received on 27th July 2022 on the application site for: *Erection of 49 retirement living apartments for older people (comprising 34. no 1-bed and 15 no. 2-beds) including communal facilities, access, car parking and landscaping; and, the reconfiguration of the Compass Suites car park to provide 50 spaces.* The duplicate application is currently going through the consultation process with a determination date of the 26th October 2022.

## **Site and Surroundings**

The proposals are located to the rear of Aldridge Manor House which is a Grade II Listed Building fronting Little Aston Road and to the rear of Compass Suites. The application site includes the sports land to the rear of Aldridge Manor House and the car park to Compass Suites

The site also has a boundary with The Green, St Mary's Church, The Old Rectory and Aldridge War Memorial which are all Listed Buildings and the entire site falls within Aldridge Conservation Area.

Aldridge Manor House is a three storey Grade II listed building. It has a single storey flat roof element adjacent the boundary of the site on Little Aston Road and a three storey rear wing. On the front elevation is a flat roof portico with double iconic columns.

Aldridge Manor House is accessed from a driveway located off the eastern side of Little Aston Road either side of which there are large open areas of grass verge. There is a 1.2m high wall around the site perimeter of the Aldridge Manor House fronting Little Aston Road that returns in front of the Aldridge Manor House.

The Aldridge Manor House has been extended towards the rear (north) with single storey extensions.

To the east of the Aldridge Manor House is a single storey pitched roof building, at the rear of which are sports grounds. To the rear of the fenced off sports ground is a parcel of open space which is enclosed by trees and other vegetation. Adjacent this building there is a ramped access to the sports ground.

The site of Aldridge Manor House is currently the subject of Full Planning Application and associated Listed Building Application for: *Alterations to the Manor House to form eight residential flats. Also, the demolition of a garage and activity hall in the curtilage of the site, associated car parking, hard and soft landscaping.* These applications are being presented to this Planning Committee and are elsewhere on this agenda.

Beyond the site boundary to the north is designated Green Belt.

There are double yellow lines and zig zags along Little Aston Road and a signalised pedestrian crossing point. On the opposite side of Little Aston Road is Aldridge District Centre and the primary shopping area approximately 50 metres from the site.

The Compass Suites is a large brick built building flat roofed fronting The Green and with a hipped roof at the rear. The Compass Suites car park is accessed off The Green. To the east of Compass Suites is Rectory Gardens, a residential cul-de-sac of two blocks of two storey properties.

To the west of the site a development of three storey residential block of with flat roof and buff coloured brickwork, they are known as Larch Court, Maple Court and Ash Court. The car park of this development sits adjacent the application site and there is a boundary wall in excess of 2m high separating this development from the application site.

The site is within an accessible location with public transport links to Walsall Town Centre and other areas within the borough.

### **Relevant Planning History**

22/1072 - Erection of 49 retirement living apartments for older people (comprising 34. no 1-bed and 15 no. 2-beds) including communal facilities, access, car parking and landscaping; and, the reconfiguration of the Compass Suites car park to provide 50 spaces. Duplicate application received on 27th July 2022, Valid 27th July 2022. Consultation period ends on 7th September 2022. Date for determination 26th October 2022.

20/0103 – Redevelopment of Land off Little Aston Road, Aldridge, comprising: demolition of ancillary buildings, erection of 478 Extra Care Retirement Apartments (use class C2), conversion of Aldridge Manor House to create 7 flats (use Class C3), Erection of 3 dwelling houses (Use Class C3) and realignment of car parking spaces at Aldridge Masonic Hall. Refused 10/02/2021. Reasons for refusal:

*1. The proposed extra care development by ways of its design, scale and mass fails to respect the setting of the Listed Buildings and the open character of Aldridge Conservation Area. The application is contrary to NPPF paragraphs 56, 57, 58, 64, BCCS Policies ENV2 and ENV3 and UDP Policies ENV27 and ENV32.*

*2. The design, scale and location of the terraced properties fails to respect the setting of the Listed Building and to enhance the overall development. The application is contrary to NPPF paragraphs 127, 130, 192, 193, 194, 196 & 200, BCCS Policies ENV2 and ENV3 and UDP Policies ENV27 and ENV32.*

*3. The application fails to provide a satisfactory level of amenity to occupiers of the development, in particular: - Inadequate outdoor amenity space has been provided within the site; - The extra care development, due to its height and proximity to the proposed terraced properties has the potential to result in the overlooking of the rear gardens and, together with the nearest terraced property having a reduced level of amenity, loss of privacy. The application is contrary to the Core Planning Principles of the NPPF, UDP Policy GP2 and Appendix D of the Designing Walsall SPD.*

*4. The applicant has failed to provide the necessary financial contribution towards Open Space, contrary to the NPPF paragraph 203, BCCS Policy DEL1, UDP Policies GP3 and LC1 and the Open Space SPD.*

*5. The applicant has failed to provide the necessary affordable housing and financial contribution. The application is contrary to the NPPF paragraph 62 and 64, Policy H4 of the UDP, BCCS policy HOU3 and the Affordable Housing SPD.*

*6. The applicant has failed to demonstrate satisfactory means of drainage, therefore concerns are raised with regards to the potential risk of creating or exacerbating a flooding problem in the local area. The application is contrary to NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.*

*7. The applicant has failed to demonstrate satisfactory protection of high quality trees within the Conservation Area. The application is contrary to saved Policy ENV18 of the UDP, Conserving Walsall's Natural Environment SPD and Walsall Site Allocation Document policy EN5.*

*8. The applicant has failed to adequately demonstrate that the local bat population is protected. The application is contrary to NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 and policies NE1 to NE6 of the Natural Environment SPD.*

**09/1294/OL- Outline: Erection of 6 x 2 bed apartments in two blocks, three storeys high (access and layout to be determined) – Refused 20/11/2009. Reasons for refusal:**

1. *The proposed layout of the development would appear cramped with the position of the building in close proximity to the existing trees around the perimeter of the site.*

*This would result in loss of trees of amenity value and pressure from occupiers to remove remaining trees detrimental to the character and appearance of the*

*Aldridge Conservation Area. Furthermore, the proposed layout would be detrimental to amenities of future occupiers due to the proximity of the building and shared amenity space to the retained trees that would create overshadowing and the poor outlook onto the car parking areas at the south of the building. The proposal*

*therefore fails to create a high quality living environment, well integrated with surrounding land uses and local character and is contrary to policies GP2, ENV18,*

*ENV29, ENV32, H3 and H10 of Walsall Unitary Development Plan and to*

*Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.*

2. *The proposals fail to demonstrate how adequate visibility at the entrance to the access in a southerly direction can be achieved within the site boundary or how the access can be graded to address the difference in levels in order to achieve inclusive mobility. There are also no details of covered, secure and illuminated cycle parking facilities or disabled parking bays within the layout. The proposals therefore fail to provide adequate access and parking facilities contrary to policies GP2, H10,*

*1, T7 and T13 of the Walsall Unitary Development Plan and to Supplementary Planning Document: Designing Walsall.*

## **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 7 – Ensuring the vitality of town centres**
- **NPPF 9 – Promoting sustainable transport**
- **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
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV9: Environmental Improvement Initiatives
- ENV10: Pollution
- ENV11: Light Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV25: Archaeology

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- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- S1: Definition of Town Centre Uses
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S7: Out-of-Centre and Edge-of-Centre Developments
- S8: Housing in Town Centres
- H4: Affordable Housing parts g, h, i and j NOTE for case officer: (saved)
- H6: Nursing Homes and Rest Homes for the Elderly
- 7.4 Strategic Policy Statement
- T7 - Car Parking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space
- 8.7 to 8.9 Strategic Policy Statement
- LC1: Urban Open Spaces
- Areas
- LC6: Sports Pitches
- LC8: Local Community Facilities
- AL1: Primary Shopping Areas
- AL7: Pedestrian and Cycle Routes
- AL9: Car Parking

## **Black Country Core Strategy**

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP4: Place Making
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- HOU5: Education and Health Care Facilities
- CEN2: Hierarchy of Centres
- CEN4: Regeneration of Town Centres
- CEN8: Car Parking in Centres
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

- ENV6: Open Space, Sport and Recreation
- ENV8: Air Quality

## **Walsall Site Allocation Document 2019**

HC2: Development of Other Land for Housing  
 HC3: Affordable Housing and Housing for People with Special Needs  
 OS1: Open Space, Sport and Recreation  
 GB1: Green Belt Boundary and Control of Development in the Green Belt  
 EN1: Natural Environment Protection, Management and Enhancement  
 EN3: Flood Risk  
 EN5: Development in Conservation Areas  
 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

## Open space, sport and recreation

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

## Affordable Housing

- AH1: Quality of Affordable Housing
- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location
- AH5: Off Site Provision

## 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

### Archaeological Officer

No objection - The site is within an area of high archaeological potential, and as such there may be archaeology present that would be affected by the development. A condition should be placed on planning consent requiring a programme of archaeological work, comprising trial trench evaluation in the first instance (to assess the presence/absence, date, nature and significance of remains), and excavation and/or watching brief should it be required, to appropriately mitigate any loss of heritage assets by preserving them by record.

### The Black Country & West Birmingham Clinical Commissioning Group

No objection subject to confirmation of the level of contribution requested at £44,792.87.

### Conservation Officer

No objection subject to conditions in relation to material details, landscaping and lighting.

### **Community Safety**

No objection – security is an imperative consideration in the development process. Appropriate boundary treatments recommended to protect the occupiers particularly due to their demographic. *(Conditions could be imposed for security measures, subject to the rest of the development being acceptable)*

### **Ecology Officer**

Advise that the site is located within 15km of the Cannock Chase Special Area of Conservation (SAC) and has completed the Stage 1: Screening Assessment. Advise that development is likely to result in significant harm to the Cannock Chase SAC. Satisfied with the Ecological Assessment in relation to protected species and its findings.

### **Fire Officer**

No objection, proposal to comply with Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England

### **Highways England**

No objection

### **Historic England**

Initial comment - We remain concerned that as a large single building the proposal would contrast with those in the immediate vicinity and we are not therefore convinced that the proposal would be entirely without harm. However, as we are not expert in assessing the public benefits it offers, we are content to defer to your decision in balancing whether these benefits outweigh the harm caused.

Final comment - No comments, advice to consult with the Council's Specialist Conservation Officer.

### **Local Highways Authority**

No objection - conditions recommended in relation to parking and vehicle manoeuvring areas, cycle parking provision, a Construction Method Statement and the installation of a tactile pedestrian crossing to the existing Compass Suites bell mouth access.

### **Local Lead Flood Authority**

No objection - pre-commencement conditions recommended to ensure that the full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure no increase in flood risk during the construction phase.

### **Natural England**

No objection - based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites *(this excludes any reference to Cannock Chase SAC currently)*.

### **Network Rail**

No comments to make

**Police Architectural Liaison Officer**

No objections – secured by design principles recommended in relation to security measures for the building. (*Security measures can be secured via a safeguarding condition that meets the Governments tests for conditions*)

**Pollution Control**

No objection – conditions required in relation to further site investigations and compliance with Air Quality SPD in relating to installing electric vehicle charging points.

**Public Health**

No objection to the application

**Public Lighting**

No Objection - if any exterior lighting was to be provided its footprint should be confined to the site boundaries. No other street lighting implications

**Severn Trent Water**

No objection subject to a condition for a foul disposal and surface water drainage scheme

**Sport England**

No comments to make

**Strategic Planning Policy**

No objections on Planning Policy Grounds

**Tree Preservation Officer**

No arboricultural objections subject to compliance conditions in relation to tree protection measures as detailed in Arboricultural assessment & method statement by Barrell Tree Consultancy dated 17/02/2022 including the Tree protection plan ref. 21202-3 by Barrell Tree Consultancy and implementation of the The Strategic tree planting plan ref. 21202-4 Barrell Tree Consultancy.

**Representations**

5 objections have been received from local residents. Concerns raised are summarised as follows.

*Officer comments in italics*

- Height of the development
- Insufficient parking proposed for the development
- Roads around the site are already congested due to a school, cricket club, Church and Masonic Hall within close proximity which would be exacerbated by the development due to increased traffic and lack of parking
- Impact Plan/Travel Plan/Travel Assessment should be provided in relation to the impact of the development on the highway network and parking provision (*Transport Assessment has been provided by the applicant*)

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- Concerns that as residents of Alrewic Gardens they were not consulted on the application (*Alrewic Gardens is approximately 250 metres from the application site the Council carried out its statutory duty to consult including posting a site notice and press notice*).
- North elevation against existing development not been provided
- Loss of view (*not a material planning consideration*)
- Negative impact upon value of property not (*not a material planning consideration*)
- Healthcare/local services are already stretched within the location
- Existing provision of retirement accommodation within Aldridge

## Determining Issues

- Principle of Development
- Green Belt Assessment
- Heritage Assessment
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations
- Cannock Chase SAC and HRA
- Local Finance Considerations

## Assessment of the Proposal

### Principle of Development

The site is not allocated within Walsall's SAD. The site is previously developed land, The proposed development complies with Policy HOU1: Delivering Sustainable Housing Growth which supports housing on non-allocated sites on previously developed land.

The proposal can be supported in principle on Strategic Planning Policy Grounds.

### Impact upon the Green Belt

Towards the north east corner of the application site beyond the sports grounds and open space within the site, the land is designated within the West Midlands Green Belt. The land includes sports grounds and a number of trees along the site perimeter and along highways such as Noddy Park Road and Hobs Hole Lane.

The proposal would comprise redevelopment of the site within the current development boundary and outside Green Belt as shown on the Policies Map attached to the adopted Site Allocation Document (2019).

The proposed scheme consisting of a new three storey high care home building would be adjacent to recreational sport grounds that are designated as Green Belt land in the vicinity of the site. The site is entirely contained by trees and hedges with some parts of the existing development settlement visible and set against the backdrop of Aldridge District Centre. It is therefore reasonable to accept that there will be indirect visual impact to the Green Belt and openness from the construction of a large single block building. Whilst the openness of the Green Belt would be impacted, the Council is weighing the public benefit of delivering additional residential units, catering for the older population of the area in this instance to outweigh the harm. The character of this part of the Green Belt would change, it would not be unduly harmed given the immediate surroundings.

## **Heritage Assessment**

The application site is within Aldridge Conservation area. The proposed development sits to the rear of Aldridge Manor House, which is Grade II Listed. There are other Listed buildings including, Aldridge War Memorial, Grade II, Church of St. Mary The Virgin, Grade II\*, Old Rectory, Grade II, The Moot House, Grade II, within 200m of the proposed scheme and due to the open, parkland-like character of this part of the Conservation Area there would be some inter-visibility between these heritage assets and the proposed schemes, both during construction and when the scheme is finished.

Paragraph 192 of the National Planning Policy Framework (NPPF) states that in determining planning applications, local planning authorities should take account of:

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

Para 206 of the NPPF states Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The development management process seeks to implement these requirements through promotion of good design and managed change.

The heritage statement submitted with the application acknowledges that the proposed development site lies in the Aldridge Conservation Area and forms part of the setting of the Grade II\* Listed St Mary's Church and the Grade II Listed Buildings of the Manor House and The Old Rectory.

Section 16 of the NPPF outlines clearly that great weight should be given to the conservation of designated heritage assets and that new development should make a positive contribution to local character and distinctiveness (para. 197) and should take the opportunity to enhance and better reveal significance (para. 206). As this proposal includes a substantial amount of new development, the guidance on the importance of good design as set out in section 12 of the

NPPF is relevant in the assessment of this application.

Through design and proportions, any new development should seek to enhance the Aldridge Conservation Area. Existing modern housing around the Old Rectory has achieved an appropriate sense of scale making use of existing boundaries and planting and these residential buildings do not exceed the height of three storeys. While the character of Aldridge has changed in the latter half of the 20th century, any new development in the area should follow this example and be of an appropriate scale and style, sensitive in architectural form, materials, detailing and landscaping including the use of trees to soften the modern outlines of buildings and to structure public spaces.

Planning application 20/0103 was refused on a number of grounds including design, scale and mass failing to respect the setting of the Listed Buildings and the open character of Aldridge Conservation Area.

The layout of the proposed development has been amended from the previous scheme in that the number of car parking spaces have been reduced. The car parking area has been repositioned to the south of the site, adjacent the boundary with the Manor House. The plan form of the built development includes additional built form to the west of the site and the north east section of built form having been relocated to the south eastern corner of the site.

The proposed elevations have been amended to include hipped and pitched roofs, chimney sand windows, and door openings that follow a more rhythmic approach. The main elevations would be constructed from brick and the recessed elevations would be rendered. Whilst, in design terms this scheme is an improvement from the previously refused scheme and welcomed, there are concerns over the overall height, scale and mass of the proposed development.

The previous application (20/0103) proposed a flat roof of 8.6m high on the three-storey part and 12.2m high on the four-storey part. The four-storey part would only have been at the northern part of the site away from the Manor House. The current proposal is to have a pitched roof 7.8m high to the eaves and 9.9m high to the ridge with rendered sections being lower in height than brick sections. The height of the proposed development has been reduced, and this is now acceptable.

The 'S' shaped design of the building, moving the building away from the trees and further away from Aldridge Manor is supported, as it seeks to retain trees within the site and conservation area and sets the proposed development further away from the listed building.

Changes have been made to the elevations to include brick window headers to all the elevations to enhance the appearance of the building and break up the bulk and mass of the elevations.

Historic England in their original comments stated they concerned that *'as a single large building the proposal would contrast with those in the immediate vicinity and we are not therefore convinced that the proposal would be entirely without harm'*. Historic England were re-consulted on the amendments to the proposal and advised to liaise with the Council's Conservation officer, no further comments made on the revisions. Working with the Conservation Officer, it is considered on balance, the proposed development would have a less than substantial harm to the significance of the Aldridge Conservation Area, that scale of harm being low to medium.

The proposed development seeks the removal of unsightly single storey buildings in close proximity of the listed building; the demolition of these structures would enhance the setting of the listed building. The proposed development has been reduced in height and is reflective of traditional architecture with the aim of enhancing the Aldridge conservation area. Planting within the site would enhance the character and appearance of the Aldridge Conservation Area.

### **Design Layout and Character**

The proposed building is 'S'– shaped and comprises of three floors. The building has been designed with an 'S' configuration taking on board the previous reason for refusal in relation to the buildings proximity to Grade II listed Manor House and protected trees.

Large areas of existing tree screening and additional proposed trees and landscaping are incorporated into the design of the site which is considered to reduce views from the wider Conservation Area.

The amenity space is in the northern part of the site with heavy tree screening provides a private place for residents to enjoy which is considered safe and secure from the public realm.

The proposal development has a main entrance facing onto The Green with separate pedestrian and vehicle access which is considered to provide clear

It is considered the proposed layout of the site would be functional for the uses of the development and internally the accommodation is considered appropriate in size and layout for the occupiers

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

The nearest residential properties are the existing three storey flats at Ash Court. The Council's residential standards requires a minimum of 24m separation distance between habitable rooms and a minimum of 13m separation between habitable rooms and blank walls exceeding 3m high. In this case, the proposed development meets these residential standards.

The proposal would not result in any habitable room window to window conflict. It is considered due to the tree screening on the western boundary the proposal would have a limited impact upon the privacy enjoyed by neighbouring residents. Due to the sufficient distance between the proposed development and habitable room windows the proposal would have a limit impact upon the outlook of neighbouring residents.

The proposal incorporates 1639sqm of amenity space, this is above the 980sqm required as per Designing Walsall SPD guidance which states 20sqm should be provided per unit. It is considered occupiers would have sufficient amenity space to enjoy, plus the additional amenity space would assist in offering a setting to the building, given its location.

The community safety officer has advised that security measures by way of appropriate boundary treatments should be incorporated into the site to protect the occupiers especially given their demographic. The Police Architectural Liaison Officer has not objected to the proposed development, subject to Secured by Design Principles. A safeguarding condition can be imposed to deliver secure by design security measures for the development. On balance, the proposal is considered to not have the potential to result in an undue harm to the amenities of future occupiers from crime and antisocial behaviour, subject to security based conditions.

Local residents concerns the proposal leading to an increase of users at already overstretched healthcare/public services. Black Country & West Birmingham Clinical Commissioning Group have echoed this concern and have requested a financial contribution of £44,792.87. They consider, based on an average household size of 1.5 to reflect the nature of the proposed units, the likely impact of the development on healthcare services within the locality is an additional 74 patients. They consider the

contribution would support the development of primary care services in the area as a direct consequence of the increase in demand from this new housing development.

### **Highways**

The application looks to construct a new 49 retirement living apartments for older people. The site is located off The Green which is a cul-de-sac which currently forms a parking area for the adjacent Compass Suites. Replacement parking for Compass Suites is to be provided. The site is located on the edge of Aldridge district centre and is a relatively sustainable location with a wide range of public and commercial/retail facilities close by. There is a controlled crossing point on Little Aston Road connecting the site to the main district centre.

### **VEHICLE ACCESS:**

The existing access to the Compass Suites car park is retained to serve the enlarged car park.

A new bell-mouth access to the retirement apartments is to be provided. Whilst it is relatively close to the retained Compass Suites access, the number of vehicles using the both accesses at the same time is likely to be low and infrequent. Also, The Green is a cul-de-sac so there is little passing traffic that could cause confusion to drivers.

### **INTERNAL LAYOUT:**

Autotracking demonstrates that a refuse wagon can reverse into the site to reach the refuse bin storage area on collection days.

Additionally, a turning area is provided internally within the site for larger vehicles if required.

### **VEHICLE PARKING:**

The development looks to replace the existing Compass Suite parking areas lost by the construction of the retirement apartments with new parking areas consisting of 50 spaces.

The retirement apartment's element looks to provide 17 parking spaces for the 49 units which is a level of provision of 35%.

The applicant has submitted car park survey data from other similar retirement apartment developments which demonstrates that the level of parking provision is adequate to serve the development needs.

Additionally, the site is close to the district centre and is a relatively sustainable location so car ownership levels of residents of the development will be lower.



### TRAFFIC IMPACT:

The predicted trip generation of the development will not have a significant impact on the local highway network.

### OFF SITE IMPROVEMENTS:

Improvements to the existing Compass Suites bell-mouth access to include a tactile pedestrian crossing.

### RECOMMENDATION

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.

Therefore in light of the comments above, the Highway Authority Supports the proposal, subject to recommended conditions in relation to parking and vehicle manoeuvring areas to be provided prior to occupation, cycle parking provision, a Construction Method Statement and the installation of a tactile pedestrian crossing to the existing Compass Suites bell-mouth access.

Local residents concerns in relation to the proposed parking provision and existing/potential congestion to the road network are acknowledged. In this instance the Highway Authority are satisfied the proposed number of car parking spaces are adequate for the development and the proposal would not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network.

### **Ecology**

An Ecological Assessment report undertaken by Tyler Grange LLP, dated 18th February 2022, in support of this application. The Ecology Officer is satisfied that report and its findings provided sufficient information in line with best practice guidelines.

The report concluded that on site trees has negligible potential to support roosting bats. Adjacent to boundary of the site two mature trees were considered to be of low and moderate potential to support roosting bats.

The ecology officer is satisfied no further surveys are necessary. Protection and enhancement recommendations that were put forward within the report to provide a biodiversity net gain from the development and avoid impacts during construction were recommended as planning conditions including bird and bat boxes and an insect house.

## **Flood Risk / Drainage**

Paragraph 154 of the National Planning Policy Framework requires that new development should be planned for in ways that avoid increased vulnerability from flood risk to the range of impacts arising from climate change, and care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

The applicant has submitted a Flood Risk Assessment and Drainage Strategy which concludes the site is located within Flood Zone 1 and is not known to be susceptible to flooding from pluvial, groundwater, infrastructure or artificial sources.

The report considered that the existing ground conditions would not allow for soakaways to be used, instead storm water runoff would be attenuated on site and will discharge at the site equivalent green field rates.

