



Development Management - Planning Committee
Report of Head of Planning, Engineering and Transportation, Economy and
Environment Directorate on 09th June 2016

Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	15/0385/OL	FORMER HARVESTIME BAKERY, HOLLYHEDGE LANE, WALSALL, WS2 8RB	OUTLINE PLANNING APPLICATION FOR DEMOLITION OF ALL BUILDINGS AT THE FORMER HARVESTIME BAKERY SITE AND THE ERECTION OF UP TO 80 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED EXCEPT MEANS OF ACCESS	GRANT PERMISSION SUBJECT TO CONDITIONS
2	25	15/1620	LAND AT JUNCTION OF CRAMP HILL, BILSTON STREET AND CHURCH STREET, DARLASTON	DEMOLITION OF EXISTING BUILDINGS (WITH BOUNDARY) AND CONSTRUCTION OF 1 NO. APARTMENT BLOCK CONSISTING OF 15 X 1 BEDROOM FLATS AND 12 X 2 BEDROOM FLATS.	GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 AGREEMENT TO SECURE PROVISION FOR AFFORDABLE HOUSING
3	49	15/0797	FORMER CASTLE VIEW HOSTEL	RESIDENTIAL DEVELOPMENT	TO DELEGATE TO

			SITE, CASTLE VIEW CLOSE, WALSALL, WS10 8SE	OF 19 DWELLINGS WITH ASSOCIATED PARKED AND LANDSCAPING, INCLUDING REMOVAL OF VEHICULAR ACCESS FROM CASTLE VIEW CLOSE AND FORMATION OF NEW VEHICLAR ACCESS FROM CASTLE VIEW ROAD	HEAD OF SERVICE TO ISSUE PERMISSION SUBJECT TO NO NEW MATERIAL PLANNING CONSIDERATION BEING BROUGH FORWARD IN RESPECT OF THE AMENDED PLANS NEIGHBOUR RE-CONSULTATION AND TO OVERCOME THE COAL AUTHORITY'S OBJECTION
4	73	15/1786	UNIT 2, BLOXWICH INDUSTRIAL ESTATE, BLOXWICH LANE, WS2 8TF	CHANGE OF USE FROM B1, B2 & B3 & B8 USE TO ROLLER SKATING RINK (USE CLASS D2)	GRANT PERMISSION SUBJECT TO CONDITIONS
5	83	15/1923	LIMEKILN, NORTHGATE, ALDRIDGE, WS9 8BD	SUBSTANTIAL DEMOLITION AND EXTENSION TO EXISTING PUBLIC HOUSE TO CREATE RETAIL SHOP (A1), INCLUDING ATM, REVISED PARKING, SERVICE AND STORAGE ARRANGEMENTS	GRANT PERMISSION SUBJECT TO CONDITIONS
6	95	14/1552/FL	FOXHILLS FARM, BEACON ROAD,	REDEVELOPMENT OF EXISTING	GRANT PERMISSION

			ALDRIDGE, WS9 0QP	RIDING STABLES AND RIDING SCHOOL BY THE WAY OF AN ERECTION OF 4 NO. DWELLING HOUSES WITH ASSOCIATED WORKS INCLUDING THE ALTERATION OF EXISTING SITE ACCESS, FOLLOWING DEMOLITION OF EXISTING BUILDINGS ON SITE	SUBJECT TO CONDITIONS
7	115	16/0148	SPRINGSIDE, 2 SPRING LANE, PELSALL, WALSALL, WS4 1AZ	PART CHANGE OF USE OF EXISTING CARE HOME (CLASS C2 RESIDENTIAL INSTITUTION) TO CREATE 9 X 1 BED SELF-CONTAINED FLATS FOR PEOPLE WITH LEARNING DISABILITIES (CLASS C3 DWELLING HOUSES) RETAINING 8 BEDROOMS WITHIN THE CARE HOME WITH MANAGER'S ACCOMMODATION AND ANCILLARY SHARED FACILITIES PLUS MINOR ELEVATION CHANGES TO	GRANT PERMISSION SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT TO SECURE THE TENSURE OF THE PROPERTIES AS AFFORDABLE HOUSING FOR FOR URBAN OPEN SPACE CONTRIBUTIONS