The Local Lead Flood Authority have considered the submitted information and are satisfied with the information provided, subject to pre-commencement conditions being attached to any planning permission, to ensure the full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure no increase in flood risk during the construction phase.

Severn Trent have been consulted and have confirmed no objection to the proposal subject to securing a condition for drainage plans for the disposal of foul and surface water flows to be submitted to and approved by the Local Planning Authority prior to the commencement of development.

## **Trees / Protected Trees**

The proposal will necessitate the removal of 10 moderate quality trees and several low quality trees and hedges. However, the trees proposed for removal are mainly located to the centre of the site and the boundary trees are to be retained so their removal would have little impact outside of the immediate vicinity. In addition, in mitigation for their loss the landscaping proposals submitted with the application includes 18 new semi-mature trees, which would limit the immediate impact the loss of these trees would have and once the new trees become established they will contribute significantly to the wider landscape character of the area. Concerns with the previous application 20/0103 and its impact on the retained trees have largely been addressed in this new application and there is an arboricultural assessment and comprehensive arboricultural method statement (AMS) which accompanies the application which includes site specific details showing how the retained trees on site will be protected and managed throughout the construction phase. If the guidance and recommendations in the AMS are adhered to then the application proposals will have little detrimental impact short term and long term for the retained trees on site.

Conditions are recommended in relation to tree protection measures as detailed in Arboricultural assessment & method statement by Barrell Tree Consultancy dated 17/02/2022 including the Tree protection plan ref. 21202-3 by Barrell Tree Consultancy and implementation of the Strategic tree planting plan ref. 21202-4 Barrell Tree Consultancy.

### **Ground Conditions and Environment**

The site is located within the Coal Development Low Risk Area and as such no further coal mining reports are required. Environmental Protection have no objection to the proposal subject to planning conditions to address further site investigations in relation to contaminated land accordance with Policies ENV10 and ENV14 of the UDP.

The Applicant is required to comply with the Air Quality SPD and therefore install electric vehicle charging points.

There are no Scheduled Monuments or known archaeological sites within the boundaries of the site. However, due to its location, its proximity to the 14th century church, the association with the post-medieval manor house (with the potential for an earlier building here), and lack of previous development there is a high potential for archaeological remains of local and regional significance to be present. As such, should planning permission be granted a programme of archaeological work would be required to be secured by planning condition in accordance with Policy ENV25 of the UDP.

### **Planning Obligations**

Policy OS1 of the urban open space SPD requires all types of residential development to provide a contribution towards public open space for all development with 10 or more units being proposed. In this case, the total for the proposal would require a commuted sum £73,792.00 to be made. The audit of green spaces around the Borough has identified a shortfall in provision for children and young people and the quality of some parks and other spaces. The aim of the contributions is to maintain and improve all parks and gardens and coping with increased pressure on existing provision and creating new open spaces to cope with additional pressure. The proposed development would result in an unacceptable demand on open space provision in the locality in the absence of a S106 Agreement to secure appropriately any measures to address this.

The applicant has failed to provide the necessary financial contribution towards Open Space, contrary to policy UDP Policies GP3 and LC1, BCCS Policy DEL1, and the Open Space SPD.

The Affordable Housing SPD and Saved Policy H4 of the UDP requires all residential developments of 15 units or more to provide a negotiated 25% affordable element. The SPD also identifies a shortfall in affordable housing. In this case, the applicant for the proposal would be expected to pay a sum of £499,187.50 towards off-site affordable homes.

Policy H4 states that sites will be considered suitable for an element of affordable housing provision unless developers can demonstrate to the Council's satisfaction that this provision would be inappropriate. Factors to be taken into account include the level of need for, and provision, of affordable housing in the local area, any abnormal development costs associated with the site which in combination with the inclusion of an element of affordable housing would prejudice the viability of the development and the need to provide for a mix of housing types and sizes, which offer a choice of housing and lifestyle and help to create mixed and balanced communities.

The applicant has submitted an Affordable Housing and Viability report. The applicant considers the viability of the proposal has been considered and a financial contribution of £116,780 represents the maximum commuted payment towards off site affordable housing provision.

The applicant has not yet provided the money for the Council to have the report independently assessed and the Local Planning Authority are not now able to now undertake the independent assessment due to the lodged appeal.

The applicant has failed to provide the necessary affordable housing financial contribution. The application is contrary to Policy H4 of the UDP, BCCS policy HOU3 and the Affordable Housing SPD.

Country & West Birmingham Clinical Commissioning Group have requested a financial contribution of £44,792.87 as they consider, based on an average household size of 1.5 to reflect the nature of the proposed units, the likely impact of the development on healthcare services within the locality is an additional 74 patients. They consider the contribution would support the development of primary care services in the area as a direct consequence of the increase in demand from the new housing development.

The applicant has failed to provide the necessary contribution towards healthcare services contrary to policy UDP Policy GP3.

The lack of Section 106 legal agreement form reasons for refusal, which allows the Council to be able to secure contributions as an appeal has been lodged.

### **Cannock Chase SAC and HRA**

Pursuant to the Habitats Directive (92/43/EEC), where a plan or project is not connected with the nature conservation management of a European designated site, the competent authority must determine whether the plan or project is likely to have a significant effect on the site, either alone or in combination with other plans or projects. This is reflected in national law in the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations"), which place a duty upon competent authorities to consider the potential for effects upon sites of European importance prior to granting consent. This is referred to as a screening assessment. If likely significant effects are identified by the screening assessment, the competent authority must then undertake an Appropriate Assessment of the implications.

Approximately 20% of Cannock Chase falls within the Cannock Chase Special Area of Conservation ("SAC"), allocated primarily for its dry heathland. Council areas in the vicinity of the SAC have formed a Partnership and commissioned reports to assess impacts upon the SAC and how they arise. The evidence indicates that development which would increase visitors within 15km of the SAC may have a significant impact.

Walsall Council is not part of the SAC Partnership. However, due to the reference to a 15km zone of influence, Walsall Council is currently considering its position in relation to impacts on the Cannock Chase SAC and mitigation. It must ensure that planning decisions do not have any negative impact on the SAC and, if they do, it must either refuse permission or secure appropriate mitigation measures.

On 1st July 2022 the Head of Planning and Building Control wrote to all applicants and agents whose applications fall within 15km of the Cannock Chase SAC to indicate that whilst Walsall Council was considering its position, they may consider it appropriate to submit a Habitats Regulation Assessment for their proposed development in Walsall Borough as part of their proposed mitigation.

The applicant/agent did not submit any additional information. The Project has been screened to identify whether potential effect pathways between the Project and the SAC are present which are likely to result in significant effects upon the SAC. The screening exercise carried out on April 1st 2022 by the SAC Partnership authorities found likely significant effects on the SAC arising as a result of increased recreational activity from new residential development and related population growth that is likely to disturb the ground. A 21/12/12 Cannock Chase SAC Visitors Survey investigating visitor access patterns found that the majority (75%) of visitors originated from within a 15km distance of the SAC (also supported by 2018 visitor survey data) and The Cannock Chase SAC Planning Evidence Base Report Stage 2 (12/07/21) determined that within this 15km 'zone of influence', measures to reduce recreational pressure would be most effective.

Having regard to the location of the development site, its nature, proximity to the SAC and all other relevant information officers carried out a screening assessment to assess if there were likely significant effects of the proposal and to consider real (not hypothetical) risks. This concluded that the development would lead to a significant impact on the SAC.

As such it is the determination of the screening assessment that the application is likely to result in significant harm of the SAC and should progress directly to Stage 2 the undertaking of an Appropriate Assessment.

While Walsall Council, as the Competent Authority, would carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it would be the responsibility of the applicant to provide and secure suitable mitigation on which to base the appropriate assessment. In this instance as the applicant has chosen to appeal non- determination the competent authority cannot progress to Stage 2.

Where the conclusion of an Appropriate Assessment finds that insufficient mitigation measures have been provided, and / or where Natural England object as statutory consultee, the Local Planning Authority will have no option but to refuse this application in line with the Habitats Regulations. As above, given the applicant has appealed and the competent authority cannot progress Stage 2 the LPA must recommend refuse.

In the absence of any information submitted by the applicant toward the Appropriate Assessment, the Local Planning Authority do not have the mechanism to secure mitigation contributions of  $49 \times 290.58p = £14,238.42$ .

### **Five-year Housing Land Supply:**

The latest available figures show that the Council does not currently have a 5-year housing land supply and, in addition, the Council failed the Housing Delivery Test published in January 2022, based on low levels of delivery over the last 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect. Whilst the lack of 5-year housing land supply affords additional in supporting the proposal, when considering the Framework as a whole, this does not outweigh the harm the proposal may have on the Cannock Chase SAC.

### **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 49 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 applicant has been appealed to the Planning Inspectorate against non-determination of the planning application. The planning authority are seeking a resolution from Members of the Planning Committee on how they would have otherwise determined the application. The resolution will be forwarded to the Planning Inspectorate and will form part of the Council's appeal documents.



Whilst the recommendation to the Committee is that the application should be refused for the impact Cannock Chase SAC, the principle of development is acceptable. The proposal has been screened to consider the likely effects on the conservation objections of the SAC. As the development is for 49 new dwellings, it will therefore likely have a significant harmful impact on the SAC and is required to proceed to the Stage 2 undertaking of an Appropriate Assessment. In the absence of any information submitted by the applicant toward the Appropriate Assessment, the Local Planning Authority has no option, but to refuse the application in line with the Habitats Regulation, if the application had not been appealed against non-determination. This constitutes a significant reason for refusal and cannot be outweighed by any of the benefits of the scheme.

The applicant has failed to agree to a Section 106 agreement in relation to Affordable Housing, Urban Open space and Healthcare provisions contributions.

In summary, given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal

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

Officers have spoken with the applicant's agent to highlight the concerns shortly before an appeal for non- determination was submitted. Amended plans have been assessed and on balance acceptable however the proposal cannot be supported.

### **Recommendation**

#### **Reasons for Refusal**

1. This application falls within the 15km zone of influence relating to the Cannock Chase Special Area of Conservation (SAC) and has failed to provide any information in relation to likely impacts on the SAC arising from the proposed addition of 49 dwellings and has failed to provide any potential necessary mitigation measures or a mechanism to secure any mitigation measures. This proposal is therefore contrary to the Conservation of Habitats and Species Regulations 2017, Black Country Core Strategy Policies CSP3 (Environmental Infrastructure), CSP4 (Place-Making) & ENV1 (Nature Conservation), UDP Saved Policy ENV23 (Nature Conservation), SAD Policy EN1 (Natural Environment Protection, Management and Enhancement) and the National Planning Policy Framework.
2. The proposed development would trigger the need for affordable housing contributions the applicant has failed to provide any information in relation to affordable housing contributions and has not agreed to a Planning Obligation under Section 106 to secure the funds required by the development. Contrary to Policy H4 of the UDP, BCCS policy HOU3 and the Affordable Housing SPD and the National Planning Policy Framework 2021.

3. The proposed development would trigger the need for open space contributions the applicant has failed to provide any information in relation to open space contributions and has not agreed to a Planning Obligation under Section 106 to secure the funds required by the development. Contrary to Policies OS1 Qualifying Development and OS2 Planning Obligations Supplementary Planning Document Urban Open Space to the Walsall Unitary Development Plan April 2006 and the National Planning Policy Framework 2021.
4. The proposed development would trigger the need for healthcare provision contributions the applicant has failed to provide any information in relation to healthcare provision contributions and has not agreed to a Planning Obligation under Section 106 to secure the funds required by the development. Contrary to Policy G3 of the Walsall Unitary Development Plan April 2006 and the National Planning Policy Framework 2021.

## END OF OFFICERS REPORT

## Planning Committee

Report of Head of Planning and Building Control on 08 September 2022

Plans List Item Number: 2a

### Reason for bringing to committee

The application is brought to Planning Committee as the site is Council owned land and the applicant has appealed to the Planning Inspectorate against non-determination of the planning application. The planning authority is seeking a resolution from Members of the Planning Committee on how they would have otherwise determined the application. The resolution will be forwarded to the Planning Inspectorate and will form part of the Council's appeal documents.

### Application Details

**Location:** ALDRIDGE MANOR, LITTLE ASTON ROAD, ALDRIDGE, WALSALL, WS9 8NJ

**Proposal:** ALTERATIONS TO THE MANOR HOUSE TO FORM EIGHT RESIDENTIAL FLATS. ALSO, THE DEMOLITION OF A GARAGE AND ACTIVITY HALL IN THE CURTILAGE OF THE SITE, ASSOCIATED CAR PARKING, HARD AND SOFT LANDSCAPING.

**Application Number:** 22/0279

**Case Officer:** Thomas Morris

**Applicant:** Mr P Pearce

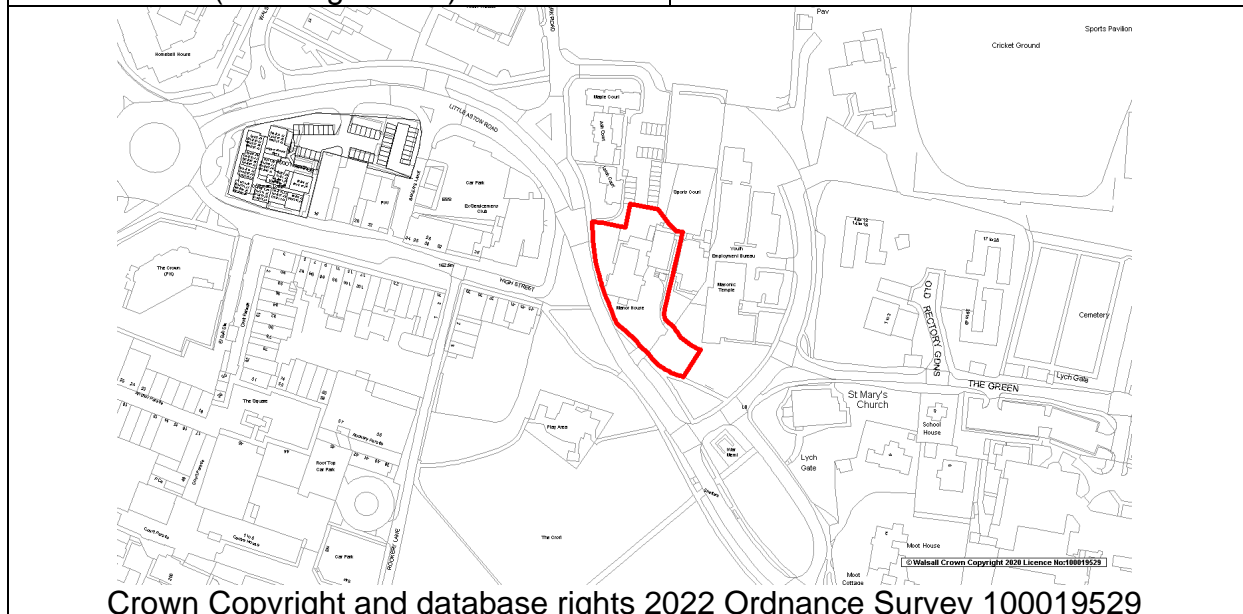
**Ward:** Aldridge Central And South

**Agent:** Mr Ed Griffin

**Expired Date:** 26-May-2022

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

**Time Extension Expiry:**



## Recommendation:

1. Refuse.

## Proposal

This application seeks full planning permission for alterations to the Aldridge Manor House to allow for its conversion to 8 self-contained flats, demolition of the existing garage and activity hall, as well as associated car parking and hard/soft landscaping works.

The physical works to the Aldridge Manor House include blocking up existing openings, creation of new openings, enlargements to existing openings, removal/alteration of twentieth-century interventions and alterations to existing internal fabric. The proposed external alterations are set out as follows:

- **North Elevation** – Removal of external stairs, removal of existing lighting and signage, ground floor new window opening, new windows to the first and second floor right hand wing, new glazed roof to extension and new window in extension.
- **East Elevation** – Removal of lighting and signage, removal of multiple rainwater goods, removal of external stairs, ground floor replacement of door with window and infilling of door closest to portico, single storey extension enlargement of window, infilling of window, removal of 20th c window and replacement, new glazed door and new window, infilling of door and new glazed door.
- **South Elevation** – Removal of existing lighting and signage.
- **West Elevation** – Removal of signage and lighting, removal of aerial and some rainwater goods, ground floor - new door, new rail bar at first floor, reinstating new door and creation of larger opening to accommodate new doors, new window opening at second floor, reinstatement of windows at first and second floor, single storey existing window enlarged and new glazed roof.

The proposal includes the demolition of the existing activity room and garage which are detached from the main Manor House. These buildings will make way for a shared patio and shared amenity space.

The proposal will convert the building to 8 x self-contained flats, made up of 2 x one-bedroom flats, 5 x two-bedroom flats and 1 x three-bedroom flats. The internal layout of the proposed flats is set out as follows:

- **Flat 1 (2b4p)** Ground Floor, Gross internal floor area of 74.1sqm, comprising bedroom 1 (19.1sqm), bedroom 2 (15sqm), kitchen/dining/living room (31.2sqm), utility room (2.1sqm) and bathroom (6.7sqm).
- **Flat 2 (2b4p)** Ground Floor, Gross internal floor area of 97sqm, comprising bedroom 1 (13.4sqm), bedroom 2 (12.3sqm), living/dining/kitchen (38sqm), study (12.8sqm), entrance/utility room (12.7sqm) and bathroom (8sqm).

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- **Flat 3** (1b2p) Ground Floor, Gross internal floor area of 60.3sqm, comprising a bedroom (23.6sqm), kitchen/dining room (8.4sqm), living room (14.2sqm), utility room (2.2sqm) and bathroom (5.3sqm).
- **Flat 4** (1b2p) First Floor, Gross internal floor area of 50sqm, comprising a bedroom (10.8sqm), dining/living room (29.5sqm) and bathroom (5.5sqm).
- **Flat 5** (2b3p) First Floor, Gross internal floor area of 58sqm, comprising bedroom 1 (13.2sqm), bedroom 2 (8.7sqm), kitchen/living room (23.9sqm), bathroom (4.9sqm) and WC (1.8sqm).
- **Flat 6** (3b4p) First/Second Floor, Gross internal floor area of 94.5sqm, living room (17.9sqm), kitchen (14sqm), WC (2.5sqm), bedroom 1 (13.8sqm), bedroom 2 (9sqm), bedroom 3 (7.8sqm), bathroom (3.8sqm) and WC (1sqm).
- **Flat 7** (1b2p) Second Floor, Gross internal floor area of 38.7sqm, bedroom 1 (13sqm), kitchen/living room (17.7sqm) and bathroom (5.2sqm).
- **Flat 8** (2b3p) Second Floor, Gross internal floor area of 55.8sqm, bedroom 1 (12.3sqm), bedroom 2 (8.2sqm) kitchen/living room (23.4sqm) and bathroom (5.1sqm).

Externally, a part shared/part private garden including a shared patio area will be provided, comprising a total area of approximately 875sqm.

15 car parking spaces (including 2 accessible parking spaces) and 11 cycle parking spaces are proposed.

Vehicular access to the site will be provided by the existing main access off Little Aston Road, the boundary wall adjacent to this access will be reduced in height to 0.6m. A new opening in the boundary wall will provide a pedestrian access off Little Aston Lane to the front of the building.

New boundary treatments in the form of hedges and fencing is proposed on the site's Western boundary to Little Aston Lane and the site's Eastern boundary to the car park of Mason Lodge site.

The application is submitted alongside an application for listed building consent for the proposal (See application reference number 22/0282).

## Site and Surroundings

The application site comprises the Aldridge Manor House, which is a Grade II listed, three-storey detached building, designed with a hipped slate roof, five bays and a two storey rear wing. The site is located off Little Aston Road and is within the Aldridge Conservation Area and Aldridge District Centre. There is Green Belt land to the north and east of the site. The site is within 15km of the Cannock Chase Special Area of Conservation (SAC).

The Aldridge Manor House would have originally been a dwelling but has historically been in use as a library and more recently as a youth centre. The most recent use of the building was as a temporary bedsit/hostel type accommodation, comprising six one-bedroom bedsits/studios (Approximate floor area of 680sqm). The existing use

also comprises 20sqm of Use Class B8 (Storage and Distribution) at the existing garage and 180sqm of former Use Class D2 (Assembly and Leisure) (Now Use Class F2b) at the existing activity hall.

The surrounding area comprises a mix of uses, including commercial uses, shops and restaurants on the opposite side of Little Aston Road to the West, a residential care home to the north and the Aldridge Compass Suite to the east.

### Relevant Planning History

20/0103 - Redevelopment of land off Little Aston Road, Aldridge, comprising: demolition of ancillary buildings, erection of 48 Extra Care Retirement Apartments (Use Class C2), conversion of Aldridge Manor House to create 7 flats (Use Class C3), erection of 3 dwellings – Refused 10/02/2021.

20/0127 - Listed Building Consent to: Repairs, refurbishment and alterations to the Manor House, forming 7 residential flats including part demolition of existing listed building – Refused 10/02/2021.

15/1628 – Listed building consent for the installation of commemorative blue plaque – Grant listed building consent – 23/12/20015.

08/0495/LB – Listed building consent for the provision of disabled ramp from car park to sports hall and provision of disabled car park space - Grant Listed Building Consent 01/07/2008.

08/0483/FL - Provision of disabled ramp from car park to sports hall and provision of disabled car park space – Grant Permission Subject to Conditions 25/06/2008.

### 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 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV16: Black Country Urban Forest
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres

- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S8: Housing in Town Centres
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- 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
- LC8: Local Community Facilities
- AL1: Primary Shopping Area
- AL2: Environmental Improvement
- AL3: The Croft
- AL4: The Precinct
- AL5: Land at High Street / Little Aston Road
- AL6: Rail Station
- AL7: Pedestrian and Cycle Routes
- AL8: Traffic Circulation and Bus Priority
- AL9: Car Parking

## **Black Country Core Strategy**

- Vision, Sustainability Principles and Spatial Objectives
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN5: District and Local Centres
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy

- ENV8: Air Quality
- WM1: Sustainable Waste and Resource Management

## **Walsall Site Allocation Document 2019**

HC2: Development of Other Land for Housing

EN1: Natural Environment Protection, Management and Enhancement

## **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
- 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

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- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

## Consultation Replies

**Conservation Officer** – No objections, subject to the following conditions:

- Submission of details of all boundary treatments adjacent the Masonic Lodge and land to the north, including details of the height, materials and external finishes of all boundary treatments.
- Submission of a full suite of materials for the exterior including details of colour finishes and manufacturers details.
- Submission of a revised landscape plan showing semi mature hedge planting to screen the proposed boundary between Aldridge Manor and the Masonic Lodge and to the private garden fronting Little Aston Road.

**Ecology Officer** – Advise that the site is located within 15km of the Cannock Chase Special Area of Conservation (SAC) and has completed the Stage 1: Screening Assessment. Advise that development is likely to result in significant harm to the Cannock Chase SAC and therefore the application should progress to Stage 2: Undertaking an Appropriate Assessment.

**Historic England** – No objections.

**Local Highways Authority** – No objections, subject to the following conditions:

- Parking spaces to be implemented and retained thereafter prior to first occupation.
- The redundant footway crossing off Little Aston Road at the north-west corner of the site shall be permanently closed off and reinstated to full kerb height prior to first occupation.
- Residents cycle shelter to be fully implemented prior to first occupation.
- The existing frontage boundary wall to be reduced in height to 600mm above footway level for at least 1 metre distance either side of vehicle access point on Little Aston Lane prior to first occupation.
- Construction Methodology Statement to be submitted and approved prior to first development.

**Pollution Control** – No objections, subject to the following conditions:

- Requires the submission of an asbestos survey
- Requires the submission of a demolition management plan
- Requires the submission of an air quality low emission scheme

**Severn Trent Water** – No objections.

**Tree Preservation Officer** – No objections.

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**Waste Management (Clean and Green)** – No objections.