				DOORWAYS	
8	127	16/0037	481 BLOXWICH ROAD, WALSALL, WS3 2XA	CONVERSION OF EXISTING 5 BEDROOM HOUSE TO 4 NO. 1 BED FLATS	GRANT PERMISSION SUBJECT TO CONDITIONS
9	137	14/1629/FL	2 SPRINGFIELDS, WALSALL, WS4 1JT	FIRST FLOOR EXTENSION TO PROVIDE THREE ONE BEDROOM FLATS	GRANT PERMISSION SUBJECT TO CONDITIONS
10	149	15/1515	1 WOODSIDE ROAD, WALSALL, WS5 3LS	PROPOSED BUNGALOW WITH ASSOCIATED ACCESS, LANDSCAPING, PARKING AND REMOVAL OF SINGLE STOREY EXTENSION TO 1 WOODSIDE ROAD	GRANT PERMISSION SUBJECT TO CONDITIONS
11	167	15/1517	1 WOODSIDE, WALSALL, WS5 3LS	CHANGE OF USE OF 1 WOODSIDE ROAD TO TWO APARTMENTS WITH ASSOCIATED ACCESS, INCLUDING REMOVAL OF SINGLE STOREY EXTENSION, ERECTION OF A DETACHED HOUSE NEXT TO 3 WOODSIDE CLOSE, ASSOCIATED LANDSCAPING AND CAR PARKING	GRANT PERMISSION SUBJECT TO CONDITIONS
12	185	16/0263	PAVEMENT OF	PROPOSED 17.5M	GRANT

			HILLINGFORD AVENUE (TO THE SIDE OF THE BEACON CHURCH), WALSALL, B43 7JU	HIGH TELECOMMUNICATION MAST WITH 1 NO. 300MM DISH AND TWO EQUIPMENT CABINETS AT HILLINGFORD AVENUE AND THE DECOMMISSIONING OF EXISTING 14.8M HIGH TELECOMMUNICATION MAST AND ASSOCIATED EQUIPMENT AT WAVERELY AVENUE	PERMISSION SUBJECT TO CONDITIONS
13	199	16/0438	99 WALSALL WOOD ROAD, ALDRIDGE, WALSALL, WS9 8RD	RETROSPECTIVE: SINGLE STOREY SIDE EXTENSION AND AMENDMENTS TO APPROVAL 13/1367 – OMISSION OF REAR CONSERVATORY AND REDUCTION IN WIDTH OF REAR EXTENSION (NEAREST TO NO. 101 WALSALL WOOD ROAD)	GRANT PERMISSION SUBJECT TO CONDITIONS
14	207	16/0326	54 CARTBRIDGE CRESCENT, WALSALL	TWO STOREY SIDE EXTENSION	GRANT PERMISSION SUBJECT TO CONDITIONS
15	215	16/0149	2 THORNHILL PARK, STREETLY, WALSALL, B74 2LG	TWO STOREY FRONT, SIDE AND REAR EXTENSIONS, PLUS SINGLE	GRANT PERMISSION SUBJECT TO CONDITIONS

				STOREY REAR EXTENSION	
16	225	15/1931	424 SUTTON ROAD, WALSALL, WS5 3BA	TWO STOREY SIDE AND REAR EXTENSIONS, SINGLE STOREY FRONT AND REAR EXTENSIONS AND LOFT CONVERSION AND ENLARGEMENT	GRANT PERMISSION SUBJECT TO CONDITIONS
17	237	16/0056	54 SCARBOROUGH ROAD, WALSALL, WS2 9TS	TWO STOREY REAR EXTENSION AND CONVERSION OF EXISTING GARAGE TO HABITABLE ROOMS	REFUSE



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 1.

Reason for bringing to committee: Major application

Location: FORMER HARVESTIME BAKERY, HOLLYHEDGE LANE, WALSALL, WS2 8RB

Proposal: OUTLINE PLANNING APPLICATION FOR DEMOLITION OF ALL BUILDINGS AT THE FORMER HARVESTIME BAKERY SITE AND THE ERECTION OF UP TO 80 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED EXCEPT MEANS OF ACCESS.