**West Midlands Fire Service** – No objections.

**West Midlands Police** – No objections.

## **Representations**

One representation was received, objecting to the proposal on the following grounds:

- There is already too much traffic in Aldridge Village.
- The site is too close to the shops, church, cricket club and schools.
- Aldridge Village is already full due to the recently built retirement apartments.
- The proposal will worsen traffic in the area where the volumes of traffic are already high and dangerous, including lorries using Little Aston Road.

## **Determining Issues**

- Principle of Development
- Heritage and Design
- Amenity of Future Occupiers
- Amenity of Neighbours
- Parking and Access
- Trees and Protected Trees
- Flood Risk and Drainage
- Ground Conditions and Environment
- Cannock Chase SAC and HRA
- Five-year Housing Land Supply
- Local Finance Considerations

## **Assessment of the Proposal**

### **Principle of Development:**

The application proposes the change of use of Aldridge Manor House, located within the Aldridge District Centre and Aldridge Conservation Area. Historically, the building was used as a library and as more recently as a youth centre. The current use of the building is as temporary bedsit/hostel type residential accommodation within the main Manor House building, consisting of 6 studios for social/affordable rent, albeit there is no planning history for the site which authorises this use. The existing activity hall and garage to be demolished are currently vacant.



The proposal will convert the building to 8 self-contained flats. Saved Policy S8 of the UDP supports housing in established centres such as this to support the vitality and viability of the District Centre. The policy also recognises that dwellings within established centres may not have the same level of amenity as can be expected in a suburban area. Policy HC2 of the SAD also supports housing on other land in the Borough, provided a satisfactory level of residential amenity can be achieved. Given the site's location within an established centre, the principle of the residential use of the building is therefore acceptable.

With regards to the loss of the youth centre use, Policy LC8 of the UDP relates to the loss of local community facilities, stating that the loss of such uses will only be acceptable in specific situations. The existing use of the site is as bedsits/studios and the remaining buildings are vacant. It is therefore understood that the youth centre use is no longer active at the site. The loss of the youth centre also needs to be balanced against the need for housing, in a situation where the Council are no longer able to demonstrate a five-year housing land supply. On this basis, whilst it is accepted that no justification for the loss of the youth centre use has been provided, this is acceptable in this instance as the use is no longer active and there is need for housing in the Borough.

In summary, the principle of the proposed development is acceptable, subject to the application complying with other material planning considerations.

### **Heritage and Design:**

The Aldridge Manor House is a Grade II listed building located off Little Aston Lane, within the Aldridge Conservation Area. The building is detached, three-storey and designed with a hipped slate roof, five bays and a two storey rear wing. The building has a slightly neglected appearance featuring some modern additions and outbuildings which have resulted in a negative impact on the significance of the building. The setting of the listed building has also been harmed by the construction of Little Aston Lane, meaning that the original front and side gardens and driveway of the building have been lost. The outbuildings within the curtilage of the listed building are of little architectural merit and historical significance and the site also lacks the greenery and planting found elsewhere in the conservation area.

Considering the impact of the proposal on the significance of the listed building and its setting, the proposed external alterations include the removal of the unsympathetic twentieth-century alterations, including the external stairs, lighting, signage, aerial and rainwater goods. The removal of these features is therefore acceptable as they currently detract from the appearance and significance of the building. The additional external alterations to the listed building include alterations and enlargements to some of the existing window/door openings on the North, East and West elevations. These alterations are not likely to result in harm to the significance of the listed building as they relate to existing openings, subject to the submission of further details which could be secured by planning conditions.

The proposed works to the listed building also include the insertion of a new window at the second floor on the West elevation, facing Little Aston Road. This new window will serve bedroom 3 of flat 6 at the second floor. The insertion of the new window of different proportions to existing windows and breaking with the established hierarchy of windows at this highly visible elevation will result in some harm to the significance of the listed building, with the level of harm being considered to be low to medium.

The new window will serve bedroom 3 at flat 6, however, this bedroom is only 2m in width, therefore falling short of the minimum requirement of 2.15m width for single bedrooms, as stated within the Technical Housing Standards – Nationally Described Space Standards. Given that this bedroom falls short of the space standards for minimum bedroom widths, the harm to the significance of listed building as a result of the insertion of a new window, and that the flat already has two other bedrooms, if this application were approved, amended plans would be required showing the removal of this window and merging bedrooms 2 and 3 for this flat, in order to reduce the level of harm the proposal will have on the significance of the listed building.

The only alterations to the South elevation, which is the main elevation and front of the building are the removal of signage and lighting and these changes will enhance the appearance of this elevation and are acceptable.

Externally, the removal of the modern outbuildings are acceptable given that they are of little architectural merit or historical significance. These alterations will also allow for the creation of a rear landscaped amenity space and landscaped frontage which will go some way to enhancing the setting of the listed building and the character and appearance of the Aldridge Conservation Area.

In summary, by virtue of the proposed installation of a new window on the second floor West elevation, the proposal is considered to result in 'less than substantial harm' to the significance of the listed building. In accordance with Paragraph 202 of the NPPF, this harm needs to be considered against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. Whilst the proposal would contribute to the building's retention within a positive use and would contribute to its conservation and viability, if the application were approved, it is recommended that the proposed window is removed to reduce the impact of the proposal on this significance of the listed building. On this basis, the proposal would both have public benefits and would enhance the significance of the listed building and would therefore be acceptable, subject to the conditions listed below.

### **Amenity of Future Occupiers:**

The proposal will convert the building to a total of 8 self-contained flats, consisting of 5 x 2-bedroom flats, 2 x 1-bedroom flat and 1 x 3-bedroom flat. The full proposed internal layout of the building is set out within the Proposal Section of this report.

Flats 1, 2, 3, 4 and 6 meet the minimum gross internal floor area standards as set out within the Technical Housing Standards – Nationally Described Space Standards. Flat 5 at the first floor falls 3sqm short of the minimum floor space standard of 61sqm for a 2-bedroom, 3-person flat, however, this shortfall is negligible and considered acceptable. Flat 7 at the second floor falls 22sqm short of the minimum floor space standard of 50sqm for a 1-bedroom, 2-person flat (the bedroom is a double). However, the flat meets the minimum requirement of 37sqm for a 1-bedroom, 1-person flat and is therefore acceptable. Flat 8 at the second floor falls 5sqm short of the minimum floor space standard of 61sqm for a 2-bedroom, 3-person flat. This shortfall is again negligible and is therefore acceptable. The floor space of the flats also needs to be weighed in the context of the impact any internal changes will have on the listed building, which is not being extended. The internal layout of the building is therefore acceptable weighing the beneficial re-use of the building and the positive upgrade of the building.

The proposed garden at the flats is set out to include small sections of private gardens surrounded by larger areas of shared gardens, as well as a shared patio area. Appendix D of the Designing Walsall SPD requires that dwellings with shared gardens provide a minimum of 20sqm of garden per dwelling. When considering the proposed garden as whole including the private and shared spaces, the garden comprises an area of approximately 875sqm, which is well in excess of the 160sqm minimum garden area requirement for the proposed 8 flats. The proposed garden area is therefore acceptable.

In summary, the proposal is acceptable with regards to the amenity of future occupiers.

### **Amenity of Neighbours:**

The Manor House building is a detached property set within its own grounds, generally separated from neighbouring properties. The adjacent uses include a residential care home to the north and the Aldridge Compass Suite to the east. There are commercial uses to the west opposite Little Aston Road.

The proposal does not include any extensions to the building and will not therefore result in any loss of light and outlook to any neighbouring properties. The proposal will also not result in any overlooking of neighbouring gardens. No concerns in relation to noise and disturbance impacts of the proposal have been raised.

In summary, the application is acceptable with regards to the impact on the amenity of neighbours.

## **Parking and Access:**

The application site will provide a total of 15 car parking spaces, 2 of which will be accessible parking spaces, as well as 11 cycle spaces. UDP Policy T13 requires 2 parking spaces per unit for flats with individual parking, which equates to a maximum provision of 16 spaces. The proposed 15 car parking spaces is therefore in accordance with the policy requirement and is acceptable given the proximity to the local centre. The inclusion of cycle storage within a shelter will also encourage sustainable travel. Waste Management have raised no objections to the location of refuse storage toward the rear of the site.

The existing main vehicular access from Little Aston Road will be retained as the main access to the site and an additional pedestrian access within the boundary wall will be created. The boundary walls around the main access will be lowered to a height of 0.6m from ground level and this will enhance visibility at the access to the site. It is noted that an objection on the grounds of traffic and highways safety has been submitted, however, the proposal will have no greater impact on highways safety and traffic generation compared to the existing situation.

In summary, the application is acceptable with regards to the impact on highways safety and parking, subject to the conditions recommended by the Local Highways Authority.

## **Trees/Protected Trees:**

The site is not subject of a Tree Preservation Order; however, it is within the Aldridge Conservation Area and there are several trees at the site which add to the character of the area. The application is supported by a tree survey and tree constraints plan. The proposal does not include the removal or pruning of any trees within the site and additional planting is proposed which will enhance the site. The proposed development will therefore have no detrimental impact on trees.

## **Flood Risk and Drainage:**

The site is located outside of flood zones 2 and 3. The proposal is of a relatively minor scale and will not therefore result in any flood-risk and drainage issues and no drainage related conditions would be required if the application were to be approved.

## **Ground Conditions and Environment:**

The site is located within the Coal Development Low Risk Area. The proposal does not include the erection of any new structures within the site and therefore ground disturbance and exposure to contaminated land is unlikely. If the application were to be approved, due to the proposed demolition of buildings, an asbestos survey and demolition method plan would be required, to ensure any contamination risks are managed.

## **Cannock Chase Special Area of Conservation and Habitats Regulation Assessment:**

Pursuant to the Habitats Directive (92/43/EEC), where a plan or project is not connected with the nature conservation management of a European designated site, the competent authority must determine whether the plan or project is likely to have a significant effect on the site, either alone or in combination with other plans or projects. This is reflected in national law in the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations"), which place a duty upon competent authorities to consider the potential for effects upon sites of European importance prior to granting consent. This is referred to as a screening assessment. If likely significant effects are identified by the screening assessment, the competent authority must then undertake an Appropriate Assessment of the implications.

Approximately 20% of Cannock Chase falls within the Cannock Chase Special Area of Conservation ("SAC"), allocated primarily for its dry heathland. Council areas in the vicinity of the SAC have formed a Partnership and commissioned reports to assess impacts upon the SAC and how they arise. The evidence indicates that development which would increase visitors within 15km of the SAC may have a significant impact.

Walsall Council is not part of the SAC Partnership. However, due to the reference to a 15km zone of influence, Walsall Council is currently considering its position in relation to impacts on the Cannock Chase SAC and mitigation. It must ensure that planning decisions do not have any negative impact on the SAC and, if they do, it must either refuse permission or secure appropriate mitigation measures.

On 1st July 2022, the Head of Planning and Building Control wrote to all applicants and agents whose applications fall within 15km of the Cannock Chase SAC to indicate that whilst Walsall Council was considering its position, they may consider it appropriate to submit a Habitats Regulation Assessment for their proposed development in Walsall Borough as part of their proposed mitigation.

The applicant/agent did not submit any additional information. The Project has been screened to identify whether potential effect pathways between the Project and the SAC are present which are likely to result in significant effects upon the SAC. The screening exercise carried out on April 1st 2022 by the SAC Partnership authorities found likely significant effects on the SAC arising as a result of increased recreational activity from new residential development and related population growth that is likely to disturb the ground. A 21/12/12 Cannock Chase SAC Visitors Survey investigating visitor access patterns found that the majority (75%) of visitors originated from within a 15km distance of the SAC (also supported by 2018 visitor survey data) and The Cannock Chase SAC Planning Evidence Base Report Stage 2 (12/07/21) determined that within this 15km 'zone of influence', measures to reduce recreational pressure would be most effective.

Having regard to the location of the development site, its nature, proximity to the SAC and all other relevant information, the Council's Ecology Officer carried out a screening assessment to assess if there were likely significant effects of the proposal and to consider real (not hypothetical) risks. This concluded that the development would lead to a significant impact on the SAC and an appropriate level of mitigation would be required.

As a likely significant effect on the SAC was identified, before the application could be approved, it would need to progress to Stage 2: Appropriate Assessment, to assess the likely significant effects on the integrity of the SAC and its conservation objectives and to identify ways to avoid or minimise those adverse effects. While Walsall Council, as the Competent Authority, would carry out the Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it will be the responsibility of the applicant to provide and secure suitable mitigation on which to base the appropriate assessment. In this case the application has not proceeded to the Appropriate Assessment, the Local Planning Authority have no option but to refuse this application in line with the Habitats Regulations.

In summary, notwithstanding the previous comments regarding the acceptability of the proposal, due to the site's location within 15km of the Cannock Chase SAC and the absence of Appropriate Assessment, the application cannot currently be approved by the Local Planning Authority. On this basis, if the applicant had not appealed against non-determination, officer's recommendation would have been to refuse the application on these grounds.

### **Five-year Housing Land Supply:**

The latest available figures show that the Council does not currently have a 5-year housing land supply and, in addition, the Council failed the Housing Delivery Test published in January 2022, based on low levels of delivery over the last 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect. Whilst the lack of 5-year housing land supply affords additional in supporting the proposal, when considering the Framework as a whole, this does not outweigh the harm the proposal may have on the Cannock Chase SAC.

### **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 8 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 applicant has been appealed to the Planning Inspectorate against non-determination of the planning application. The planning authority are seeking a resolution from Members of the Planning Committee on how they would have otherwise determined the application. The resolution will be forwarded to the Planning Inspectorate and will form part of the Council's appeal documents.

Whilst the recommendation to the Committee is that the application should be refused for the impact Cannock Chase SAC, the principle of the conversion of the listed building to residential use could be accepted. The application site is located within the 15km of the Cannock Chase SAC and the proposal has been screened to consider the likely effects on the conservation objections of the SAC. As the development is for 8 new dwellings, it will therefore likely have a significant harmful impact on the SAC and is required to proceed to the Stage 2 undertaking of an Appropriate Assessment. In the absence of any information submitted by the applicant toward the Appropriate Assessment, the Local Planning Authority has no option, but to refuse the application in line with the Habitats Regulation, if the application had not been appealed against non-determination. This constitutes a significant reason for refusal and cannot be outweighed by any of the benefits of the scheme.

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

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

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

## **Recommendation**

### **Reasons for Refusal**

This application falls within the 15km zone of influence relating to the Cannock Chase Special Area of Conservation (SAC) and has failed to provide any information in relation to likely impacts on the SAC arising from the proposed addition of 8 dwellings and has failed to provide any potential necessary mitigation measures. This proposal is therefore contrary to the Conservation of Habitats and Species Regulations 2017, Black Country Core Strategy Policies CSP3 (Environmental Infrastructure), CSP4 (Place-Making) & ENV1 (Nature Conservation), UDP Saved Policy ENV23 (Nature Conservation), SAD Policy EN1 (Natural Environment Protection, Management and Enhancement) and the National Planning Policy Framework.

### **Notes for Applicant**

None.

**END OF OFFICERS REPORT**

## Planning Committee

Report of Head of Planning and Building Control on 08 September 2022

Plans List Item Number: 2b

### Reason for bringing to committee

The application is brought to Planning Committee as the site is Council owned land and the applicant has appealed to the Planning Inspectorate against non-determination of the listed building consent application. The planning authority is seeking a resolution from Members of the Planning Committee on how they would have otherwise determined the application. The resolution will be forwarded to the Planning Inspectorate and will form part of the Council's appeal documents.

### Application Details

**Location:** ALDRIDGE MANOR, LITTLE ASTON ROAD, ALDRIDGE, WALSALL, WS9 8NJ

**Proposal:** LISTED BUILDING CONSENT APPLICATION FOR ALTERATIONS TO THE MANOR HOUSE TO FORM EIGHT RESIDENTIAL FLATS. ALSO, THE DEMOLITION OF A GARAGE AND ACTIVITY HALL IN THE CURTILAGE OF THE SITE. ASSOCIATED CARPARKING, HARD AND SOFT LANDSCAPING.

**Application Number:** 22/0282

**Case Officer:** Thomas Morris

**Applicant:** Mr P Pearce

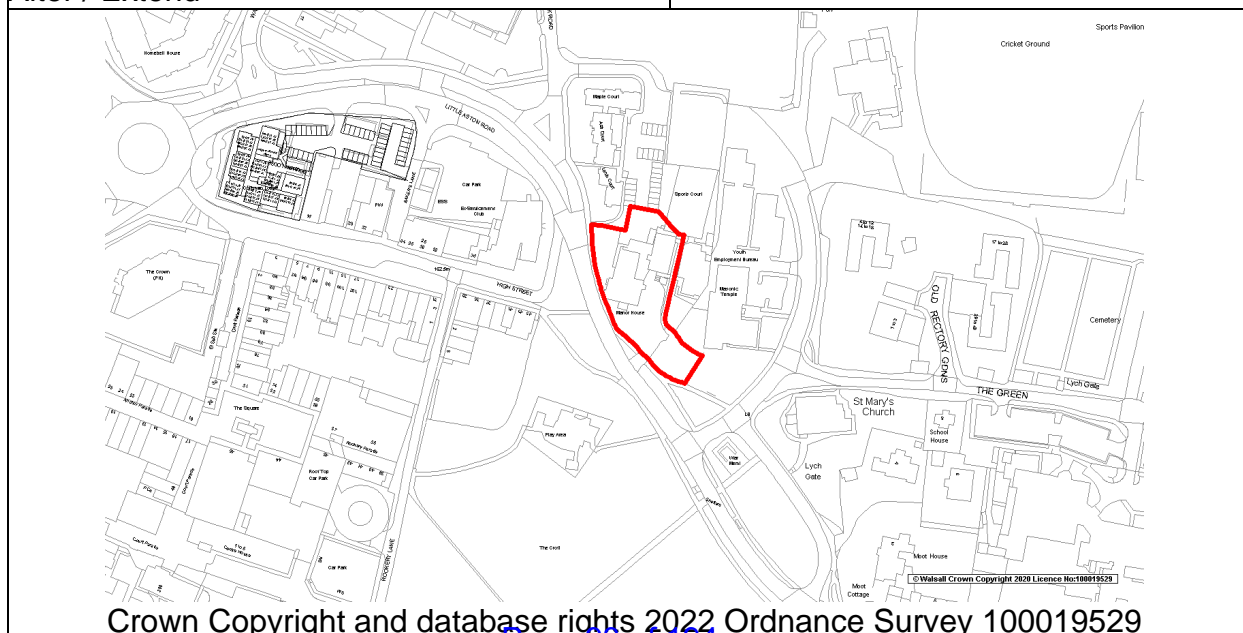
**Ward:** Aldridge Central And South

**Agent:** Mr Ed Griffin

**Expired Date:** 25-May-2022

**Application Type:** Listed Building Consent:  
Alter / Extend

**Time Extension Expiry:**



## Recommendation:

1. 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;
  - Securing amended floor plans and elevations illustrating the removal of bedroom 3 of flat 6, including the internal partitions and the new window;
  - Securing amended landscape proposals plan, showing semi mature hedge planting to screen the proposed boundary between Aldridge Manor and the Masonic Lodge and to the private garden fronting Little Aston Road.

## Proposal

This application seeks Listed Building Consent for alterations to the Aldridge Manor House to allow for its conversion to 8 self-contained flats, demolition of the existing garage and activity hall, as well as associated car parking and hard/soft landscaping works.

The physical works to the Aldridge Manor House include blocking up existing openings, creation of new openings, enlargements to existing openings, removal/alteration of twentieth-century interventions and alterations to existing internal fabric. The proposed external alterations are set out as follows:

- **North Elevation** – Removal of external stairs, removal of existing lighting and signage, ground floor new window opening, new windows to the first and second floor right hand wing, new glazed roof to extension and new window in extension.
- **East Elevation** – Removal of lighting and signage, removal of multiple rainwater goods, removal of external stairs, ground floor replacement of door with window and infilling of door closest to portico, single storey extension enlargement of window, infilling of window, removal of 20th c window and replacement, new glazed door and new window, infilling of door and new glazed door.
- **South Elevation** – Removal of existing lighting and signage.
- **West Elevation** – Removal of signage and lighting, removal of aerial and some rainwater goods, ground floor - new door, new rail bar at first floor, reinstating new door and creation of larger opening to accommodate new doors, new window opening at second floor, reinstatement of windows at first and second floor, single storey existing window enlarged and new glazed roof.

The proposal includes the demolition of the existing activity room and garage which are detached from the main Manor House. These buildings will make way for a shared patio and shared amenity space.

The proposal will convert the building to 8 x self-contained flats, made up of 2 x one-bedroom flats, 5 x two-bedroom flats and 1 x three-bedroom flats. The internal layout of the proposed flats is set out as follows:

- **Flat 1** (2b4p) Ground Floor, Gross internal floor area of 74.1sqm, comprising bedroom 1 (19.1sqm), bedroom 2 (15sqm), kitchen/dining/living room (31.2sqm), utility room (2.1sqm) and bathroom (6.7sqm).
- **Flat 2** (2b4p) Ground Floor, Gross internal floor area of 97sqm, comprising bedroom 1 (13.4sqm), bedroom 2 (12.3sqm), living/dining/kitchen (38sqm), study (12.8sqm), entrance/utility room (12.7sqm) and bathroom (8sqm).
- **Flat 3** (1b2p) Ground Floor, Gross internal floor area of 60.3sqm, comprising a bedroom (23.6sqm), kitchen/dining room (8.4sqm), living room (14.2sqm), utility room (2.2sqm) and bathroom (5.3sqm).
- **Flat 4** (1b2p) First Floor, Gross internal floor area of 50sqm, comprising a bedroom (10.8sqm), dining/living room (29.5sqm) and bathroom (5.5sqm).
- **Flat 5** (2b3p) First Floor, Gross internal floor area of 58sqm, comprising bedroom 1 (13.2sqm), bedroom 2 (8.7sqm), kitchen/living room (23.9sqm), bathroom (4.9sqm) and WC (1.8sqm).
- **Flat 6** (3b4p) First/Second Floor, Gross internal floor area of 94.5sqm, living room (17.9sqm), kitchen (14sqm), WC (2.5sqm), bedroom 1 (13.8sqm), bedroom 2 (9sqm), bedroom 3 (7.8sqm), bathroom (3.8sqm) and WC (1sqm).
- **Flat 7** (1b2p) Second Floor, Gross internal floor area of 38.7sqm, bedroom 1 (13sqm), kitchen/living room (17.7sqm) and bathroom (5.2sqm).
- **Flat 8** (2b3p) Second Floor, Gross internal floor area of 55.8sqm, bedroom 1 (12.3sqm), bedroom 2 (8.2sqm) kitchen/living room (23.4sqm) and bathroom (5.1sqm).

Externally, a part shared/part private garden including a shared patio area will be provided, comprising a total area of approximately 875sqm.

15 car parking spaces (including 2 accessible parking spaces) and 11 cycle parking spaces are proposed.

Vehicular access to the site will be provided by the existing main access off Little Aston Road, the boundary wall adjacent to this access will be reduced in height to 0.6m. A new opening in the boundary wall will provide a pedestrian access off Little Aston Lane to the front of the building.

New boundary treatments in the form of hedges and fencing is proposed on the site's Western boundary to Little Aston Lane and the site's Eastern boundary to the car park of Mason Lodge site.

The application is submitted alongside an application for full planning permission for the proposal (See application reference number 22/0279).

## Site and Surroundings

The application site comprises the Aldridge Manor House, which is a Grade II listed, three-storey detached building, designed with a hipped slate roof, five bays and a two storey rear wing. The site is located off Little Aston Road and is within the Aldridge Conservation Area and Aldridge District Centre. There is Green Belt land to the north and east of the site. The site is within 15km of the Cannock Chase Special Area of Conservation (SAC).