Application Number: 15/0385/OL

Case Officer: Paul Hinton

Applicant: Shiptinvest No.1 Ltd

Ward: Pleck

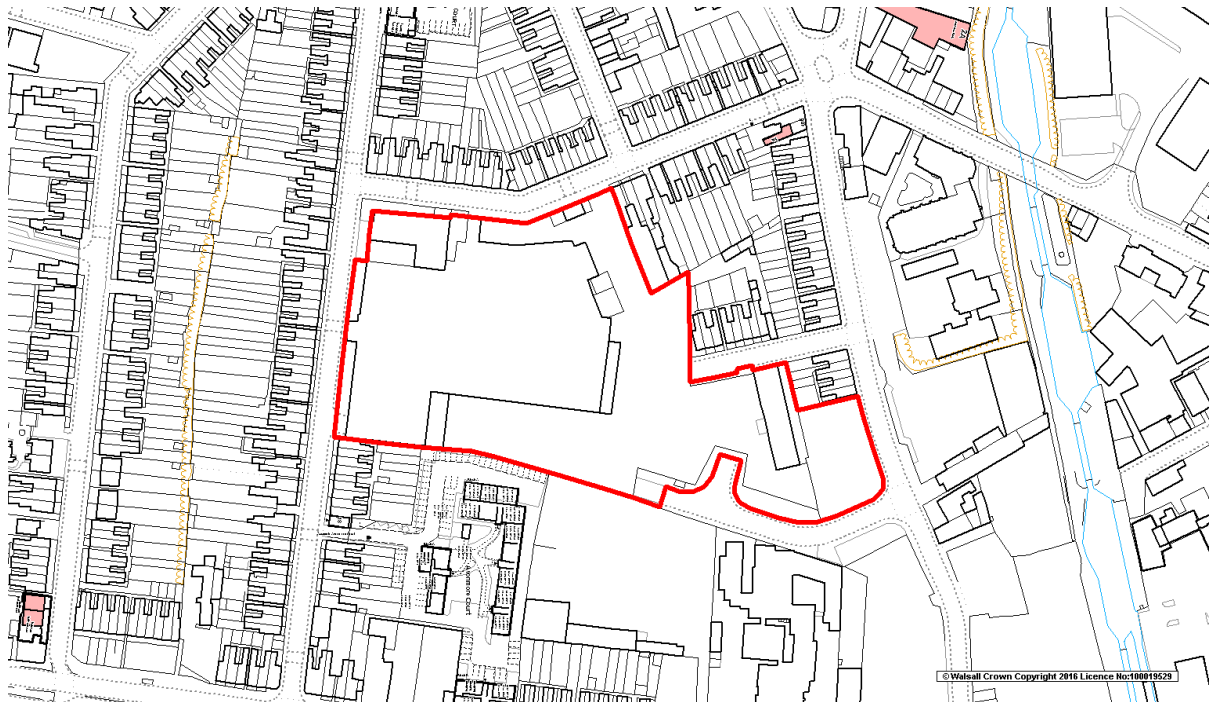
Agent: RPS

Expired Date: 08-Jul-2015

Application Type: Outline Application

Time Extension Expiry: 16-Nov-2015

Recommendation Summary: Grant Permission Subject to Conditions



REASON FOR BRINGING TO COMMITTEE: Major application

Current status

This application was due to be presented to the meeting on 5th November but was withdrawn from consideration at the request of the Chair. Since the withdrawal the applicant has submitted a financial viability assessment which has been considered by the Valuation Office. The report is updated accordingly.

Application and Site Details

This application seeks outline planning permission for the erection of up to 80 dwellings, with all matters reserved except means of access. The application also includes demolition of all buildings. Access is proposed to be from Hollyhedge Lane and Jessel Road. The existing electricity substation fronting Jessel Road would be retained. The proposal has been amended during the course of the application in response to consultee comments.

The application site is the former Harvestime Bakery (also known as Maple Leaf Bakery). All buildings on the site have been demolished to slab level, with a separate prior approval application approving demolition for the portal frame buildings. A late Victorian building on Raleigh Street had been intended for retention but once the supporting portal framed buildings were demolished it was not structurally sound so this was also demolished. As this was not part of the prior approval description its retrospective permission sought as part of this application.

The site area is 1.86 hectares and is bounded by Raleigh Street, Jessel Road, Neale Street, Holyhedge Close and Hollyhedge Lane. The site rises from south to north and has high fences and brick walls on most of the boundaries.

The surrounding streets are predominantly residential, comprising mostly terraced two-storey houses, some of which immediately adjoin the site. There is also a flatted development to the south of the site. Hollyhedge Close also provides access to a vacant scrap yard. The site is located within the Coal Development High Risk Area.

The application has been supported by the following documents:

Design and Access Statement

- Site is on edge of residential area and is close to local facilities and public transport links
- New trees are proposed to be planted throughout the development to mitigate against loss of existing trees
- It is envisaged that the style of the dwellings will broadly follow the local vernacular, materials will also reflect those found in the Walsall area
- Layout avoids creating residual spaces that lack a clear purpose or ownership.
- Dwellings would be built to either comply or exceed requirements of building regulations in respect of both heat loss and energy consumption, dwellings may incorporate renewable energy technologies.
- Consideration to security and crime prevention will be part of detailed design in discussion with the Crime Prevention Officer.

Planning Statement

- Illustrative layout provides for a mix of 1 and 2 bed flats, 2, 3 and 4 bed houses, inclusive of 25% affordable housing. Though housing types and tenures have yet to be established.
- Internal road network are designed to facilitate the manoeuvrability and navigation of refuse vehicle and emergency service vehicles throughout the site.
- Illustrative proposals include the promotion of vehicle free shared pedestrian and cycle access from Jessel Road.
- Equates to a dwelling per hectare ratio of 43.
- Application includes a number of supporting documents, each confirming the proposal would not have any material adverse impacts and any mitigation measures can be incorporated into the design.

Ecology appraisal

- Areas of dense scrub, trees and buildings on site provide some potential for nesting birds.
- A semi-mature sycamore tree located in the southeast corner of the site was classified as Category 1 for bat roost potential, but not identified as a bat roost.
- Buildings, scrub and trees should be cleared outside of the bird nesting season, i.e. between October and mid-February.
- Japanese knotweed was recorded in two locations on site.

Statement of Community Consultation

- Scheme was presented as a pre-application to the Council's Development Team
- Public exhibition was held on 29th January 2015.

Bat Survey

- No bats roosts were identified in the buildings prior to demolition
- Bat activity was recorded and supplementary planting within the development is recommended.

Noise Assessment

- Mitigation measures would be required:
 - Orientation of houses relative to the sources of neighbourhood sound
 - Alternative means of ventilation to the habitable rooms overlooking sources of neighbourhood sound
 - Development can be designed to avoid adverse noise effects.

Open Space Statement

- Illustrative layout indicates provision of onsite open space which would be in the form of a formal play area provided in the centre of the site.
- A planning obligation will be entered into to provide a commuted sum.

Flood Risk Assessment

- Will not be affected by current or future flooding from any source
- Development will not increase flood risk elsewhere
- Measures proposed to deal with effects and risks are appropriate
- Site drainage will be suitable to attenuate flows up to and including 1 in 100 years + 30% rainfall event.
- Surface water flows will be limited to greenfield run-off rates.
- Site storage will be provided by way of oversized pipes and attenuation tanks. Potential for contamination limits implementation of SUDS

Transport Assessment (and addendum)

- There is a range of existing jobs, schools, shops, community facilities and amenities which are accessible within reasonable walking and cycling distance reducing the need to travel by private car.
- 2m wide footways are proposed
- Street network will be conducive to cyclists and shared streets will be promoted allowing pedestrians and drivers to share the carriageway.
- 16 buses stop within 200m of the development site every hour. The nearest stop is on Hollyhedge Lane
- Appropriate visibility splays, commensurate with the recorded prevailing speeds can be achieved from the access junctions.
- Generates 56 vehicular trips during the evening peak hour and 51 in the morning peak hours. Taking account of extant use of the site, the proposal would generate only 11 additional vehicular movements in the morning peak and 23 in the evening.
- The proposed access junction would operate satisfactorily and well within capacity when the development is fully operational.
- Traffic movements beyond the access junction would soon dissipate onto the various road corridors. The resultant increases along the wider highway network lie well within the day-to-day variation of traffic flows and would not trigger any material impacts including the A454 Wolverhampton Road/Hollyhedge Lane signal junction.
- Access junction and internal road network are designed to facilitate the manoeuvrability and navigation of refuse vehicles and emergency service vehicles throughout the site. All servicing vehicles will be able to enter, route through, and then exit the site in forward gear in a safe and satisfactory manner.

Travel Plan

- Developer will appoint a Travel Plan Coordinator (TPC) to implement, administer and monitor the Travel Plan.
- The TPC will:
 - Liaise with and train sales staff about transport provision
 - Prepare marketing materials advising on travel options to the site
 - Create Travel Plan Welcome packs for residents
 - Liaise with Bus Operators to investigate opportunities for securing bus taster tickets for residents
 - Ensure that an internet site is set up providing information on travel planning measures, incentives and contact details.
- Undertake travel surveys with residents for three years,
- New homes will have internet access to allow home working and online shopping
- Provide parking provision in accordance with LPA guidance.
- Cycle parking will be provided at safe and secure locations

Air Quality Assessment

- Recommends mitigation measures to control dust during construction.
- For operational phase pollutant concentrations are predicted to be within the relevant health-based air quality objectives. The site is suitable in air quality terms for its intended use.