The Aldridge Manor House would have originally been a dwelling but has historically been in use as a library and more recently as a youth centre. The most recent use of the building was as a temporary bedsit/hostel type accommodation, comprising six one-bedroom bedsits/studios (Approximate floor area of 680sqm). The existing use also comprises 20sqm of Use Class B8 (Storage and Distribution) at the existing garage and 180sqm of former Use Class D2 (Assembly and Leisure) (Now Use Class F2b) at the existing activity hall.

The surrounding area comprises a mix of uses, including commercial uses, shops and restaurants on the opposite side of Little Aston Road to the West, a residential care home to the north and the Aldridge Compass Suite to the east.

## Relevant Planning History

20/0103 - Redevelopment of land off Little Aston Road, Aldridge, comprising: demolition of ancillary buildings, erection of 48 Extra Care Retirement Apartments (Use Class C2), conversion of Aldridge Manor House to create 7 flats (Use Class C3), erection of 3 dwellings – Refused 10/02/2021.

20/0127 - Listed Building Consent to: Repairs, refurbishment and alterations to the Manor House, forming 7 residential flats including part demolition of existing listed building – Refused 10/02/2021.

15/1628 – Listed building consent for the installation of commemorative blue plaque – Grant listed building consent – 23/12/20015.

08/0495/LB – Listed building consent for the provision of disabled ramp from car park to sports hall and provision of disabled car park space - Grant Listed Building Consent 01/07/2008.

08/0483/FL - Provision of disabled ramp from car park to sports hall and provision of disabled car park space – Grant Permission Subject to Conditions 25/06/2008.



## 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 12 – Achieving well-designed places**
- **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**

- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals

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## Black Country Core Strategy

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

### Supplementary Planning Documents:

#### Designing Walsall

- DW3 Character

## Consultation Replies

**Conservation Officer** – No objections, subject to the following conditions (summary version, full conditions listed in the conditions section of the report):

- Submission of a full phasing plan for each phase of the proposed works.
- Submission of a full inventory of retention of significant internal and external features.
- Submission of a plan outlining the exact areas within the listed building, where modern plasterboard will be removed to undertake explorative works to establish whether any original historic fabric remains.
- Submission of a building recording survey.
- Submission of timber and damp surveys.
- Submission of a full method statement.
- Submission of a full strategy for repair of the historic fabric of the listed building
- Submission of full architectural and specification details.
- Submission of a full strategy for internal and external works to the historic fabric of the listed building.
- Submission of an amended plan illustrating the removal of bedroom 3, the internal partitions and the new window in apartment six.
- Submission of a window schedule survey.
- Submission of full architectural and specification details.
- Submission of a door schedule survey.
- Submission of details of the exact location of kitchen and bathroom extraction vents and heating flues.
- Submission of a full mechanical and electrical systems strategy including existing and proposed route of electrical installations and location of existing and proposed plug sockets, light switches and light fittings, water utilities strategy and heating strategy.
- Submission of details of the new soil and ventilation pipes.
- Submission of details of how fire, sound and noise insulation will be installed within the listed building.
- Submission of a full suite of materials for the exterior including details of colour finishes and manufacturers details, as listed below shall be submitted to and approved in writing by the local planning authority.

- Submission of details of all boundary treatments adjacent the Masonic Lodge and land to the north, including details of the height, materials and external finishes of all boundary treatments.
- Submission of a mortar mix for external masonry work and repointing work shall be submitted to and approved in writing by the local planning authority. All works affecting historic fabric shall use Naturally Hydraulic Lime (NHL) to a specified ratio with sand in accordance with its use and location.
- Submission of details of all external lighting.
- Submission of a revised landscape plan showing semi mature hedge planting to screen the proposed boundary between Aldridge Manor and the Masonic Lodge and to the private garden fronting Little Aston Road.
- For all historic features within the listed building known as Aldridge Manor House and as set out in the Conditions Report submitted on 22 February 2022 shall be retained within the listed building. Any historic features identified in any subsequent conditions survey shall be retained within the listed building.

**Historic England – No objections.**

## **Representations**

None received.

## **Determining Issues**

- Impact on the Listed Building and its Setting:
- Impact on the Conservation Area.

## **Assessment of the Proposal**

This application seeks Listed Building Consent for alterations to Aldridge Manor House to allow for its conversion to 8 self-contained flats, demolition of the existing garage and activity hall, as well as associated car parking and hard/soft landscaping works. The application has been submitted alongside the application for full planning permission for the same development at the site (See application reference number 22/0279).

Members of the Planning Committee will note that the planning authority recommend that the full planning application at the site (22/0279) should be refused, due to the site's location with 15km of the Cannock Chase Special Area of Conservation (SAC) and the absence of any information regarding the impact on the SAC and mitigation measures. However, whilst the Listed Building Consent application relates to the same development, this application relates solely to the conservation of the listed building and historic environment and other planning considerations (such as the impact on the Cannock Chase Special Area of Conservation) are not relevant to this application.

## **Impact on the Listed Building and its Setting:**

The Aldridge Manor House is a Grade II listed building located off Little Aston Lane, within the Aldridge Conservation Area. The building is detached, three-storey and designed with a hipped slate roof, five bays and a two storey rear wing. The building has a slightly neglected appearance featuring some modern additions and outbuildings which have resulted in a negative impact on the significance of the building. The setting of the listed building has also been harmed by the construction of Little Aston Lane, meaning that the original front and side gardens and driveway of the building have been lost. The outbuildings within the curtilage of the listed building are of little architectural merit and historical significance and the site also lacks the greenery and planting found elsewhere in the conservation area.

Considering the impact of the proposal on the significance of the listed building and its setting, the proposed external alterations include the removal of the unsympathetic twentieth-century alterations, including the external stairs, lighting, signage, aerial and rainwater goods. The removal of these features is therefore acceptable as they currently detract from the appearance and significance of the building. The additional external alterations to the listed building include alterations and enlargements to some of the existing window/door openings on the North, East and West elevations. These alterations are not likely to result in harm to the significance of the listed building as they relate to existing openings, subject to the submission of further details secured by planning conditions.

The proposed works to the listed building also include the insertion of a new window at the second floor on the West elevation, facing Little Aston Road. This new window will serve bedroom 3 of flat 6 at the second floor. The insertion of the new window of different proportions to existing windows and breaking with the established hierarchy of windows at this highly visible elevation will result in some harm to the significance of the listed building, with the level of harm being considered to be low to medium.

The new window will serve bedroom 3 at flat 6, however, this bedroom is only 2m in width, therefore falling short of the minimum requirement of 2.15m width for single bedrooms, as stated within the Technical Housing Standards – Nationally Described Space Standards. Given that this bedroom falls short of the space standards for minimum bedroom widths, the harm to the significance of listed building as a result of the insertion of a new window, and that the flat already has two other bedrooms, a condition of this approval would require amended plans, removal this window and merging bedrooms 2 and 3 for this flat, in order to reduce the level of harm the proposal will have on the significance of the listed building.

The only alterations to the South elevation, which is the main elevation and front of the building are the removal of signage and lighting and these changes will enhance the appearance of this elevation and are acceptable.

Externally, the removal of the modern outbuildings are acceptable given that they are of little architectural merit or historical significance. These alterations will also allow for the creation of a rear landscaped amenity space and landscaped frontage which will go some way to enhancing the setting of the listed building.

In summary, by virtue of the proposed installation of a new window on the second floor West elevation, the proposal is considered to result in 'less than substantial harm' to the significance of the listed building. In accordance with Paragraph 202 of the NPPF, this harm needs to be considered against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. Whilst the proposal would contribute to the building's retention within a positive use and would contribute to its conservation and viability, the planning authority recommend that this is subject to the removal of the new window at the second floor west elevation. On this basis, the proposal would both have public benefits and would enhance the significance of the listed building and would therefore be acceptable, subject to the conditions listed below.

### **Impact on the Conservation Area:**

The proposal to demolish the outbuildings and establishment of a rear landscaped amenity area together with a landscaped frontage will enhance the character and appearance of the Aldridge Conservation Area.

## **Conclusions and Reasons for Decision**

The applicant has been appealed to the Planning Inspectorate against non-determination of the Listed Building Consent application. The planning authority are seeking a resolution from Members of the Planning Committee on how they would have otherwise determined the application. The resolution will be forwarded to the Planning Inspectorate and will form part of the Council's appeal documents.

Notwithstanding the planning authority's recommendation to refuse the main planning application at the site, as this application relates solely to Listed Building Consent, the proposal is considered to be acceptable subject to the recommended conditions. The proposal would result in less than substantial harm to the significance of the listed building. However, subject to the conditions listed below, this harm would be outweighed by the public benefits of the proposal in allowing for the provision of housing at the site, as well as securing the continued use of the listed building which will support its long term conservation and optimum viable use. Taking into account the above factors it is therefore considered that the application should be recommended for approval, subject to conditions.



## Positive and Proactive Working with the Applicant

### Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding the impact of the proposal on the significance of the listed building, amended plans have been submitted which enable full support to be given to the scheme, subject to the conditions attached to the approval.

### Recommendation

1. 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;
- Securing amended floor plans and elevations illustrating the removal of bedroom 3 of flat 6, including the internal partitions and the new window;
- Securing amended landscape proposals plan, showing semi mature hedge planting to screen the proposed boundary between Aldridge Manor and the Masonic Lodge and to the private garden fronting Little Aston Road.

### Conditions and Reasons

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

Reason: Pursuant to the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) 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:

- 113424-0700 Rev 04 (Location and Block Plan).
- 113424-0705 Rev 05 (Site Plan – Alterations and Demolitions).
- 113424-0707 Rev 17 (Proposed Site Plan).
- 113424-0721 Rev 07 (Alterations Ground Floor Plan).
- 113424-0722 Rev 07 (Alterations First Floor Plan).
- 113424-0728 Rev 07 (Alterations East Elevation).
- 113424-0730 Rev 03 (Proposed Basement Plan).
- 113424-0731 Rev 10 (Proposed Ground Floor Plan).
- 113424-0732 Rev 11 (Proposed First Floor Plan).
- 113424-0734 Rev 02 (Proposed Roof Plan).
- 113424-0735 Rev 03 (Proposed South Elevation).
- 113424-0737 Rev 05 (Proposed North Elevation).

- 113424-0738 Rev 06 (Proposed East Elevation).
- 113424-0745 Rev 05 (Site Sections).
- 113424-0764 Rev 02 (Internal Doors Existing Upgrading and Typical New).
- 113424-0766 Rev 03 (Typical Floor and Ceiling Fire and Acoustic Upgrading).
- 113424-0785 Rev 02 (Proposed Site Plan – Existing Main FW Drainage Connections).
- 113424-0791 Rev 05 (Cycle Shelter).
- 113424-0792 Rev 05 (Proposed Recycling and Waste Storage Shelters).
- 113424-0793 Rev 04 (Proposed Alterations to Walls Ref 1 and 2).
- 113424-0794 Rev 03 (Proposed New Boundary Fences).

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 hereby permitted, a full phasing plan for each phase of the proposed works shall be submitted to and approved in writing by the local planning authority.

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved phasing plan.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

4a. Prior to the commencement of development, a full inventory of retention of significant internal and external features, shall be submitted to and approved in writing by the local planning authority.

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved inventory.

Reason: To safeguard the significance and character of this Grade II listed building and in accordance with Section 16 of the Town and Country (Listed Building and Conservation Areas) Act 1990, and Policy ENV27 of the UDP.

5a. Prior to the commencement of development hereby permitted, a plan outlining the exact areas within the listed building, where modern plasterboard will to be removed to undertake explorative works to establish whether any original historic fabric remains shall be submitted to and approved in writing by the local planning authority. Details shall also include the method of removal of the plasterboard.

5b. Explorative works shall only be undertaken in the areas agreed on the plan approved under condition a.

5c. Once modern plasterboard has been removed and should any original historic fabric/ features remain, a new conditions survey shall be undertaken, which shall be submitted to and approved in writing by the local planning authority.

5d. Any original historic fabric / features discovered under part C of this condition shall be retained in the listed building.

Reason: To safeguard the significance and character of this Grade II listed building and in accordance with Section 16 of the Town and Country (Listed Building and Conservation Areas) Act 1990, and Policy ENV27 of the UDP.

6a. Prior to the commencement of development hereby permitted, and after the explorative works have been undertaken under condition 5a, a 'building recording survey' in accordance with Historic England's Understanding Historic Buildings: A guide to good recording practice (2006) to Level 3 shall be commissioned by an accredited archaeologist and shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

7a. Prior to the commencement of development hereby permitted, and after the explorative works have been undertaken under condition 5a, timber and damp surveys shall be submitted to and approved in writing by the local planning authority. The surveys shall also include any remedial measures, the methodology of works including materials and tools that will be used to undertake remedial works.

7b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved timber and damp surveys.

Reason: To safeguard the significance and character of this Grade II listed building and in accordance with Section 16 of the Town and Country (Listed Building and Conservation Areas) Act 1990, and Policy ENV27 of the UDP.

8a. Prior to the commencement of development hereby permitted, a full method statement outlining:

- i. The method to rake out any old mortar including tools to be used;
- ii. The method of repointing including the mortar mix and the method and tools to undertake repointing;
- iii. The method to remove graffiti and staining, including details of dwell times;
- iv. Tools and equipment to be used and how they will be used;
- v. Method of any demolition and dismantling to be undertaken;
- vi. Strategy, extent, form and fixing of scaffolding;
- vii. All temporary works;
- viii. Location and form of temporary storage of historic materials removed and to be reinstated; Including roofing materials
- ix. Type and fixing of safeguarding measures to historic fabric during implementation of works including shoring, protective packing and screening; and

- x. Protective measures to be put in place to preserve features to be retained;
  - xi. Type and fixing of safeguarding measures to historic fabric during implementation of works including shoring, protective packing and screening; and
  - xii. Measures for repair and remediation;
  - xiii. The lowering of the wall within the private garden, as shown on drawing 0707/17: Including existing and proposed heights and coping materials.
- shall be submitted to and approved in writing by the local planning authority. The method statement shall be structured to reflect the works of the various trades that will be instructed during the implementation of the scheme.

8b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved method statement.

8c. The method statement approved shall be shared with and made available to all contractors instructed during implementation of works and its agreed strategies adhered to throughout the implementation.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

9a. Prior to the commencement of development hereby permitted, a full strategy for repair of the historic fabric of the listed building shall be submitted to and approved in writing by the local planning authority. This strategy shall include the following:

- i. The method of repair to original internal historic fabric, including ceiling cornices, dado rails, dado panels, picture rails, skirting boards, timber panelling around and under windows in rooms G1 and G3; including details of the method to remove any existing finishes and details of new finishes, including materials, tools, colour, finishes and manufacturers details;
- ii. Repairs to the original staircase in the listed building: The method to remove any paint from the original staircase, details of the repair works, details of any new paintwork including type of paint and manufactures details;
- iii. The method of repair to the portico, including materials and tools to be used;
- iv. Repair to all timber: Including the type and density, joints of joinery/carpentry, fixing (nails, pegs and/or putty / adhesives) and finish;
- v. Repair and replacement glass to be single pane: Including the type, fixture and finish;
- vi. Repair to ironmongery and metal: Including the type of metal, form, structural integrity, composition, fixing, joints and finish.
- vii. Repair to brickwork: Including the type and density, bonding and fixing, stitching together and or surface finishing, facing materials;
- viii. Repair of stucco: Including areas where stucco repair to be undertaken, the method of repair, stucco mix, the method of applying the stucco;
- ix. Repair to stone: Including the type and density, bedding, fixing, surface finishing and arrangement.
- x. Repair to all Cills: Including type and density, bedding, fixing, surface finishing and arrangement;
- xi. Repair to plasterwork: Including the plaster mix, application (coats), substructure, decoration and

- xii. Repair to the roof: Including slates details including the removal and replacement of slates, fixing, bedding, fire protection measures, roof insulation, type of breathable roof insulation, repair works, details of flashing and the type of flashing and the method of jointing into the brickwork, tools and machinery to be used;
  - xiii. The method of repair to rainwater goods, including the reinstatement of cast iron rainwater goods and hoppers and the method of fixing to the exterior fabric of the listed building and the tools to be used;
  - xiv. Repairs to Chimneystacks and parapets, including the method of repair and the type and density, bonding and fixing, stitching together and or surface finishing.
- 9b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved strategy for repair.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

10a. Prior to the commencement of development hereby permitted, full architectural and specification details (at a scale of 1:10) shall be submitted to and approved in writing by the local planning authority. The details shall be referenced in accordance with the phasing plan and the architectural and specification details shall include the following:

- i. Rainwater goods: Design, location, materials, finish and fixing;
- ii. New masonry: The position, form and bonding;
- iii. New internal joiners (skirting, ducting, and architraves): Design, materials, position, fixing and colour finish;
- iv. New plasterwork (ceilings, walling and decoration): Form, composition and application, plaster mix, location of application, number and type of coats and decorative use;

10b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved strategy for repair.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

11a. Prior to the commencement of development hereby permitted, a full strategy for internal and external works to the historic fabric of the listed building shall be submitted to and approved in writing by the local planning authority. This strategy shall include the following:

- i. Partitions: Including 1:20 plan showing exact position and relationship to adjacent and affected historic fabric, scribing round historic joinery, plasterwork architectural details including ceiling cornices, skirting boards, dado rails and panels, timber panelling, fixing and attaching, type, material, installation method, type of tools;

- ii. Internal openings to be infilled in: Including type of facing materials to be used to infill the opening and the type of lime plaster to be used, including the plaster mix details to finish the wall to a smooth level finish;
- iii. New internal openings: Including method; whether the openings are floor to ceiling or half openings formed to head height in G1, G7 and G7 as referenced in the conditions survey and apartments 4, 8 and 7 on the submitted plans, the method to create these openings, the tools to be used to create these openings;
- iv. Restoration works to the exterior of the listed building: Including exact details of the level of restoration, the method of restoration, the materials and tools to be used to restore the exterior;
- v. External works to the exterior of the listed building: Including specification of the external works, the method;
- vi. Stucco: Including the type of stucco, the mix of the stucco, the method of applying the stucco;
- vii. Infilling works to create smaller window openings: including facing brick type, mortar mix;
- viii. Glazed roof details to the single storey rear element: Including type of glass, method of fixing.

11b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved works.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

12a. Prior to the commencement of development hereby permitted, a window schedule survey shall be submitted to and approved in writing by the local planning authority. The window schedule shall include:

- i. Specification of the condition of each window; including any handles, locks, mechanisms;
- ii. Repairs to the existing timber sash windows and bay windows: Including repairs to the glazing bars and frame, reveals, opening mechanisms, handles, latches and locks and material to be used to undertake repairs.

12b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved window condition survey.

Reason: To safeguard the significance and character of this Grade II listed building and in accordance with Section 16 of the Town and Country (Listed Building and Conservation Areas) Act 1990, and Policy ENV27 of the UDP.



13a. Prior to the commencement of development hereby permitted, full architectural and specification details (at a scale of 1:10) shall be submitted to and approved in writing by the local planning authority. The details shall be referenced in accordance with the phasing plan and the architectural and specification details shall include the following:

- i. Windows: including reinstatement and new timber sash windows: Including overall design and including tripartite designed timber sash windows on the northern elevation at first and ground floor (nearest to Little Aston Road), glazing bar and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches and locks, type of wood the windows are to be constructed from, external finishes including colour and manufacturers details;
- ii. Secondary glazing: Overall design and how it relates to the principal window, glazing bar and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches and locks and how it will be fixed to the window frame and method of fixing;
- iii. The bespoke design of the replacement timber doors: Including type of wood; the method of fixing including tools to be used; frames / architraves, arrangement of materials and individual components and members, materials, reveal, hinges, locks, latches, handles, opening mechanism, and self closing units to be fixed to doors and the method of fixing; type of fire and smoke seals to be fixed around the doors; details of the finish, colour and manufacturers details.
- iv. Redesign of the ground floor doors on the western elevation drawing number 0736/05: Including type of wood; the method of fixing including tools to be used; frames / architraves, arrangement of materials and individual components and members, materials, reveal, hinges, locks, latches, handles, opening mechanism, and self closing units to be fixed to doors and the method of fixing; type of fire and smoke seals to be fixed around the doors; details of the finish, colour and manufacturers details.

13b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved window condition survey.

Reason: To safeguard the significance and character of this Grade II listed building and in accordance with Section 16 of the Town and Country (Listed Building and Conservation Areas) Act 1990, and Policy ENV27 of the UDP.

14a. Prior to the commencement of development hereby permitted, a door schedule survey shall be submitted to and approved in writing by the local planning authority. The window schedule shall include:

- i. The type of doors within the listed building;
- ii. Details of which doors are to remain and which are to be replaced;
- iii. Doorways and architraves to be retained; including details of the type of fire boarding and method of fixing;
- iv. Repair to existing internal and external original timber door/s: including the method of repair, replacement timber, method of paint removal, details of any new paintwork including type of paint and manufactures details;

14b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved door schedule survey.

Reason: To safeguard the significance and character of this Grade II listed building and in accordance with Section 16 of the Town and Country (Listed Building and Conservation Areas) Act 1990, and Policy ENV27 of the UDP.

15a. Prior to the commencement of development hereby permitted, details of the exact location of kitchen and bathroom extraction vents and heating flues shall be submitted to and approved in writing by the local planning authority. The details shall include:

- i. The internal location of the kitchen and bathroom vents, the type of vents to be installed, the method of fixing the vents to the internal historic fabric and the type of tools to be used to fix the vents onto the internal historic fabric.
- ii. The external location of the kitchen and bathroom vents, the type of vents to be installed, the method of fixing to the external historic fabric and the type of tools to be used to fix the vents onto the external historic fabric.
- iii. The location of the heating flues, the material of the proposed heating flues, the method of fixing the heating flues to the historic fabric and the type of tools to be used to fix the heating flues to the historic fabric.

15b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved kitchen and bathroom vents.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

16a. Prior to the commencement of development hereby permitted, a full mechanical and electrical systems strategy including existing and proposed route of electrical installations and location of existing and proposed plug sockets, light switches and light fittings, water utilities strategy and heating strategy shall be submitted to and approved in writing by the local planning authority.

16b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved mechanical and electrical systems, heating and water utilities strategies and implemented in accordance with the phasing plan.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

17a. Prior to the commencement of development hereby permitted, details of the new soil and ventilation pipes shall be submitted to and approved in writing by the local planning authority. The details shall include:

- i. Type, material, method of fixing, tools to fix the soil and ventilation pipes
- ii. A plan showing the proposed route of the proposed soil and ventilation pipes within the building.

17b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved foul water pipes.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

18a. Prior to the commencement of development hereby permitted, details of how fire, sound and noise insulation will be installed within the listed building shall be submitted to and approved in writing by the local planning authority. The details shall include:

- i. The type of breathable insulation to be installed, where the insulation will be installed and the method of insulation.
- ii. Where noise, fire and sound insulation will be installed between flats and the implications this would have on the existing door levels, decorative features, existing flooring. How original features will be retained and restored once the insulation has been fitted.
- iii. How fire insulation will be fitted whilst retaining historic ceiling plasterwork, including the method of insulation, what original features will need to be removed, where these will be installed whilst fire insulation is fitted, how the original materials will be attached back to the listed building.

18b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved noise, fire and sound insulation measures.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

19a. Prior to the commencement of development hereby permitted, a full suite of materials for the exterior including details of colour finishes and manufacturers details, as listed below shall be submitted to and approved in writing by the local planning authority.

- i. Masonry: including details of the stucco and external colour finish of the stucco
- ii. Windows;
- iii. Joinery (soffits, eaves, bargeboards, canopies);
- iv. Rainwater goods;
- v. Roofing;
- vi. Flashing;
- vii. Hard surface areas: Including materials, demarcation between the driveway / parking areas and planted areas and pedestrian pathways;
- viii. Paintwork to windows and doors, including finish and manufacturers details and type of paint;
- ix. External finish of the bin store and cycle shelter.

19b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved materials.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

20a. Prior to the commencement of development hereby permitted, details of all boundary treatments adjacent the Masonic Lodge and land to the north, including details of the height, materials and external finishes of all boundary treatments shall be submitted to and approved in writing by the local planning authority.

20b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved boundary treatments.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

21a. Prior to the commencement of development hereby permitted, a mortar mix for external masonry work and repointing work shall be submitted to and approved in writing by the local planning authority. All works affecting historic fabric shall use Naturally Hydraulic Lime (NHL) to a specified ratio with sand in accordance with its use and location.

21b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved mortar mix.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

22a. Prior to the commencement of development hereby permitted, details of the wireless fire detection system shall be submitted to and approved in writing by the local planning authority.

22b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved wireless fire detection system.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

23a. Prior to the commencement of development hereby permitted, details of all external lighting shall be submitted to and approved in writing by the local planning authority. The details shall include:

- i. the exact details of the PIR sensor light and fixings,
- ii. the type of lighting to be installed, the exact position where the lighting will be erected / fixed / attached, the type of lamp, type of column, type of fixture, the method of installation and the level of illumination and the tools to be used to attach or fixed any internal and external lighting.

23b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting scheme.

Reason: To safeguard the significance, setting and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

24. The development shall only be carried out in accordance with the cycle details as shown on drawing number 0791/05 submitted on 20th July 2022, the proposed recycling and waste storage shelters as shown on drawing number 0792/05 and the proposed new boundary fence as shown on drawing number 0794/03.

Reason: To safeguard the significance, setting and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

25. All historic features within the listed building known as Aldridge Manor House and as set out in the Conditions Report submitted on 22 February 2022 shall be retained within the listed building. Any historic features identified in any subsequent conditions survey shall be retained within the listed building.

Reason: To safeguard the significance and character of this Grade II listed building and in accordance with Section 16 of the Town and Country (Listed Building and Conservation Areas) Act 1990, and Policy ENV27 of the UDP.

**Notes for Applicant**

None

**END OF OFFICERS REPORT**





## Planning Committee

Report of Head of Planning and Building Control on 08 September 2022

Plans List Item Number: 3

### Reason for bringing to committee

Major Application

### Application Details

**Location:** WALSALL DEAF PEOPLES CENTRE, 59A, LICHFIELD STREET, WALSALL, WS4 2BX

**Proposal:** CONVERSION OF THE EXISTING SEMI DETACHED BUILDING TO INCLUDE 2 NO. 2 BEDROOM APARTMENTS AND A NEW 3 STOREY BUILDING TO THE REAR WITH 3 NO. 2 BEDROOM APARTMENTS AND 9 NO. 1 BEDROOM APARTMENTS ALONG WITH THE PROVISION OF 14 OFF-STREET PARKING SPACES.

**Application Number:** 20/1515

**Case Officer:** Ann Scott

**Applicant:** Mr M Latif

**Ward:** St Matthews

**Agent:** PAUL CLIFTON

**Expired Date:** 23-Mar-2021

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

**Time Extension Expiry:** 16-Sep-2022



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## Recommendation:

1. Refuse

## Proposal

Conversion of the existing semi-detached building to include 2 no. 2 bedroom apartments and a new 3 storey building to the rear with 3 no. 2 bedroom apartments and 9 no. 1 bedroom apartments along with the provision of 14 off-street parking spaces

## Site and Surroundings

The application site is 59a Litchfield Street Walsall and forms a pair of semi-detached buildings which are presently used as B1a Offices and D2 Assembly and Leisure. The proposed development is situated on the North West side of Litchfield Road opposite the Walsall Arboretum. The property to be converted and extended is of traditional construction with rendered white finish and a slate roof of approximate Victorian Era Circa 1880's onwards. The site is the former offices and assembly facility for the Walsall Deaf Centre.

## Relevant Planning History

None relevant

## 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 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 10 – Supporting high quality communications**
- **NPPF 11 – Making effective use of land**

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- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The ‘Local List’ of Buildings of Historic or Architectural Interest
- ENV30: Registered Parks and Gardens
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- LC8: Local Community Facilities

## **Black Country Core Strategy**

- CSP4: Place Making
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

### **Site Allocation Document:**

- EN5: Development in Conservation Areas

## **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

## Urban Open Space

- Policy OS1 Qualifying Development
- Policy OS1 Planning Obligations
- Policy OS3 Scale of Contribution
- Policy OS4 Local Standards for new homes
- Policy OS5 Use of Contributions

## 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

## Other Policy Guidance

- National Design Guide
- Historic England Good Practice Advice Note1: Conservation Area Designation, Appraisal and Designation.
- Historic England Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment.
  - Historic England Good Practice Advice Note 3: The Setting of Heritage Assets.
- Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets.
- Black Country Historic Landscape Characterisation (2009)
- Arboretum Conservation Area and Management Plan

## Consultation Replies

**Conservation Officer** – Objection there are gaps in the information provided and insufficient information to form an informed view on how the development will impact on the key views of the site. Consider the proposal would have less than substantial harm to the significance of the locally listed building 58 Litchfield Street. Number 59 Litchfield Street is a non-designated heritage asset. The extension at 59a when viewed from 59 would have less than substantial harm to the significance of the non-designated heritage asset.



**Highways Officer** – Supports the proposal and recommends condition in regard to parking, turning, and provision of cycle parking facilities.

**Environmental Protection /Pollution Control** – No objections.

**Police Architectural Liaison Officer** – No objections.

**Natural England** – No objections.

**Ecology** - it is the determination of the screening assessment that the application is likely to result in significant harm of the SAC and should progress directly to Stage 2 the undertaking of an Appropriate Assessment.

While Walsall Council, as the Competent Authority, will carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it will be the responsibility of the applicant to provide and secure suitable mitigation on which to base the appropriate assessment.

Where the conclusion of an Appropriate Assessment finds that insufficient mitigation measures have been provided, and / or where Natural England object as statutory consultee, the Local Planning Authority will have no option but to refuse this application in line with the Habitats Regulations.

**Historic England** - Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 192, 197, 202 and 206 of the NPPF.

We are not, however, persuaded that the 1960s extension and loss of the property's garden setting have a neutral impact on either the building or the conservation area. We consider that these are negative aspects of the property that detract from the area's overall quality and historic interest. We therefore remain concerned that the scale, shape, mass, density and design of the proposed extension will serve to magnify the negative impact of an already harmful aspect of the site.

**Housing Standards** – no comments to make.

**Coal Authority** – the site does not fall within the defined development high risk area there is no requirement for a coal mining assessment.

**Highways England** – No objections.

**Environmental Health** – No comments.

**Sport England** - No comments

## **Representations**

1 Third party response with regard to the following:

- Traffic generation
- Parking/congestion
- Noise/disturbance
- Loss of amenity

## **Determining Issues**

- Cannock Chase SAC and HRA
- Principle of Development
- Housing need
- Impact on Heritage Assets/Conservation Area
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations
- Local Finance Considerations
- Other key issues

## **Assessment of the Proposal**

### **Cannock Chase SAC and HRA**

Pursuant to the Habitats Directive (92/43/EEC), where a plan or project is not connected with the nature conservation management of a European designated site, the competent authority must determine whether the plan or project is likely to have a significant effect on the site, either alone or in combination with other plans or projects. This is reflected in national law in the Conservation of Habitats and Species Regulations 2017 (“Habitats Regulations”), which place a duty upon competent authorities to consider the potential for effects upon sites of European importance prior to granting consent. This is referred to as a screening assessment. If likely significant effects are identified by the screening assessment, the competent authority must then undertake an Appropriate Assessment of the implications.

Approximately 20% of Cannock Chase falls within the Cannock Chase Special Area of Conservation (“SAC”), allocated primarily for its dry heathland. Council areas in the vicinity of the SAC have formed a Partnership and commissioned reports to assess impacts upon the SAC and how they arise. The evidence indicates that development which would increase visitors within 15km of the SAC may have a significant impact.

Walsall Council is not part of the SAC Partnership. However, due to the reference to a 15km zone of influence, Walsall Council is currently considering its position in relation to impacts on the Cannock Chase SAC and mitigation. It must ensure that planning decisions do not have any negative impact on the SAC and, if they do, it must either refuse permission or secure appropriate mitigation measures.

On 1st July 2022 the Head of Planning and Building Control wrote to all applicants and agents whose applications fall within 15km of the Cannock Chase SAC to indicate that whilst Walsall Council was considering its position, they may consider it appropriate to submit a Habitats Regulation Assessment for their proposed development in Walsall Borough as part of their proposed mitigation.

The applicant/agent submitted additional information. The Project has been screened to identify whether potential effect pathways between the Project and the SAC are present which are likely to result in significant effects upon the SAC. The screening exercise carried out on April 1st 2022 by the SAC Partnership authorities found likely significant effects on the SAC arising as a result of increased recreational activity from new residential development and related population growth that is likely to disturb the ground. A 21/12/12 Cannock Chase SAC Visitors Survey investigating visitor access patterns found that the majority (75%) of visitors originated from within a 15km distance of the SAC (also supported by 2018 visitor survey data) and The Cannock Chase SAC Planning Evidence Base Report Stage 2 (12/07/21) determined that within this 15km 'zone of influence', measures to reduce recreational pressure would be most effective.

The applicant's/agents submitted HRA information stated that the proposal will not impact on the Cannock Chase SAC.

As a likely significant effect on the SAC was identified, officers carried out an Appropriate Assessment to consider the likely significant effects on the integrity of the SAC and its conservation objectives and to identify ways to avoid or minimise those adverse effects.

Applying a precautionary approach, the Appropriate Assessment concluded that the proposal fails the integrity test and an adverse effect on site integrity cannot be ruled out. As such, the proposal in its current form must be rejected and planning permission cannot be granted. The integrity test, officers have considered whether derogations apply which would enable the proposal to be allowed. To qualify for derogation, all three of the following legal tests must be met:

- (i) there are no feasible alternative solutions that would be less damaging or avoid damage to the SAC;
- (ii) the proposal needs to be carried out for imperative reasons of overriding public interest; and
- (iii) the necessary compensatory measures can be secured (to fully offset the damage which will or could be caused).

Officers concluded that the derogations did not apply to this proposal and

planning permission cannot be granted.

## **Principle of Development**

The proposal involves conversion of the existing building and extension to provide 14 flats and 14 parking spaces. The flats will be a mix of 1, 2 and 3 bedrooms. The application site is an existing building at 59a Litchfield Road.

Paragraph 8 of the NPPF relates to achieving sustainable development, and seeks to ensure that new development is sustainable in terms of the economy, social objectives and environmental objectives. Paragraph 10 provides for the presumption in favour of sustainable development. In terms of the location of the proposed development there are no objections in principle to the development of 14 apartments in this location within the development limits and well related to the Walsall Town Centre and wider settlement pattern.

## **Housing Need:**

Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 60 seeks to ensure the governments' objective of significantly boosting the supply of homes. Paragraph 61 relates to strategic housing supply policies and should be informed by local housing need. The council has an emerging housing supply shortfall and has recently failed the Housing Delivery Test as a result of low housing delivery over the last three years. Paragraph 73b of the NPPF seeks to ensure that the supply of new homes should be well located and designed, and supported by the necessary infrastructure and facilities including a choice of transport modes. Walsall is connected by bus and rail services to the wider area and provides a sustainable location for the proposed development. The application site is closely located to the Walsall Town Centre.

Paragraph 74 relates to maintaining supply and delivery of housing sites over the development plan period. Local Planning Authorities should update annually a supply of deliverable sites against their housing requirement set out in adopted strategic policies.

The Black Country Core Strategy Policy HOU1 Delivering Sustainable Housing Growth seeks to create a network of cohesive, healthy and prosperous communities and for the provision of sufficient land to provide for sustainable housing growth.

The present Housing Delivery Test indicates that Walsall only achieved around 70% of its housing delivery over the period 2018-2021. Where applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites, with the buffer set out in paragraph 74, or where the Housing Delivery Test was below 75% of the housing requirement over the previous three years the presumption is in favour of granting

permission as indicated in Paragraph 11d.

### **Impact on Heritage Assets/Conservation Area**

The proposed development lies in the vicinity of national and locally listed buildings and a nearby conservation area. These are The Walsall Arboretum and Registered Park and Garden Grade II. Queen Mary's Grammar School Buildings, Grade II, 1,2,3,4,5,6,7 and 8 Victoria Terrace, Grade II and The Boat House Grade II. In particular the site lies adjacent to the Highgate Conservation Area and the Walsall Arboretum. Nearby Locally Listed buildings include 55-56 and 58 Litchfield Street and the Arboretum Corner Lodge and Clock Tower and the non-designated heritage asset at 59a Litchfield Street. Comments have been received from the Council's Conservation Officer who advises that the proposed development is unacceptable on the grounds of scale, massing, layout, design and materials. Which would lead to less than substantial harm to existing heritage assets in particular to the

Paragraph 202 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use. The proposal fails to meet the criteria in paragraph 202 because the public benefit of the redevelopment of the site would not outweigh the harm arising in particular due to the size, height and scale of the development and its impact on the existing heritage assets. Furthermore the application fails to demonstrate that the proposal would comprise the most optimum viable use which would cause the least harm to the significance of the existing heritage assets.

**Paragraph 203 of the NPPF seeks to ensure that the** effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The submitted heritage assessment fails to put forward sufficient justification that would overcome the policy concerns associated with the development. In considering applications which affect heritage assets in particular listed buildings the Local Planning Authority under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 78916(2) In considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

66 (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

72 (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Historic England demonstrate concerns and advise paragraphs 189, 192, 197, 202 and 206 of the NPPF are relevant and are not, persuaded that the 1960s extension and loss of the property's garden setting have a neutral impact on either the building or the conservation area. It is considered that these are negative aspects of the property that detract from the area's overall quality and historic interest and remain concerned that the scale, shape, mass, density and design of the proposed extension will serve to magnify the negative impact of an already harmful aspect of the site

The proposed development is not considered sympathetic to the character and appearance of the locality and fails to preserve or enhance the character and appearance of the Highgate Conservation Area. Contrary to Saved Policy GP2 Environmental Protection and policies DW3 Character, DW9 High Quality Public Realm, and "saved" Unitary Development Plan policy ENV27 Buildings of Historic or Architectural Interest, ENV28: The 'Local List' of Buildings of Historic or Architectural Interest, Policy ENV2: Historic Character and Local Distinctiveness and ENV3 Design Quality of the Black Country Core Strategy, and the National Planning Policy Framework 2021.

### **Design, Layout and Character**

The proposed development will be situated in the proximity of existing residential properties together with other commercial businesses nearby. Objections to the proposal in relation to scale, shape, mass, density and design of the proposed extension will serve to magnify the negative impact of an already harmful aspect of the site are highlighted by Historic England and the Councils Conservation Officer shares those concerns. Amendments to provide further information have failed to overcome the policy concerns in particular the stone coping details are considered inappropriate for the style of the building and design detailing, but they may be intending to replicate similar details on the host building. The proposed building is 3 storeys high and the separation distances are insufficient from nearby buildings in particular to the nearby office building at 55 Upper Forster Street. The guidelines for residential development set out in appendix D require 24 metre separation distances at 2 storeys and 13 metres between habitable windows and blank walls exceeding 3 metres.

In addition there is also a lack of amenity space for each flat and normally approximately 20 m<sup>2</sup> is required but due to the location to nearby open space this level of amenity space could be reduced. The development is considered contrary to "saved" Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW2 Safe and welcoming places, DW3 Character, and DW5 Ease of movement of the Designing Walsall urban



design document. Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places. Together with the SPD Policies in Designing Walsall DW1 Sustainability, DW2 Safe and Welcoming Places, DW3 Character, DW4

Continuity , DW9 High Quality Public Realm and DW10 Well Designed Sustainable Buildings.

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

the proposed development is considered to overlook nearby properties in particular numbers 49 to 53A Upper Forster Street and is considered to unduly harm the existing and future amenities of neighbouring or future occupiers in respect of loss of light, privacy or overlooking. Some third party comments relating to parking and congestion have been received. Some of the flats fall below the Nationally Described Space Standards which is advisory and not mandatory. The proposal is considered to accord with the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

### **Highways**

The Local Highways Authority supports the application subject to conditions in relation to parking and vehicle manoeuvring areas to be provided prior to occupation, cycle parking provision, and a Construction Method Statement. Some comments have been received from third parties in relation to highway safety, congestion and whether or not the development will provide sufficient parking within the site. Some third party comments relating to parking and congestion have been received. It appears that the parallel parking spaces may be less than 6 metres in length.

There are no objections in principle to the proposal on highway safety grounds subject to the suggested conditions in relation to parking and manoeuvring and cycle parking provision. Moreover the site is in a sustainable location with close access and links to public transport, and walking/cycling to services and facilities within Walsall.

The application is considered to accord with “saved policies” T7 - Car Parking T13: Parking Provision for Cars, Cycles and Taxis, and the Black Country Core Strategy Policy TRAN2: Managing Transport Impacts of New Development.

### **Flood Risk and Drainage**

The application site lies in Flood Zone 1 at the lowest risk of flooding as defined on the Environment Agency Flood Map for Planning and at low risk of surface water flooding. The development is considered subject to suitable conditions to secure means of sustainable drainage not be likely to increase flood risk or surface water flood risk to adjacent sites.

Paragraph 154 of the National Planning Policy Framework requires that new development should be planned for in ways that avoid increased vulnerability from flood risk to the range of impacts arising from climate change, and care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure. Whilst the majority of the built

development is not proposed within the flood risk areas, flood risk is an issue that should be considered carefully as the development would result in a “more vulnerable” use of the site. Details of surface water, flood risk and drainage can be secured by appropriate conditions.

The proposal subject to conditions in respect of the above is considered to accord with Black Country Core Strategy ENV5: Flood Risk, Sustainable Drainage Systems, Urban Heat Island and NPPF Paragraph 14.

### **Trees / Protected Trees**

The proposed development does not adversely affect existing trees in the locality. The Walsall Arboretum lies across the road from the site but the trees are not affected by this development.

### **Ground Conditions and Environment**

**The** site is in an area at low risk from previous mining activity. There are no objections from the Coal Authority to the development. No further action is required in relation to the submission of any coal mining investigations.

### **Crime and antisocial behaviour**

The proposal is not considered to have the potential to result in harm to the amenities of the locality from crime and antisocial behaviour. The design of the development gives opportunities for pedestrian access through the site and includes balconies and fenestration details including the communal stair access areas which feature large full height windows which are intended as part of the design to increase the level of natural surveillance. Should everything else be acceptable, safeguarding conditions should be imposed regarding building access, potential for a secure internal lobby, post box positions, doors, windows, boundary treatments, alarms and bins.

This application is considered to accord with Saved Unitary Development Plan Policy GP2 (Environmental Protection), Site Allocation Document Policy HC2 (Development of Other Land for Housing), the aims of Appendix D (Numerical Guidelines for Residential Development) of the Designing Walsall SPD and the National Planning Policy Framework 2021.

## **Planning Obligations**

An Urban Open Space contribution of £13,319.00 is required to comply with the Urban Open Space SPD policy and Policy LC1(d) of the UDP for improvements to Urban Open Space in the locality of the proposed development. This is usually within 400metres of the development site, as this is a reasonable walking distance for future occupiers of the development when taking into account Equality Act. The applicant has not agreed this figure as the application is being recommended for refusal. The lack of a Planning Obligation under a S106 legal agreement forms a reason for refusal, should an appeal come forward it allows the Council to be able to secure the contributions.

Should the applicant be able to resolve the Cannock Chase SAC objection, it is likely there will be contributions as part of the mitigation, which would also have to be secured via a S106 legal agreement.

## **Local Finance Considerations**

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

This application proposes 14 new homes.

The Government has indicated that, for 2020-21, 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. 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**

Given that no amendments have been received to overcome the concerns raised and there are no material planning considerations in support of the proposals in relation to the impact on heritage assets and visual impact. On balance weighing up the merits of the scheme in relation to the provision of a community facility the proposal cannot be supported on heritage, amenity and visual impact grounds 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 to highlight the concerns. There have been no amendments submitted to overcome the policy concerns in relation to heritage matters and visual impact and in this instance are unable to support the proposal.

## Recommendation - REFUSE

1. The proposed development is not considered sympathetic to the character and appearance of the locality and fails to preserve or enhance the character and appearance of the area. This proposal results in less than substantial harm to designated and non-designated heritage assets in particular 59a Litchfield Street; the public benefit of the redevelopment of the site for the provision of housing would not outweigh the harm arising in particular due to the size, height and scale of the development and its impact on the existing designated and non-designated heritage assets. Furthermore the application fails to demonstrate that the proposal would comprise the most optimum viable use which would cause the least harm to the

significance of the heritage assets contrary to Saved Policies GP2 (Environmental Protection) & ENV27 (Buildings of Historic or Architectural Interest) of Walsall's "saved" Unitary Development Plan, Policies ENV2 (Historic Character and Local Distinctiveness) & ENV3 (Design Quality) of the Black Country Core Strategy, DW3 (Character) & DW9 (High Quality Public Realm) of the Designing Walsall SPD and paragraphs 195 and 202 of the National Planning Policy Framework 2021.

2. The proposed development would be detrimental to the character and appearance of the locality when weighing up the merits of the scheme in relation to the provision of housing the proposal cannot be supported on visual impact grounds as the proposal fails to provide sufficient benefit that would overcome the impact on the character and appearance of the area and is therefore contrary to Saved Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), and ENV3 (Design Quality), DW1 (Sustainability), DW2 (Safe and welcoming places) & DW3 (Character) of the Designing Walsall SPD and Chapter 12 paragraph 130 of the National Planning Policy Framework 2021.

3. This proposed development falls within the 15km zone of influence relating to the Cannock Chase Special Area of Conservation (SAC) and has failed to provide any information in relation to likely impacts on the SAC arising from the proposed addition of 2 dwellings and has failed to provide any potential necessary mitigation measures or a mechanism for securing them. This proposal is therefore contrary to the Conservation of Habitats and Species Regulations 2017, Black Country Core Strategy Policies CSP3 (Environmental Infrastructure), CSP4 (Place-Making) & ENV1 (Nature Conservation), UDP Saved Policy ENV23 (Nature Conservation), SAD Policy EN1 (Natural Environment Protection, Management and Enhancement) and the National Planning Policy Framework 2021.

4. The proposed development would trigger the need for open space contributions the applicant has failed to provide any information in relation to open space contributions and has not agreed to a Planning Obligation under Section 106 to secure the funds required by the development. Contrary to Policies OS1 Qualifying Development and OS2 Planning Obligations Supplementary Planning Document Urban Open Space to the Walsall Unitary Development Plan April 2006 and the National Planning Policy

Framework 2021.

5 The proposed development would be detrimental to the existing amenities of the locality by reason of its size and siting in proximity to nearby properties in particular those at 49 to 53A Upper Forster Street contrary to Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

**END OF OFFICERS REPORT**

## Planning Committee

Report of Head of Planning and Building Control on 08 September 2022

Plans List Item Number: 4

### Reason for bringing to committee

Major Application

### Application Details

**Location:** GREEN LANE CAMPUS, WALSALL COLLEGE, LONG ACRE STREET, WALSALL, WS2 8HX

**Proposal:** FRONT EXTENSION TO EXISTING COLLEGE BUILDING, ON THREE FLOORS.

**Application Number:** 22/0388

**Case Officer:** Sally Wagstaff

**Applicant:** Walsall College

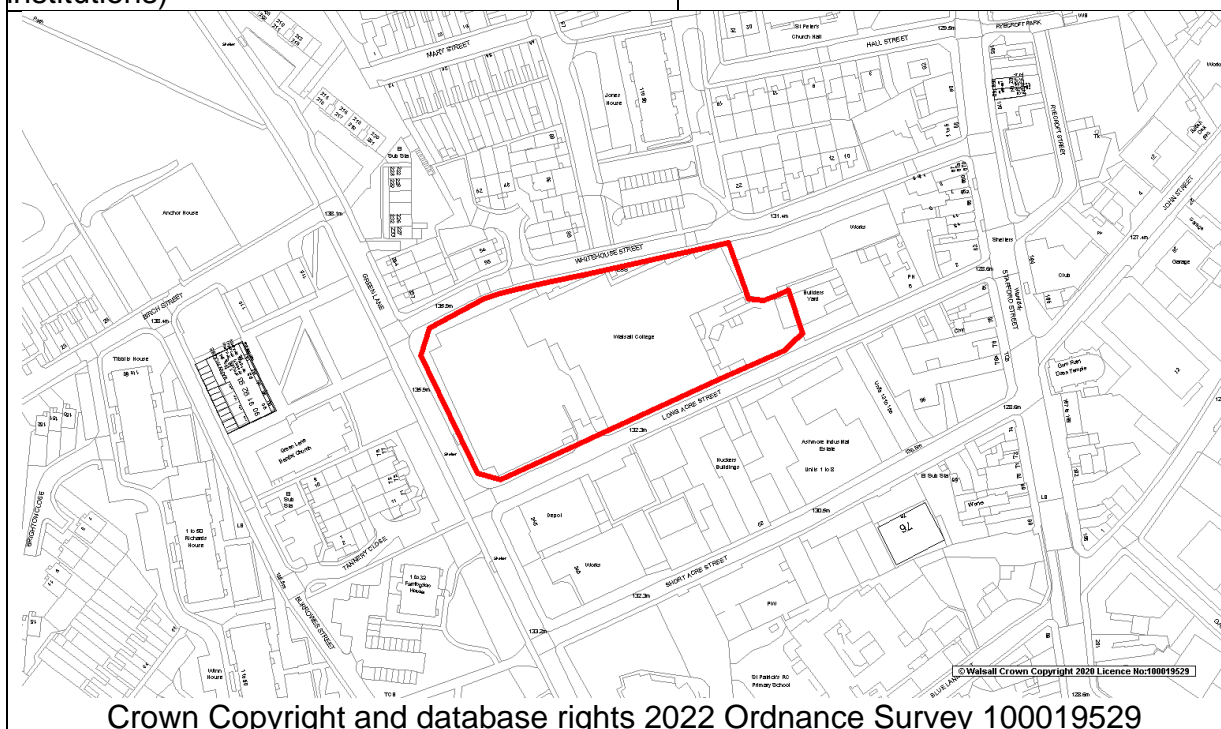
**Ward:** Birchills Leamore

**Agent:** Pinnegar Hayward Design

**Expired Date:** 14-Jun-2022

**Application Type:** Full Application: Major Use Class F1 (Learning and Non-residential institutions)

**Time Extension Expiry:** 16-Sep-2022





## Recommendation:

1. 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; and
  - Overcoming the outstanding Local Highway Authority concerns.

## Proposal

This application proposes an extension to the front of the building facing Green Lane comprising of three storeys to provide an additional 1,970m<sup>2</sup> of floorspace for enlarged workshop areas, additional classrooms and a new entrance lobby.

The existing car park entrance from Long Acre Street is also proposed to be re-located 14m closer to Green Lane to accommodate the proposed extension.

## Site and Surroundings

The subject site of this application is Green Lane Campus, Walsall College, sited to the north-western side of Long Acre Street. Access to the site is off Long Acre Street into a large car park fronting onto the main road. There is a secondary access into a delivery area at the rear of the building sited further down the street. The property is not within a conservation area, nor is it a listed building. The property is within the Town Centre Boundary as identified in the Walsall Town Centre Area Action Plan (2019).

The site is within an area of mainly industrial units of varying ages, around half a mile north of the centre of Walsall.

The college comprises an entire block between Long Acre Street and Whitehouse Street, fronting onto Green Lane which is the main A34 route north out of the town centre. The campus has been developed extensively since its former DIY premises 16 years ago.

The surrounding properties are mostly small industrial or commercial premises, comprising of mainly single storey warehouses. To the north and west there are residential properties which comprise of modern terraces and blocks of flats. The Green Lane Campus is the largest building in the immediate area.

## Relevant Planning History

03/1330/FL/W5- Raising roof of existing extract plant room and widening of escape door- Granted

05/0498/AD/H5- Directional signage- Granted

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06/1414/AD/W4 - Single sign made up of individual letters fixed to the brickwork-  
Granted

06/2083/FL/W5- New rear extension and other alterations including new windows &  
external doors- Granted

07/0856/FL/W7- Proposed Extension for Electrical & Plumbing Departments &  
Associated Works- Granted

08/1158/FL- Erection of an extension to the Green Lane frontage and entrance  
together with alterations to the existing car park- Granted

20/1226 - Single storey rear extension to brickwork workshop, new windows to  
existing buildings, new fencing and alterations to the existing service yard. Granted

## 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 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 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
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- T7 - Car Parking
- T8 – Walking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis
- Policy S1: Definition of Town Centre Uses
- Policy S3: Integration of Developments into Centres
- Policy S4: The Town and District Centres: General Principles

### **Black Country Core Strategy**

- HOU5: Education and Health Care Facilities
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- CSP4: Place Making
- DEL1: Infrastructure Provision

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

- T4: The Highway Network

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

- Policy AAP1: Walsall Town Centre Boundary
- Policy AAPLV2: Education

### **Designing Walsall**

- DW1 Sustainability
- DW3 Character

## Consultation Replies

**Designing Out Crime** – No objection and makes a number of security related recommendations.

**Local Highways Authority** – No objection subject to revised car parking layout, re-location of motor cycle bays, submission of cycle shelter details and continuation of College Travel Plan to promote sustainable travel incentives.

**Environmental Protection** – No objection subject to conditions regarding contaminated land and construction management.

**Severn Trent Water** – No objection subject to condition to secure drainage details.

**Strategic Planning Policy** – Support proposal.

**Fire Authority** – Makes a number of recommendations.

## Representations

None received

## Determining Issues

- Principle of Development
- Design
- Amenity of Neighbours
- Highways
- Drainage
- Ground Conditions and Environment

## Assessment of the Proposal

### Principle of Development

Policy HOU5 of the BCCS states that education is fundamental to achieving the vision for sustainable communities and economic prosperity. It goes on to state that the physical enhancement and expansion of higher and further educational facilities and related business and research will be supported where it helps to realise the educational training and research potential of the Black Country.

The Walsall Town Centre Area Action Plan (WTCAAP) states that the centre should be the main focus of key educational facilities that serve the Borough and surrounding area. The Council recognises the importance of Walsall College as a centre for Higher and Further Education and adult education and will facilitate its expansion, where

appropriate. Policy APPLV2: Education goes on to explain that any further expansion of the College will be expected to support the creation of a high quality education campus, be of a high quality design and have a comprehensive approach to the use of land and buildings, provide strong and safe links to the centre, relate positively with the surrounding Walsall Gigaport development, promote sustainable transport methods and links to public transport, where appropriate provide community access to facilities and consider secured by design principles and create a safe environment.

The Walsall Site Allocation Document (SAD) states that new facilities should be planned and improvements prioritised where they are most accessible to the communities they are intended to serve. Often this will be in town, district or local centres, as is Walsall College.

Improvements to existing facilities will be supported in principle, provided they accord with the other policies of the plans and would not have adverse impacts on local amenity and traffic, nor on the viability of facilities that are important for the vitality of centres or that are required to maintain important assets.

The applicant explains that the works are to provide an improved offer to students, and to update the buildings to cater for future curriculum changes. It is not anticipated that the works will create additional parking demand over and above the current situation. The works would not lead to an increase in the number of pupils at the college, but rather an improvement to the environment for existing / future pupils.

The principle of improving this existing established education facility is supported.

## **Design**

Policy HOU5 of the BCCS states that school, further and higher education facilities should be well designed and well related to neighbourhood services and amenities.

The proposed design of modern and functional appearance is considered would enhance the appearance of the current building and provide an improved sense of identity and sense of arrival of a public building. As such it is considered that the extension will be of high quality design in accordance with Policy APPLV2.

The submitted materials palette is generally acceptable in principal and a condition would be included to secure the submission and agreement of specific details of the external materials to ensure satisfactory appearance. Recommendations made on fire and security will be included as notes to applicant.



## **Amenity of Neighbours**

The nearest residential properties are those on Whitehouse Street sited approximately 18m from the proposed extension on the opposite side of the road. It is considered the proposed extension and resulting improved facilities would not result in any significant additional impacts to the amenities of these neighbouring occupiers in respect of noise and disturbance, loss of privacy, overlooking or loss of light over and above any already arising from the established education use.

A condition would be included to minimise any impacts arising during construction works in line with the recommendation of the Council's Environmental Protection Team.

## **Highways**

Whilst the proposal seeks to reduce on-site parking spaces by a total of 15 spaces, the site is considered to be in a sustainable location in Walsall Town Centre with good public transport links which helps to reduce reliance on motor vehicles. The applicant has also confirmed that the existing Travel Plan will be updated to promote sustainable travel incentives including public transport and car sharing. The existing Travel Plan is not currently monitored by the Council and this can therefore be secured by condition on the basis that no monitoring is required.

An updated parking plan has been submitted to seek to address highways concerns which is currently under consideration as part of the necessary re-consultation process. Conditions can be included to secure specific details such as cycle shelters. The officer's recommendation reflects this position.

## **Drainage**

A condition would be included to secure the necessary surface and foul water drainage details in line with the recommendation of Severn Trent Water.

## **Ground Conditions and Environment**

A condition would be included in relation to potential ground contamination in line with the recommendation of Environmental Protection.

## **Conclusions and Reasons for Decision**

The proposal is considered to improve and enhance an existing established education facility in a sustainable town centre location and would not result in any significant additional impacts to nearby occupiers over and above the existing position. Subject to satisfactory comments from the Local Highway Authority following the re-consultation it is considered that the application should be recommended for approval subject to the conditions referred to in the report to make the development acceptable in planning terms.

## Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding parking layout and parking numbers, additional supporting information and amended plans have been submitted which enable full support to be given to the scheme, subject to satisfactory comments from the Local Highway Authority following the re-consultation.

## 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; and
- Overcoming the outstanding Local Highway Authority concerns.

## Conditions and Reasons

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

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

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

- Proposed Elevations (41)002. Amended, received 17/06/22
- Proposed First Floor Plan (31)001. Amended, received 17/06/22
- Proposed Ground Floor Plan (30) 001. Amended, received 17/06/22
- Proposed Roof Plan (39) 001. Amended, received 17/06/22
- Proposed Second Floor Plan (32) 001. Amended, received 17/06/22
- Existing Elevations 04. Received 16/03/22
- Existing First Floor Plan 02. Received 16/03/22
- Existing Ground Floor Plan 01. Received 16/03/22
- Existing Second Floor Plan 03. Received 16/03/22
- Site Layout Showing Proposed Works 09. Received 16/03/22
- Location Plan. Received 16/03/22
- Design and Access Statement 2202/10. Received 16/03/22

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 hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

3c: The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

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

- Construction working hours
- Parking and turning facilities for vehicles of site operatives and visitors
- Loading and unloading of materials
- Storage of plant and materials used in constructing the development
- A scheme for recycling/disposing of waste resulting from construction works
- Temporary portacabins and welfare facilities for site operatives
- Site security arrangements including hoardings
- Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- Measures to prevent flying debris
- Dust mitigation measures
- Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

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

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

5i. Prior to any built development commencing a desk study and site reconnaissance shall be conducted to identify the potential for contaminants and/or ground gases to present a likely risk to proposed structures or future occupants of the development. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL 4)

5ii. In the event that the desk study and site reconnaissance indicates a potential presence of contamination and/or ground gases on site. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

5iii. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

5iv. Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

5v. The remedial measures as set out in the 'Remediation Statement' required by part iii) of this condition shall be implemented in accordance with the agreed timetable.

5vi. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

5vii. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: To ensure safe development of the site and to protect human health and the environment in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan and the NPPF.

6a: Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, windows, doors, rainwater products shall be submitted in writing to and approved in writing by the Local Planning Authority.

6b: The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

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

7a: Prior to first occupation of the development hereby permitted a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority and shall include the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site.

7b: The development shall not be carried out other than in accordance with the agreed Travel Plan Statement.

Reason: To encourage sustainable travel modes in accordance with BCCS policy TRAN2 and saved policy T10 of Walsall Unitary Development Plan.

### **Notes to applicant:**

#### **Contaminated Land**

##### **CL1**

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

##### **CL2**

When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report –

SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

#### CL3

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

#### CL4

The desk study and site reconnaissance shall have regard to previous unknown filled ground and materials used and processes carried on. A further detail on the matters to be addressed is available in 'Model Procedures for the Management of Contamination' (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

### **Construction Management Plan**

Where stabilisation/piling works are included in the Construction Management Plan, the level of structure-borne vibration transmitted to occupied buildings within the site from the stabilisation/piling works should not exceed the specified criteria for '*low probability of adverse comment*', as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting' as may be amended or replaced from time to time.

Demolition, construction and engineering works (including land reclamation, stabilisation, preparation, remediation or investigation), should not take place outside the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays and no such works should take place on Sundays, Bank Holidays or Public Holidays. No plant, machinery or equipment associated with such works should be started up or operational on the development site outside of these hours.

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



## **Security**

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

See <https://www.nsi.org.uk/> and <https://ssaib.org/>

External LED lights with daylight sensors should be installed to external walls of buildings in particular near entrances.

Recommend security using the principles of Secured By Design. Below is a link to secured by design guides, including Schools, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

Please see

[https://www.securedbydesign.com/images/downloads/New\\_Schools\\_2014.pdf](https://www.securedbydesign.com/images/downloads/New_Schools_2014.pdf)

Below is a link to secured by design commercial, police approved crime reduction information guidance.

[https://www.securedbydesign.com/images/downloads/SBD\\_Commercial\\_2015\\_V2.pdf](https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf)

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

## **Fire**

***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)

### **Dead Ends including cul-de sacs**

Dead ends including cul-de sacs should be avoided but where not possible the following should be applied.

The main problem with dead ends and cul-de sacs is access in an emergency and the issue of obstructions such as parking. In these circumstances fire service personnel are committed to approach on foot carrying equipment to deal with the situation. 225 to 250 metres carrying equipment is considered a maximum for efficient fire-fighting operations.

Dead ends/cul-de sacs roadways should be a minimum of 5.5 metres in width.

### **Vehicle Access**

Dead end/cul de sac access routes must not exceed 180 metres in length unless.

- a) an emergency vehicle access is provided which complies with item 3.8.2, or
- b) the carriageway width is increased to 7.3 metres and complies with the requirements of item 3.8.3. The provision of an emergency vehicle access is preferred to the alternative of increasing the carriage width to 7.3 metres.

### **3.8.2 Emergency Vehicle Access**

- a) A suitable means of preventing the use by other vehicles must be provided at the time of construction.
- b) The height of 4.1 metres minimum, width 3.7 metres minimum and the construction of the access road are sufficient to allow the free passage of fire appliances.
- c) Neither end is obstructed by parked cars.
- d) The emergency vehicle access may incorporate a pedestrian route but must not be used by statutory undertakers to accommodate underground services or public sewers.

### **3.8.3 Increased Carriageway Widths**

- a) The carriageway width is increased to 7.3 metres from the entrance to the dead-end route to the point where it is 180 metres to the end of the dead end in accordance with 3.8.3b immediately below.
- b) The subsequent reduction in the width from 7.3 to 5.5 metres must occur at a road junction, at which point parking for the fire appliance at the end of the dead end must be within vision and a fire hydrant is on the pavement or ground alongside the parking space.

### **3.8.4 General**

- a) There is no maximum length to a dead end/cul-de sac access route, however, it should accommodate no more than 150 dwellings.
- b) A turning circle or hammer head should be provided in any dead end greater than 20 metres in length. It should be provided either at the end or within 25 metres of the end please see Approved Document B – Volume 2.
- c) When inspecting plans with regard to access it may be necessary to accept a temporary situation or phased approach until the matter can best be resolved.

### **Industrial Estates**

- a) In order to accommodate very long articulated vehicles carriageways should be 9 metres wide but certainly not less than 7.3 metres.
- b) The estate should be designed so that there is adequate off-street parking and there is no loading, unloading or long-term parking on the carriageway.
- c) Dead end access routes must not exceed 180 metres in length from a junction which provides two alternative routes out of the industrial estate, unless an emergency vehicle access is provided from the dead end, as described in 3.8.2.

## **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)

### **Design and construction of firefighting shafts**

17.9 Every firefighting stair and firefighting lift should be approached from the accommodation through a firefighting lobby. Both the stair and lobby of the firefighting shaft should be provided with a means of venting smoke and heat (see clause 27.1 of BS 9999). Only services associated with the firefighting shaft, such as ventilation systems and lighting for the firefighting shaft, should pass through or be contained within the firefighting shaft.

17.10 All firefighting shafts should have fire mains with outlet connections and valves at every storey.

17.11 A firefighting lift installation includes all of the following.

- a. Lift car.
- b. Lift well.



- c. Lift machinery space.
- d. Lift control system.
- e. Lift communications system.

The lift shaft should be constructed in accordance with Section 6 of BS 9999.  
Firefighting lift installations should conform to BS EN 81-72 and BS EN 81-20.

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)

**END OF OFFICERS REPORT**



## Planning Committee

Report of Head of Planning and Building Control on 08 September 2022

Plans List Item Number: 5

### Reason for bringing to committee

Significant Community Interest

### Application Details

**Location:** 70, LICHFIELD ROAD, WALSALL, WS4 2DL

**Proposal:** REPLACEMENT 6 BEDROOM DETACHED DWELLING AND SINGLE STOREY DETACHED REAR OUTBUILDING

**Application Number:** 21/1400

**Case Officer:** Rebecca Rowley

**Applicant:** ABDUL AKRAM

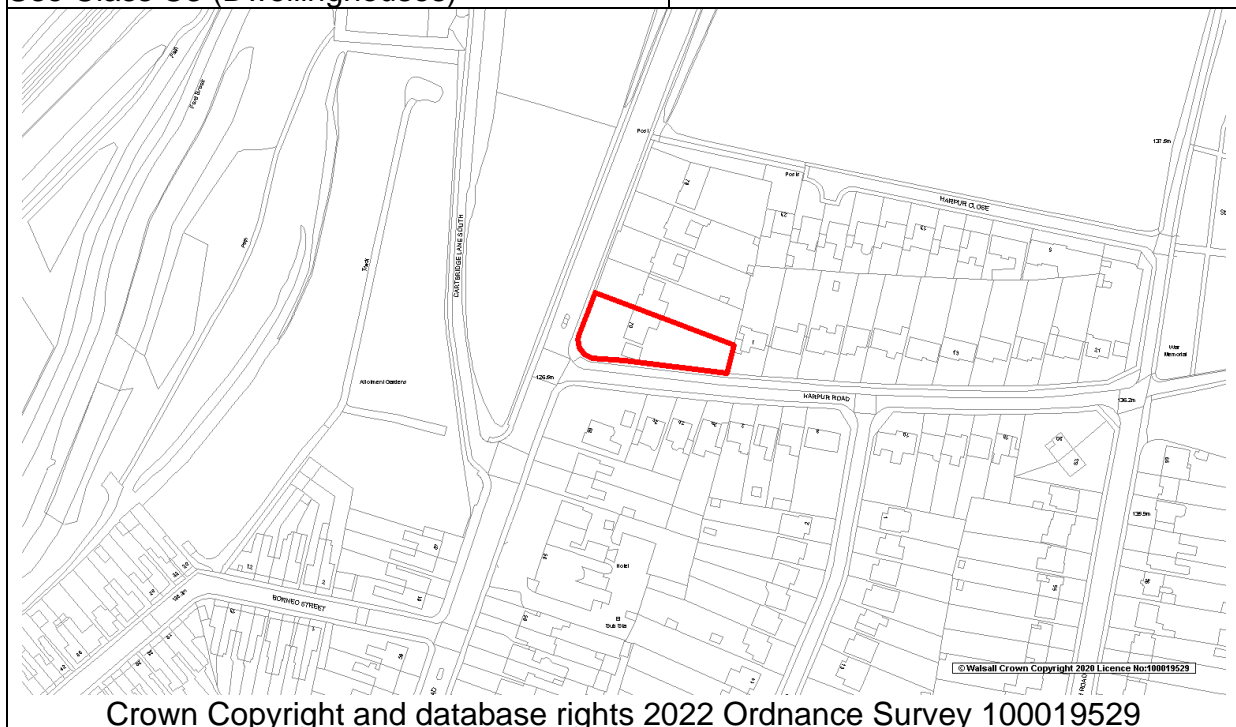
**Ward:** St Matthews

**Agent:** AK INNOVATIVE DESIGN SOLUTIONS LTD

**Expired Date:** 09-Nov-2021

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

**Time Extension Expiry:** 16-Sep-2022



## 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;

Overcoming the outstanding concerns raised by the Tree Officer

Applicant to provide amended plans for the outbuilding

Applicant to provide amended plans in relation to the vehicular parking and accesses

Applicant to provide plans detailing the front boundary treatment, which is to be no higher than 1.5 metres when measured from the pavement surface illustrating railings, brick pillars and gates to take into account the protected trees and the required pedestrian visibility splays.

Applicant to provide construction details of the front boundary treatment illustrating how the boundary treatment minimises impacts to any of the protected trees and their root systems

## Proposal

This application seeks permission for the following extensions to a detached house. The impact of these extensions when viewed from the public vantage point are considered so significant that the application should be assessed as a replacement dwelling:

### Ground Floor Rear Extension with Flat Roof and Roof Lanterns

To create a family lounge and open plan kitchen

Depth: 6m max from existing rear elevation

Width: 13.3m

Height: 3.2m

### First Floor Side Extension with Hipped Roof

To create 2no. bedrooms

Depth: 9m

Width: 2.5m

Height to Eaves: 5.5m

Height: 8.9m

#### Loft Conversion including increased roof height and front and rear dormers

To create 2no. en-suite bedrooms

Roof ridge height: 8.9m (0.5m above existing roof ridge)

Rear dormer depth: 2.7m

Rear Dormer width: 9.3m

Rear dormer height: 2.3m

Proposed Openings: 2no. bedroom windows

#### Two Storey Front Gable Extension

To create a hallway on the ground floor and glazed feature void above.

Depth: 2m

Width: 3.9m

Height to Eaves: 5.5m

Height: 7.7m

#### Detached Rear Outbuilding with Flat Roof and Lanterns

To create an entertainment room and wet room

Depth: 11.5m

Width: 8m

Height: 3.3m – 3.4m (allowing for downward slope in natural ground level towards the site dwelling)

Proposed openings would look onto the applicant's own rear garden.

### **Site and Surroundings**

This application dwelling is a detached, two storey, 4 bedroom house fronting Lichfield Road. It has a half-hipped roof and facing materials are cream rendering and plain clay roof tiles. It is set back behind a group of 6 trees that are protected by a tree preservation order (TPO). There is a large detached garage to the side. The house is on the corner of Harpur Road where there is a large boundary hedge bordering the 37m long rear garden. Harpur Road consists predominately of bungalows along the

western part of the road.

There is a driveway in front of the dwelling with sufficient space to park at least 3 vehicles and a separation distance of 18m from the principal elevation to the front boundary with the public footpath. There is currently a large storage container on an area of soft landscaping just behind the protected front boundary trees.

The dwelling on the opposite corner of the junction of Lichfield Road and Harpur Road is also a large detached two storey house with mature trees surrounding the front boundary. The remainder of the row of dwellings to the northern side of the application site are detached bungalows with hipped roofs.

### Planning History

17/1281	Single storey rear extension and proposed outbuilding within rear garden to be used as a gym and store.	Grant Permission Subject to Conditions	20/12/2018
16/1095	T1-T5 Sycamore trees - Fell to ground level.	Tree: Part Approve Part Refuse	20/09/2016
BC30146P	Erection of garage	Granted permission	30/08/1990
BB8532	Footpath crossing	Granted permission	27/02/1978

### Enforcement Cases

E18/0279 – Storage/shipping container in front garden – case closed 10/08/2018 as the owner explained that the storage was for domestic purposes whilst works were being undertaken to the property.

[To date no works to the house have taken place and the storage container remains in situ]

### 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 4 – Decision Making**

**NPPF 12 – Achieving well-designed places**

**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.

### **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

ENV18: Existing Woodlands, Trees and Hedgerows

ENV23: Nature Conservation and New Development

ENV32: Design and Development Proposals

### **Black Country Core Strategy**

ENV1: Nature Conservation

ENV2: Historic Character and Local Distinctiveness

ENV3: Design Quality

ENV8: Air Quality

## **Walsall Site Allocation Document 2019**

EN1: Natural Environment Protection, Management and Enhancement

### **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**

DW3 Character

#### **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

### Allotments

No response received

### Clean and Green

No response received

### Drainage

No response received

### Ecology Officer

A bat survey is required.

### Local Highways Authority

Support subject to a condition to ensure that the detached rear outbuilding remains ancillary to the use of the house and not be operated as a separate dwelling or commercial operation.

### Pollution Control

"Pollution Control requires the applicant to:

- (i) Prevent installation of a solid fuel appliance
- (ii) Agree a Construction Management Plan

Conditions to address the above have been provided. "

### Tree Preservation Officer

No objections to the principle of development although the layout is not supported in its current form. There are significant alterations to the ground levels/condition within the root protection areas of 6 protected trees that is likely to be detrimental to their long-term health and condition. The protected trees offer a useful amount of amenity value in the locality, being highly visible on the frontages of Lichfield Road and Harpur Road. Allowing proposed developments that will result in the loss of protected trees runs counter to the thrust of the TPO system.

## Representations

10 representations have been received raising the following concerns (*case officer's comments in italics*):

### Main site dwelling

Incongruous/Will stand out being in a prominent corner position.

Disproportionate size

Height above the neighbouring bungalows

Impact upon the aesthetic appeal and character of the area.

Loss of natural light

Cast considerable shadow onto our garden patio area,

Overlooking from the second floor

Loss of privacy in neighbouring gardens

Ground floor rear extension does not conform to building regs in terms of actual size  
*(The case officer suspects that this comment relates to permitted development rights. As this is a full planning application the extension is considered on its merits and does not have to conform to the sizes stipulated in the GDPO)*

Inadequate parking

### Outbuilding

Scale and nature

Noise from use of the outbuilding *(This is not a material planning consideration subject to the outbuilding being used as ancillary to the main residential use)*

Structural damage to neighbouring properties *(This is not a material planning consideration and a private matter between the parties)*

Potential for permanent residence or business use *(The application can only be assessed on the information provided and suspected potential use cannot influence the planning balance, combined with a condition that it remains ancillary to the domestic use)*

Potential creation of an access to the outbuilding from Harpur Road *(The application can only be assessed on the information provided and potential future development cannot influence the planning balance, although a condition can require access to the building is via the main dwelling)*

Any approval (outbuilding) should include a note for no future changes of use

Impact on TPO trees.

In 2017 we were told an enforcement notice would be issued for a large storage container situated at the front of the property to be removed, it is still there.

Construction impacts – environmental and increased vehicular movements

Drainage impact - during and after construction. The drains are not fit for purpose. Drains have previously overflowed. *(This is not a material planning consideration)*

Mental health issues will be an inevitable consequence of this application being granted *(This is not a material planning consideration)*

**Following re-consultation on amended plans a further 4 representations were received (all of which came from original objectors)**

There are no significant amendments that alter our original objections

#### Main site dwelling

The pitched roof adjustment only reduces the impact of the original square construction, the impact on natural light into our converted loft space remains

Loss of light/shading in general

Increased height, bulk and scale

Impact on privacy/loss of amenity

Incongruous

Harmful to character of the area

Inadequate parking – visitors to the site already park on the grass on Harpur Road

#### Outbuilding

Historic permission for the outbuilding was granted after significant reductions to the proposed size, this outbuilding is 50% bigger than approved. *(Each application is assessed on the material merits of the case at the time of processing the planning application)*

Reductions that have been made to the size only benefit the applicant not the neighbours

Potential use as a permanent residence. *(The application can only be assessed on the information provided and suspected potential use cannot influence the planning balance)*

Impact on neighbouring outlook and shading

Noise and disturbance from proposed use

Potential new access from Harpur Road *(The application can only be assessed on the information provided and potential future development cannot influence the planning balance)*

### Inaccuracies in the arboricultural report

The Applicant already knows that there are several Tree Preservation Orders on his property, and yet the Report states that none are known to apply.

The actual heights of the Privets and Trees are much higher than those indicated throughout this Report. *(The Tree Officer has made an assessment based on all of the information available)*

### Environmental impact

Impact on a drainage system that is currently not fit for purpose and requires regular attendance from South Staffs to relieve sewage blockages given age and condition of drains. We have previously had raw sewage spill onto our patio area and a repeat on a more regular basis would be inevitable; *(This is not a material planning consideration)*

Construction traffic *(This is a limited material planning consideration which can be dealt with via a construction management planning condition)*

Destabilising the structure of no 1 Harpur Road *(This is not a material planning consideration and a private matter between the land owners)*

## **Determining Issues**

Principle of Development

Design of Extension and Character of Area

Amenity of Nearby Residents

Impact on Protected Trees

Protected Species

Parking

Other material planning matters

## **Assessment of the Proposal**

### Principle of Development

The application site is located in an established residential area. The principle of residential development at the site is acceptable.

A number of concerns have been raised regarding potential residential or commercial use of the proposed detached rear out building, as well as the potential for creating a new access to the rear garden/outbuilding from Harpur Road. This application can only be assessed in accordance with the requirements of National and Local Planning policies, based on the information that has been submitted. There is no evidence

available at this time to suggest the proposed use of this building is anything other than ancillary to the main dwelling house, or that there is any intention to construct a new access from Harpur Road into the rear garden. Notwithstanding this, the outbuilding can only be supported for the purpose of ancillary use to the existing dwelling and will be secured by a planning condition. This will ensure the requirement for a planning application and therefore consideration of the potential impacts of any other potential future use should they occur. This addresses a requirement suggested by a neighbouring occupant in relation to the use of the proposed outbuilding.

There are trade waste bins on the frontage of the site. Clean and Green have confirmed that trade waste is collected from the site on a weekly basis in relation to a business known as HMA Security Ltd. There is a tag for a business of this name attached to an unauthorised shipping container on the front driveway when viewed on Google maps. The exact nature of this business is unknown. A note will be included that the site only has permission for residential use and planning advice should be sought regarding the potential requirement for permission for any business use at the site.

#### Design of Extension and Character of Area

The amended application retains a hipped roof design that is characteristic of the original site dwelling and the street scene. The front gable reflects an existing front gable feature at the site and front gable features at all adjacent dwellings on this section of Lichfield Road. Front dormers are also a feature in the nearby street scene.

The rear of the property would be of limited visibility from the public vantage point and is considered would not significantly alter the appearance or character of the application dwelling or the street scene. Whilst the rear dormer would be visible from Harpur Road, a dormer could have been constructed in this position using permitted development rights (PD) for the existing dwelling, albeit narrower without the council being involved. A PD dormer would have had a similar impact on the appearance, character of the dwelling to the dormer proposed for this replacement dwelling. It would also allow similar overlooking potential if the applicant utilised their PD allowance for the existing house as would be from the proposed replacement dwelling, hence the potential to sustain a reason for refusal would be limited on these points.

Facing materials are modern but could have been altered in the same way for the existing dwelling using permitted development rights without the requirement for planning permission. The exact specification of the facing materials will be secured by a planning condition.



The existing separation distance would be retained to the side boundary with Harpur Road and the applicant has offered a 0.9m set in of the first floor above the garage to limit the potential for terracing effect with the dwelling at no. 72 Lichfield Road. This distance is compliant with the requirement of the SPD Designing Walsall, appendix D and the adjacent dwelling is a bungalow with a hipped roof which further limits the potential for terracing effect.

Amendments have been made to the windows on the front elevation and cladding between the ground and first floor windows has been removed to create a more balanced appearance than the original submission.

It is considered that the amended design will create a modern reflection of the existing dwelling and integrate with the street scene. Full visibility of the frontage will be partially obscured by mature protected trees surrounding the front and side boundaries. The amendments made have gone some way to overcoming the concerns raised by neighbouring occupants in relation to the original proposal, specifically, the proposal would be an incongruous, would impact upon the character

and aesthetic appeal of the locality by way of increased height, bulk and scale which would have been disproportionate. Concerns raised regarding the increased height towering above the adjacent bungalows. The roof height increase is 0.5m above the existing roof ridge. It is considered, this increase will not create a significantly different appearance next to the adjacent bungalows, especially given the separation distance to 1A Harpur Road at the rear of the site and the hipped roof and inset provided, which limits terracing effect with neighbouring no. 72 on Lichfield Road.

Despite a previously approved detached rear outbuilding at the site, concern has been raised, the current reduced outbuilding, would still be larger than the previously approved. It is considered the outbuilding, 0.7m lower in height than the previously approved outbuilding and only 1m closer to the boundary with Harpur Road will have limited further impact on the character of the street scene, compared to what was previously approved and potentially less impact than a structure that could have lawfully been constructed in the rear garden using permitted development rights without the requirement for planning permission.

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

#### Amenity of Nearby Residents

The proposed replacement dwelling is compliant with the Council's adopted 45 degree code as outlined in the SPD Designing Walsall Appendix D. It is considered the replacement dwelling will not cause any significant further harm to the visual amenity of neighbouring occupants.

New first and second floor windows exceed the required separation distance of 24m between first floor habitable room windows as outlined in the SPD Designing Walsall Appendix D and are considered would reflect the window to garden relationship that could be expected in such residential areas. The rear dormer has been reduced in width and the area of glazing to address concerns raised by neighbours regarding the potential for increased overlooking from these windows, addressing impact on privacy and potential for overlooking concerns.

The rear gardens of this row of houses have an easterly orientation. Concerns raised the proposed replacement dwelling would cause a loss of natural light and cast significant shading over neighbouring sites. As the ground floor will only project 2.2m beyond the rear elevation of neighbouring 72 Lichfield Road and is compliant with the 45 degree code, it is considered, it would not cause further shading to the rear of this neighbouring dwelling to warrant a refusal. Whilst the first floor of the replacement dwelling would be extended closer to the side boundary of no. 72 Lichfield Road it would not project beyond the existing front and rear elevations compared to the

original dwelling. Whilst some shading to a side facing roof light serving an unknown loft room at no. 72 Lichfield Road, this roof light already has views onto the first floor of the side elevation of the existing dwelling and currently is shaded by the existing building. It is considered, the proposed first floor side elevation would not cause further harm by way of impact on outlook or shading above and beyond the current situation. Consequently, a refusal could not be justified in this instance. The replacement would not cause further shading to any other neighbouring property, beyond what current happens, given the separation distances and orientation.

A number of bathroom windows are proposed and a condition would be included to ensure that these windows are obscurely glazed to protect the privacy of occupants.

Concerns raised regarding the detached outbuilding including the fact that the original reductions that were made to the size only benefit the applicant not the neighbours, as well as the impact of this structure on neighbouring outlook and shading. Whilst the proposed outbuilding is 0.7m lower in height than the outbuilding previously approved, it is acknowledged the current proposed outbuilding has a larger footprint than previously approved and extends 1m further in front of the Harpur Road building line. The outbuilding would be a further 0.3m away from the rear boundary fence. It is considered the cumulative amendments made to the original proposed outbuilding address the concerns to a level that would cause limited further harm to the amenity of neighbouring occupants above and beyond the outbuilding that was previously approved and have similar impact to a structure that could have lawfully been erected 2 metres away from the rear boundary using permitted development rights without the requirement for planning permission.

It is considered that the amended proposal sufficiently meets the amenity requirements of saved UDP policy GP2.

Given the scale of proposed development, at the upper limits of what could be acceptable in planning terms, without causing harm to neighbouring amenity, it is considered reasonable to remove permitted development rights in relation to extensions for the replacement dwelling and outbuildings to allow the LPA the opportunity to consider further impacts.

Concerns regarding the impacts during construction of the replacement dwelling, Environment Protection have requested a construction management plan be submitted to the LPA for approval before the commencement of development. This can be secured by way of a planning condition.

### **Impact on Protected Trees**

There are 6 protected trees surrounding the front boundary of the site. It is considered, they offer a useful amount of local amenity value being highly visible on the frontages of Lichfield Road and Harpur Road. The Tree Officer advised that allowing proposed developments that will result in the loss of protected trees runs counter to the thrust of the TPO system. Furthermore, the Tree Officers concerns that locating a parking area underneath Maple trees does not accord with the NPPF and

will inevitably lead to calls to fell or severely prune the trees and arguments that 'the trees are covered by a TPO and such calls could therefore be successfully resisted' are simplistic and run counter to the thrust of the TPO system which makes provision for the preservation of trees.

Notwithstanding this, the proposed parking area on the frontage of the site is the area that is currently used for the parking of vehicles, including under some of the protected tree canopies. There are likely to be calls to prune the protected trees as the parking potentially allows for vehicles being parked closer to the trunks of the trees. An amended parking plan has been submitted showing retention of the existing soft landscape and hard surfacing to the areas that are currently hard surfaced only. This combined with the proposed boundary treatments (details still to be provided), it is considered there could still be further impacts to the protected trees. Consequently, the recommendation to planning committee includes further details being submitted, relating to the boundary treatment, although the LPA is defining this as railings, possibly brick piers and gates to contribute to reducing the impacts to the protected trees, plus providing construction details to further assess possible impacts on the protected trees prior to issuing any decision.

Given the potential for impact on the root protection area of protected trees surrounding the site it is considered appropriate to remove permitted development rights in relation to any further hard surfacing and boundary treatments within the curtilage of the boundary to allow consideration of the impact by the tree officer.

### Protected Species

The site falls within an area of known bat activity and there are neighbouring lines of mature gardens, which raises the risk of bat presence. In this case, as the application proposes alterations to the roof, if bats are present in the house disturbance and destruction to their roost would occur.

Consequently, in accordance with NPPF 15 and Conserving Walsall's Natural Environment SPD, NE1 and Annex 1A, a bat survey report in support of this proposal was provided, which conclusively ruled out the presence of bats in the roof space and no further surveys or mitigation measures were recommended. Conditions would be attached to any permission to ensure precautions are taken during construction to safeguard local bat populations which may be present at that time.

### Parking and Highway Safety

This proposal involves ground and first floor alterations to convert an existing 4-bedroomed detached house to a 6-bedroomed detached house. Concerns raised regarding inadequate parking provision at the site to support this increase and that visitors to the site already park on the grass in Harpur Road. In accordance with the requirements of saved UDP policy T13, a 6 bedroom dwelling requires a minimum of 3 off road vehicular parking spaces. There is sufficient space on the front driveway and the retained detached garage to meet this requirement. Inconsiderate parking on the highway and damaging grass verges with tyre marks is not a material planning consideration and there is third party legislation better placed to deal with this concern.

This sites fronts the classified A461 road and the unclassified Harpur Road. Both roads are bounded by footways and are lit. There are double yellow lines on the site side of the A461 Walsall Road which extend around the bell mouth junction into Harpur Road. There are two existing entrance/egress points for the front driveway, one directly onto A461 Lichfield Road and one on the corner of the junction of Lichfield Road and Harpur Road. The Local Highways Authority observe, the vehicle access located at the corner of the A461 and Harpur Road is not in a safe location as it is where there are a number of vehicular turning movements being made to negotiate the priority junction of the A461 and Harpur Road. Notwithstanding this, Crash Map data indicates there are no recorded accidents in the past five years. Furthermore, there will only be a relatively small increase in traffic movements that may arise from the increased bedroom provision.

The accesses referred to above serve the front garden area and the block plan (Drwg No A104) indicates that this provides access to three car parking spaces. The applicant has demonstrated how the vehicles could turn on the driveway to allow egress from the site in forward gear and gates would be set back 5m from the boundary with the highway.

On this basis, the Local Highways Authority support the proposal, providing the access remains ungated or gates are set back at least 5m from the boundary. A condition will be included to secure this provision. Also providing the proposed outbuilding remains ancillary to the main dwelling house use and shall not be operated as a separate, individual dwelling house or any other commercial operation.

#### Other Material Planning Matters

There is a shipping container located on an area of soft landscaping at the front of the application site. It does not meet the requirements of permitted development and would require planning permission to be retained. This container was the subject of a closed planning enforcement case. The site owner was advised that any planning application for its retention would likely be refused on the grounds of its impact on the character and appearance of the site. Furthermore, it is located within the Root

Protection Area of protected trees and compacting of the ground could be detrimental to these trees and their roots. The site owner informed enforcement officers that the container was for temporary storage use whilst renovations were being completed at the site (presumably the development permitted by planning application 17/1281) and the enforcement case was closed. However, no works took place and the container is still in situ. Concerns raised by neighbouring occupants that in 2017 they were told an enforcement notice would be issued for a storage container situated at the front of the property but it is still there. The applicant has been advised, the shipping container would not be supported as part of this application and that it should be removed. Its removal can be secured by a planning condition included in this permission.

#### **Conclusions and Reasons for Decision**

When assessing the material planning considerations and taking into account the local and national planning guidance and representations received, it is considered that the proposal, according to the plans submitted, would not cause harm to the character of the house or the local area and would not harm the amenity of neighbouring occupants nor cause harm to highway safety in accordance with the requirements of the NPPF, policies CSP4, ENV1, ENV2 and ENV3 of the Black Country Core Strategy, policy EN1 of Walsall's Site Allocation Document, and saved policies GP2, ENV18, ENV23, ENV32 and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents Designing Walsall policy DW3 and Appendix D and Conserving Walsall's Natural Environment.

An ecological survey submitted has concluded that the site is conclusively not being used as a bat roost.

The use of safeguarding conditions in respect of the materials and plans to maintain its appearance, obscured glazing to maintain privacy, protected trees and bats to conserve protected species and permitted development rights and defining the use will further ensure that the neighbours amenity is protected and that protected species are conserved and the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

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

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

Officers have spoken with the applicant's agent and in response to concerns raised regarding the incongruous appearance of the original proposed dwelling design, reductions required to the size of the rear outbuilding and a parking layout requirement, amended plans have been submitted which enable full support to be given to the scheme.

### **Recommendation:**

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

The amendment and finalising of conditions;

Overcoming the outstanding concerns raised by the Tree Officer

Applicant to provide amended plans for the outbuilding

Applicant to provide amended plans in relation to the vehicular parking and accesses

Applicant to provide plans detailing the front boundary treatment, which is to be no higher than 1.5 metres when measured from the pavement surface illustrating railings, brick pillars and gates to take into account the protected trees and the required pedestrian visibility splays.

Applicant to provide construction details of the front boundary treatment illustrating how the boundary treatment minimises impacts to any of the protected trees and their root systems

### **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:

Site and Location plan, drawing no. A104, submitted 15/08/2022

Proposed Ground Floor Plan, Roof Plan and Front Gate Elevation, drawing no. A100, submitted 15/08/2022

Proposed First and Second Floor Plans, drawing no. A101, submitted 15/08/2022

Proposed elevations, drawing no. A102, submitted 15/05/2022

Proposed Outbuilding Plans and Elevations, drawing no. A103, submitted 15/08/2022

Internal/External Bat Survey, carried out by Dr Stefan Bodnar, dated 26/11/2021

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

3a: Prior to the commencement of development including any engineering, site clearance/preparation, and/or construction works a Construction Environmental Management Plan shall be submitted in writing to and agreed 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, specifically including sufficient space retained for construction materials to be transported through or stored in the area currently occupied by the single storey garage following its demolition and to the rear of the property. Any storage of materials/equipment should be shown to avoid any root protection areas of the protected trees
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Site security arrangements including hoardings
- vii. Measures to prevent site drag-out and measures to prevent mud or other material emanating from the application site reaching the public highway



viii. Measures to prevent flying debris

ix. Dust mitigation measures

x. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

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. Notwithstanding the details as submitted, prior to the commencement of the development hereby permitted a tree protection plan including the proposal and hardstanding and showing details of protective fencing and ground protection to be installed around the protected trees along the front boundary of the site with Lichfield Road and Harpur Road to the extent of the tree crown spread located at the front of the house shall be submitted in writing to and approved in writing by the local planning authority.

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved tree protection details and the approved details shall thereafter be retained for the duration of the development construction period including until all equipment, machinery and surplus materials have been removed from the site.

4c. Nothing shall be stored, placed nor any fires started, any tipping, refuelling, disposal of solvents or cement mixing shall not be undertaken within the protective fencing or on the ground protection;

4d. Ground levels within protective fencing and or ground protection areas shall not be altered nor shall any excavation or vehicular access or drainage routes be made.

4e. No hard surfacing or digging shall take place within 3 metres of the protected tree stems for the lifetime of the development hereby approved

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

5: Notwithstanding the details submitted, prior to commencement of the development hereby permitted, the development shall not be carried otherwise than in accordance with the storage container currently located adjacent to the front boundary of the site first being removed from the site in its entirety and shall not be reinstated for the lifetime of the development.

Reason: To safeguard the amenities of the occupiers of adjoining premises, to prevent harm to the roots of protected trees and to comply with saved policies GP2, ENV18 and ENV32 of the Walsall Unitary Development Plan and the Supplementary Planning Document Conserving Walsall's Natural Environment.

6a: Prior to first occupation of the development hereby permitted details of electric vehicle charging points, to be provided for the development 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 the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

7b: The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

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

8: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no side facing windows, doors, or other openings other than those shown on the approved plans, shall be installed in any part of this development.

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

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

First floor side facing en-suite bathroom window with an outlook towards Harpur Road;

First floor rear facing en-suite bathroom window; and

2no. second floor front facing bathroom dormer windows hereby permitted, shall be non-opening below 1.7m and obscurely glazed to meet Pilkington level 4 or equivalent and shall thereafter be retained for the lifetime of the development.

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

10: The development hereby permitted shall not be carried out otherwise than in accordance with the approved recommendations of the Internal/External Bat Survey, carried out by Dr Stefan Bodnar, dated 26/11/2021 and the approved details shall thereafter be retained for the lifetime of the development.

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.

11a: Notwithstanding the Internal/External Bat Survey, carried out by Dr Stefan Bodnar, dated 26/11/2021 all workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise than with the use of hand tools. All roof tiles, flashing and ridge tiles shall be listed carefully (and not dragged or slid) and the undersides examined for bats or bat droppings.

11b: If during the construction period bats or evidence of bats or their roosts are found:

- i. bats shall not be handled or touched
- ii. the vicinity of the roost shall be immediately reinstated.
- iii. no further destructive works shall be carried out until the need for Natural England licence has been established.
- iv. Within one week of finding bats or evidence of bats or their roosts, a written report by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy shall be submitted in writing to and approved in writing by the Local Planning Authority. The report shall record what was found, and propose appropriate mitigation measures, including a timetable for their implementation

v. Work shall not continue otherwise than in accordance with the approved mitigation measures and the approved timetable

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

12: Notwithstanding the details as submitted, the development hereby permitted shall not be carried out otherwise than in accordance with the ingress/egress from the public highway any gates shall be set back 5 metres rear of the public highway boundary and shall be designed and installed to prevent opening towards the public highway for the lifetime of the development.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP policies T7 and T13

13: The development hereby permitted shall not be carried out otherwise than in accordance with both access points shall at all times provide a minimum 2.4m x 3.4m pedestrian visibility splays, measured from the centre of each access at the back of the reconstructed footway, within which no planting or structures exceeding 600mm in height above footway level shall be permitted and the pedestrian visibility splays shall thereafter be retained for the lifetime of the development.

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

14: Notwithstanding the details submitted the detached outbuilding hereby permitted shall not be used otherwise than by the occupiers of the dwelling house known as 70 Lichfield Road, Walsall, WS4 2DL for purposes incidental to that dwelling house and the development hereby permitted shall not be occupied separately from that dwelling house or used for business purposes or accessed separately at any time from Harpur Road for the lifetime of the development.

Reason: To define the planning permission, safeguard the amenities of adjoining dwellings and to comply with the NPPF, Walsall's Unitary Development Plan saved policy GP2 and Designing Walsall SPD appendix D.

15: 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.

16: Notwithstanding the details as submitted of the development hereby permitted, no solid fuel stove, fire or heating appliance or associated chimney or flue shall be installed in the approved development.

Reason: To ensure safeguarding of local air quality and to conserve and enhance the natural environment and to comply with BCCS policy ENV8, saved UDP policy ENV10 and the Air Quality SPD.

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

- Class A (enlargement, improvement or other alterations)
- Class AA (enlargement of a dwellinghouse by construction of additional storeys)
- Class B (additions to the roof)
- Class C (other alterations to the roof)
- Class D (porches)
- Class E (buildings etc.)
- Class F (hard surfaces)

And

As defined by Schedule 2, Part 2 Minor operations:

- Class A (gates, fences, walls etc)

shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises, to protect highway safety and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

### **Notes for Applicant**

#### **1. Construction Management Plan**

Where stabilisation/piling works are included in the agreed Construction Management Plan, the level of structure-borne vibration transmitted to occupied buildings within the site and within a 5 metre radius of the site from the stabilisation/piling works shall not exceed the specified criteria for 'low probability of adverse comment', as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting' as may be amended or replaced from time to time.

Demolition, construction and engineering works (including land reclamation, stabilisation, preparation, remediation or investigation), shall not take place outside the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays and no such works shall take place on Sundays, Bank Holidays or Public Holidays\*. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

2: The applicant is advised to consider closing the existing access at the corner of the A461/Harpur Road priority junction and relocate the access directly off Harpur Road at a location that would be safer. Such an access would need to be designed as follows:

the access point shall at all times provide 2.4m x 3.4m pedestrian visibility splays, measured from the centre of each access at the back of the reconstructed footway, within which no planting or structures exceeding 600mm in height above footway level shall be permitted.

The access shall be a minimum of 3.0m in width and have a maximum gradient of 1:10.

Could the applicant please note that if a new access to Harpur Road is to be pursued that the Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway. For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority.

3. 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.

4. The site known as 70 Lichfield Road, Walsall, WS4 2DL has planning use class C3 permission for residential purposes only. It is recommended that planning advice is sought regarding the potential requirement for planning permission for any other proposed use of the site including commercial business use.

**END OF OFFICERS REPORT**

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## Planning Committee

Report of Head of Planning and Building Control on 08 September 2022

Plans List Item Number: 6

### Reason for bringing to committee

Called in by a Councillor Elson on the grounds no.6 'impact on amenity of neighbours'

### Application Details

**Location:** 90, SANDRINGHAM AVENUE, WILLENHALL, WV12 5SX

**Proposal:** SINGLE STOREY FRONT EXTENSION AND CONVERSION OF THE EXISTING GARAGE WITH NEW DUAL PITCHED ROOF. (AFFECTS SETTING PUBLIC FOOTPATH WILL31).

**Application Number:** 22/0652

**Case Officer:** Sean Hewitt

**Applicant:** Paul Robinson

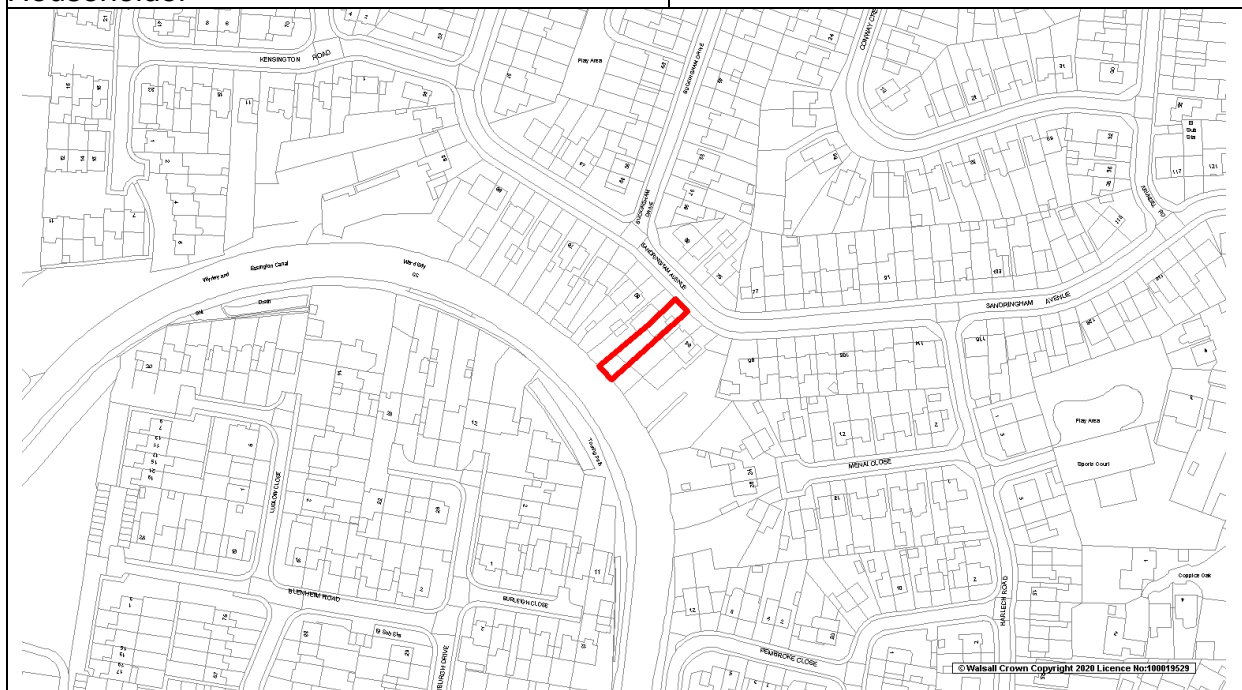
**Ward:** Willenhall North

**Agent:** Kelsall Architectural Design Ltd

**Expired Date:** 15-Aug-2022

**Application Type:** Full Application:  
Householder

**Time Extension Expiry:**



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## Recommendation:

1. Grant Planning Permission Subject to Conditions

## Proposal

Single storey front extension and conversion of the existing garage with new dual pitched roof. (Affects setting public footpath Will31).

## Site and Surroundings

This section of Sandringham Avenue is comprised of semi detached dwellings of a similar style and character. The application site has an existing single storey side garage which is currently linked to the neighbours with other dwellings on this road also converting their garage in a similar nature.

## Relevant Planning History

none

## 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 4 – Decision Making**
- **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
- GP6: Disabled People
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

### **Black Country Core Strategy**

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

### **Designing Walsall**

- DW3 Character

## **Consultation Replies**

Canal and River Trust - Concerns as the location plan has included land within the Canal and Rivers Ownership with an informative note attached. *(A request was made to the agent for this to be updated but this has not been forthcoming, these amendments will be sought prior to issuing the committee decision.)*

Local Access Forum – Support

Environmental Protection – Concerns to the installation of a solid fuel appliance. Condition and note attached to address this.

Ecology – Support subject to note

## **Representations**

No.92 – clarified no objection but concerns to the boundary wall and drainage from the roof *(The boundary/party wall is not a material planning consideration and a private matter between the landowners. Drainage in this instance is not a material planning consideration, however, can be dealt with via the building regulations legislation.)*

## Determining Issues

- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways

## Assessment of the Proposal

### Design, layout and Character

The proposed garage conversion would be visible from the public highway, however, this would be a modest change and similar to other conversions on this section of Sandringham Avenue. While the new single storey front extension would reposition the front door from the front of the dwelling to the side, the LPA does acknowledge a small degree of harm to the street scene. Having said this, the area does not fall within a visually sensitive location and in this instance is seen to be a minimal reason insufficient reason in this instance to warrant a refusal. It is considered that the additions would reflect the evolving character of the area.

### Amenity of Nearby Residents

Cllr Elson has called this application in on the following concerns:

- *'Drainage – it currently runs off number 90's side extension across 92's side wall, flooding their house. Number 90 is covering the drainage up on the roof with a house brick and covering (which I know isn't a planning issue but is a concern moving forward).'*
- *The side wall indicated on the application, is actually situated on the deeds of number 92, begging the question of is the existing structure actually legally built.'*

Regarding drainage, there is no requirement to consider drainage for this type of planning application on the basis that extensions to existing dwellings would tie into existing drainage infrastructure and would be a matter for building regulations. On these grounds, this is a non-material matter which cannot be dealt with under the planning process.

Regarding the second point, while the structure may not have permission, historic satellite images confirm this has been in situ since 2000. No enforcement cases have been made against this structure and it would therefore would now be lawful with time. While the LPA is sympathetic to no.92's concerns, boundary disputes, water ingress and party wall issues are private civil matters between the land owners that fall outside the scope of the planning legislation.

A condition will be imposed to obscurely glaze the front facing WC window to protect owner and neighbour privacy.

Keeping the above in mind and as there would be no additional footprint to the rear of the dwelling, this proposal is considered to protect neighbouring amenity to an acceptable level and thus complies with the Designing Walsall SPD, it is recommended approval.

### **Highways**

The proposal converts the garage and includes the addition of a ground floor bedroom and bathroom which takes the overall bedrooms to 4. In line with policy T13 3 onsite parking spaces would be required. It is considered, there would be sufficient space following the proposals to add at least 2 cars on the front drive. While this leaves one space short of complying with this policy, consideration must be given to the provision of the ground floor bedroom and bathroom which is anticipated to provide an improvement to the quality of life to the applicant or applicants family. The benefit to the quality of life in this instance would outweigh the requirement for a third parking space and should one be required, there is on street parking on this relatively quiet residential street which is unlikely to prejudice highway or pedestrian safety.

### **Conclusions and Reasons for Decision**

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

The use of safeguarding conditions in respect of the materials and plans to maintain its appearance and obscured glazing to maintain privacy will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

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

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

#### **Approve**

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

### **Recommendation**

Grant Planning Permission Subject to Conditions

## Conditions and Reasons

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

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

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

Proposed Plans and Elevations 272 -03e -20-06-22

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

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

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

4. Notwithstanding the details as submitted, the development hereby permitted shall not be carried out otherwise than in accordance with the proposed front facing windows serving the WC, illustrated on the following plans: Drawing No: Proposed Plans and Elevations 272 -03e -20-06-22, 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 occupiers of adjoining premises and to comply with saved policy GP2 of the Walsall's Unitary Development Plan.

5. Notwithstanding the details as submitted, no solid fuel stove, fire or heating appliance or associated chimney or flue shall be installed in the development hereby permitted for the lifetime of the development.

Reason: To safeguard residential amenity and air quality in line with saved UDP policy GP2.

## **Notes for Applicant**

### **Canal and River Trust**

1. The applicant is advised that no construction materials, waste, plant or machinery are to be placed in proximity to the boundary with the canal. This is to ensure that no additional loading is placed on the canal bank which could have an adverse impact on its structural integrity. For further advice please contact Shomsur Khan, Senior Works Engineer in the first instance on

Shomsur.Khan@canalrivertrust.org.uk or by telephone 0303 040 4040.

2. The applicant is advised to ensure that measures are put in place to prevent any material from entering the canal, including wind-blown debris and materials washed into the canal via surface water. This is to ensure that the development does not have an adverse impact on water quality and biodiversity within the canal.

### **Ecology**

Although the application does not require a formal bat survey, there is still a risk that bats may be using the building for roosting. It is therefore important that you are satisfied that there are no bats using the building before work is carried out. Any damage, destruction or disturbance to bats roosts is a criminal offence. Care should be taken during building works. Stripping the soffit boxes should be carried out carefully by hand. If any bats or evidence of bats are discovered work should stop and advice should be sought from Natural England. They can be contacted on Tel: 0845 6014523 or e-mail: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

### **Environmental Protection**

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

**END OF OFFICERS REPORT**



## Planning Committee

Report of Head of Planning and Building Control on 08 September 2022

Plans List Item Number: 7

### Reason for bringing to committee

Called in by Councillor Martin on the grounds of impact on the amenity of neighbours and a considered severe breach of 45 degree code.

### Application Details

**Location:** 27, LODGE ROAD, PELSALL, WALSALL, WS4 1DE

**Proposal:** TWO STOREY AND SINGLE STOREY REAR EXTENSION PLUS NEW HIPPED ROOF OVER EXISTING FLAT ROOF SIDE EXTENSION

**Application Number:** 22/0641

**Case Officer:** Rebecca Rowley

**Applicant:** Mr Carl Forrester

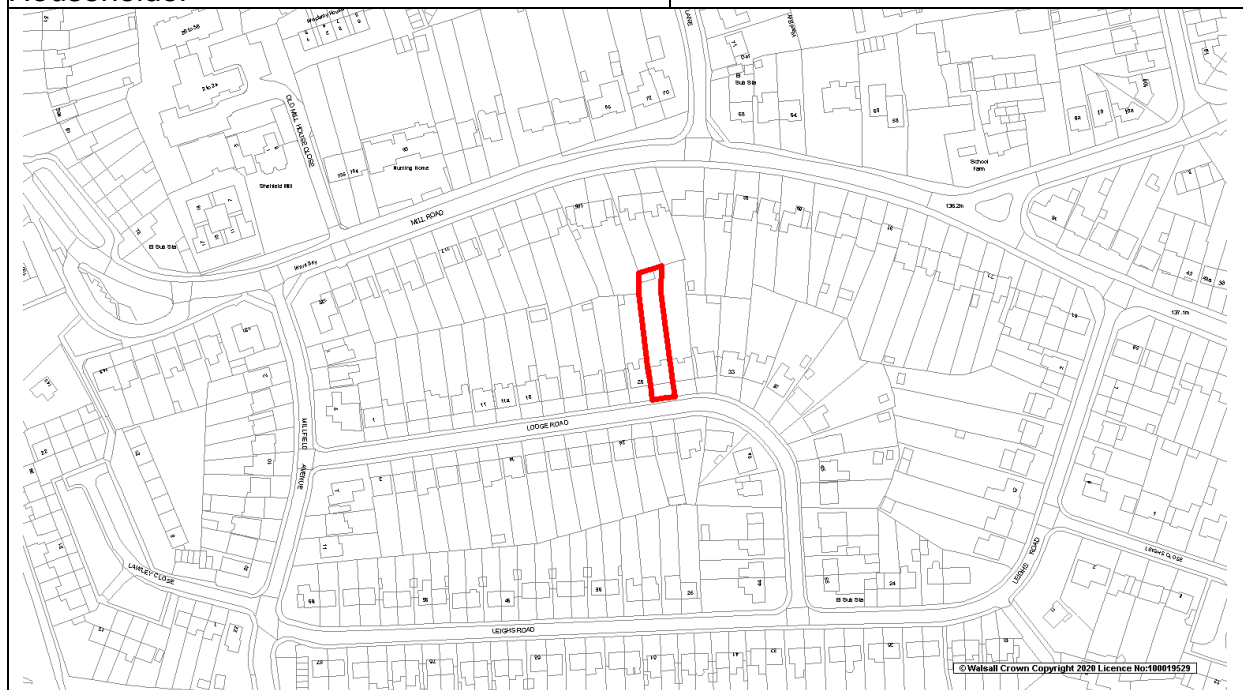
**Ward:** Rushall-Shelfield

**Agent:** PALMER DESIGN

**Expired Date:** 06-Jul-2022

**Application Type:** Full Application:  
Householder

**Time Extension Expiry:** 16-Sep-2022



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### Recommendation

## Recommendation:

1. 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.

## Proposal

This application seeks permission for the following extensions to a detached house:

### Ground Floor Rear Extension with Flat Roof

To create an open plan kitchen dining area

Depth: 4m from original rear elevation

Width: 8.4m

Height: 3m

Proposed Openings: rear bifolding doors

### First Floor Rear Extension with Hipped Roof

To create bedrooms

Depth: 2.4m

Width: 5.5m

Height to Eaves: 4.8m (as existing)

Height: 7.3m

Proposed Openings: 2no. rear bedroom windows

### Roof Extension

A hipped roof would be added above the existing flat roof over the two storey side extension. The new ridge would be 0.2m lower than the existing main roof ridge.

Height to eaves: 4.8m

Height: 7.3m

## Site and Surroundings

The application dwelling is a traditional inter-war 3 bedroom detached house constructed from brick with a tiled hipped roof. It has a two storey flat roof side extension including integral garage and two separate single storey rear extensions, one adjacent to either side boundary. The extension nearest the boundary with no. 25 is 2m deep and the extension of the opposite side of the rear elevation is 2.5m deep. There is a driveway in front of the dwelling with sufficient space to park 2 vehicles and a separation distance of 6m from the principal elevation to the front boundary with the public footpath.

Houses in the street are of a similar original design, many of which have been extended to the side in a similar design to the application site. Two storey rear extensions are an emerging characteristic.

The adjacent dwelling to the western side is no. 25 Lodge Road with a separation distance of approximately 1.2m between the buildings. This property has a two storey side and single storey rear extension as well as a 4m deep rear conservatory adjacent to the boundary with the application dwelling. The first floor rear elevation is in alignment with the first floor of the application site.

The adjacent dwelling to the eastern side is no. 29 with a separation distance of 0.9m between the buildings. The rear elevation is approximately 0.5m shallower than the rear elevation of the application site at the ground floor adjacent to the shared boundary. The first floor rear elevation is in alignment with the first floor of the application site.

To the rear of the dwelling is a 40m long garden with a separation distance of around 60m to the nearest dwelling to the rear at 101 Mill Road.

### Relevant Planning History

#### At application site

BC3212 – extension to kitchen – granted permission – 15/10/1975

BC10833 – erection of garage and kitchen extension and two bedrooms over – granted permission – 21/12/1978

#### At 25 Lodge Road (neighbour to western side)

BC14065P – erection of bedroom over existing garage – granted permission – 16/07/1985

#### At 29 Lodge Road (neighbour to eastern side)

EAB/3871 – garage extension, bedroom over and front porch – granted permission – 08/03/1972

#### At 9 Lodge Road (similar original design and similar design of extension)

22/0759 - Two storey side and rear extension and single storey rear extension plus front porch – granted permission – 25/07/2022

### 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 4 – Decision Making**
- **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
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

### **Black Country Core Strategy**

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

### **Supplementary Planning Document**

#### **Designing Walsall**

- DW3 Character
- Appendix D

### **Consultation Replies**

No consultees

## Representations

The following concerns have been raised by one neighbouring occupant (case officer's comments in italics):

- Impact on sunlight to the neighbouring conservatory
- Potential noise to the neighbouring lounge/dining room from use of the side entry passage which would remain the only access to the rear of the property (*This is not a material planning consideration in the determination of the current application as the side entry passage is an existing feature*)
- Construction noise (*This is not a material planning consideration*)

## Determining Issues

- Design of Extension and Character of Area
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways

## Assessment of the Proposal

### Design of Extension and Character of Area

The proposed rear extensions would be of limited visibility from the public vantage point and is considered would not significantly alter the appearance or character of the application dwelling or the street scene. The extensions reflect the evolving character of this street where first floor rear extensions have recently been approved at no. 9 and no. 39 Lodge Road and approved at no 17 in 2014.

The proposed hipped roof extension is considered an improvement on the existing flat roof design above the two storey side extension. It would reflect the appearance of the original roof with a level of subservience being created by a step down from the main roof ridge. The design would reflect the roof at neighbouring no. 29 Lodge Road.

Proposed facing materials would match those used in the existing building and this will be secured by a planning condition.

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

## Amenity of Nearby Residents

Following amendments submitted in response to concerns raised by the Local Planning Authority, the proposed first floor extensions have been reduced in depth and are now compliant with the Council's adopted 45 degree code as outlined in the SPD Designing Walsall Appendix D in respect of all ground floor and first floor habitable room windows at both adjacent neighbouring dwellings.

The rear gardens of this row of houses have an orientation that is just slightly west of northerly. Natural sunlight is directed towards the front and side elevations of these dwellings throughout the majority of the day. Concerns have been raised regarding the impact on sunlight. There is a rear conservatory at no. 25 Lodge Road which is sited to the western side of the application site. It is acknowledged, there would be some impact on easterly outlook through the conservatory upper side windows and the roof although not sufficient to be able to sustain a reason for refusal as the proposed extension complies with the Council's 45 degree code. Neither the ground floor nor the first floor of the proposed rear extensions at no 27 would project beyond the rear elevation of this conservatory. It is considered that the impact on outlook would not cause significant harm to visual amenity sufficient to sustain a refusal. It is acknowledged that there would also be some obscuring of natural sunlight to the conservatory. Natural sunlight would only be obscured for a relatively small period of the day during the early morning before it is already obscured by the bulk of the existing dwelling. Given this limited period of reduced sunlight above and beyond the existing situation, plus compliance with the Council's 45 degree code, it is considered this would not cause significant harm to light amenity sufficient to sustain a refusal in this instance.

In respect of no. 29 Lodge Road, the proposed ground floor extension would project to a depth of 4m from the original rear elevation, 1.5m deeper than the existing rear extension in this position and 2m deeper than the rear elevation of the single storey rear extension at no. 29. It would have the same impact as a 4m deep rear extension that could have lawfully been constructed in this position using permitted development rights were it not attached to first floor extensions on the opposite side of the rear elevation. The first floor rear extension would be just 1m deeper than the ground floor of no. 29 and would be set in 3m from the side elevation of the application dwelling nearest to the boundary with no. 29. There is a first floor rear window in the side extension at no. 29. The 45 degree line of view from this window is already breached by the original dwelling at no 27 which would obscure any view and prevent additional impact to this window. It is considered the extensions would have limited impact on visual amenity from the rest of the ground floor or first floor rear windows at no 29. No. 29 is located to the eastern side of the application dwelling and any potential for obscuring of natural sunlight would be limited to a short period in the evening as the sun is setting. It is considered the proposals would have limited impact on the occupants of no. 29 above and beyond the existing situation.



The proposed extensions comply with the required separation distance of 24m between first floor habitable room windows as outlined in the SPD Designing Walsall Appendix D

There are no side facing windows in no. 25 Lodge Road that could be impacted by this proposal. Notwithstanding this, a condition would be included to ensure that the proposed side facing bathroom window is obscurely glazed to protect the privacy of occupants.

It is considered that this proposal meets the amenity requirements of saved UDP policy GP2.

### Parking

In accordance with the requirements of saved UDP policy T13, a 5 bedroom dwelling requires a minimum of 2 off road vehicular parking spaces.

There is sufficient space on the hard surfaced drive way and retained garage to meet this requirement.

## **Conclusions and Reasons for Decision**

When assessing the material planning considerations and taking into account the local and national planning guidance and representations received, this application has demonstrated that these proposals would not result in harm to the character of the house or the local area and would not harm the amenity of neighbouring occupants nor cause harm to highway safety and thus complies with the policies and guidance set out in this report.

The use of safeguarding conditions in respect of the materials and plans to maintain its appearance and obscured glazing to maintain privacy will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

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

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

Officers have spoken with the applicant's agent and in response to concerns raised regarding a breach of the 45 degree code for the first floor of the rear extension, amended plans have been submitted which enable full support to be given to the scheme.

## Recommendation

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

- Existing Floor Plans and Elevations, including Site Plan, drawing no. PD730/01 Rev A, submitted 11/05/2022
- Proposed Floor Plans and Elevations, drawing no. PD730/02 Rev B, submitted 01/07/2022

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

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

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

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no side facing windows, doors, or other openings other than those shown on the approved plans, shall be installed in any part of this development.

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

5: Notwithstanding the details as submitted, the development shall not be carried out otherwise than in accordance with the first floor side facing bathroom window hereby permitted, shall be non-opening below 1.7m and obscurely glazed to meet Pilkington level 4 or equivalent and shall thereafter be retained for the lifetime of the development.

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

**Notes for Applicant**

None

**END OF OFFICERS REPORT**