Site investigation

- Concentrations of asbestos were identified at a number of locations across the site
- Ground gas monitoring identified elevated gas concentrations
- Highlighted elevated concentrations of arsenic, copper, lead, zinc and TPH.
- If left untreated the contaminated are likely to pose an unacceptable risk to human health.
- The risk may be addressed through the placement of a hardstanding or soft landscaping cap/cover over the impacted areas.

- Shallow perched water are considered to be of low concern in the context of underlying deep seated secondary aquifer.
- Further gas monitoring is required to establish the actual protection measures required.

The proposal has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and was determined not to be EIA development.

Relevant Planning History

14/0647/ND - Environmental Impact Assessment Screening Opinion request for residential development following demolition of existing buildings – Screening Opinion EA Not Required 16/05/14

15/0134/PNDEM - Demolition of steel portal framed bakery buildings –Demolition Approved 25/02/15

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

4: Promoting sustainable transport

32. Decisions should take account of whether:

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

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

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

6. Delivering a wide choice of high quality homes

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

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

7: Requiring Good Design

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

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

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

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

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

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

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

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

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

11. Conserving and enhancing the natural environment

109. The planning system should prevent new and existing development from contributing to...unacceptable levels of... pollution and remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

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

120. To prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location.

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts

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

On **planning conditions** the NPPF says:

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

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

Pre-application engagement is encouraged.

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

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

The Vision consists of three major directions of change and underpins the approach to the whole strategy which includes the delivery of Sustainable Communities, Environmental Transformation and Economic Prosperity.

The relevant key policies are:

CSP1: The Growth Network
CSP3: Environmental Infrastructure
CSP4: Place Making
CSP5: Transport Strategy
DEL1: Infrastructure Provision
DEL2: Managing the Balance Between Employment Land and Housing
HOU1: Delivering Sustainable Housing Growth
HOU2: Housing Density, Type and Accessibility
HOU3: Delivering Affordable Housing
HOU5: Education and Health Care Facilities
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
ENV3: Design Quality
ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
ENV6: Open Space, Sport and Recreation
ENV7: Renewable Energy
ENV8: Air Quality
WM5: Resource Management and New Development

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

GP2: Environmental Protection

GP3: Planning Obligations

GP5: Equal Opportunities

GP6: Disabled People

3.6 and 3.7: Environmental Improvement

ENV10: Pollution

ENV11: Light Pollution

ENV13: Development Near Power Lines, Substations and Transformers

ENV14: Development of Derelict and Previously-Developed Sites

ENV17: New Planting

ENV18: Existing Woodlands, Trees and Hedgerows

ENV23: Nature Conservation and New Development

ENV25: Archaeology

ENV32: Design and Development Proposals

ENV33: Landscape Design

ENV40: Conservation, Protection and Use of Water Resources

JP7: Use of Land and Buildings in Employment Areas

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings

H4: Affordable Housing

T1: Helping People to Get Around

T7: Car Parking

T8: Walking

T9: Cycling

T10: Accessibility Standards - General

T11: Access for Pedestrians, Cyclists and Wheelchair Users

T12: Access by Public Transport

T13: Parking Provision for Cars, Cycles and Taxis

LC1: Urban Open Space

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

The following are the relevant policies;

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

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character – new development to be informed by the surrounding character and to respond in a positive way to it by reflecting local urban design characteristics, such as street patterns, building scale, topography and culture.

DW4 – Continuity – New development proposals must give consideration to common building lines and how the development will give definition to streets and spaces to reinforce the existing urban structure and give significance to important streets and spaces.

DW5 Ease of movement- create places that are easily connected, safe to move through;

DW6 – Legibility – New development must maximise its potential to enhance local distinctiveness by making positive visual connections with its surrounding environment.

DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses.

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

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

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

Annexe D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

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

Conserving Walsall's Natural Environment SPD

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

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

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

Affordable Housing SPD

Requirement to provide affordable housing on each new development of 15 dwellings or above.

Urban Open Space SPD

Requires a contribution towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward.

- Urban Open Space SPD

Employment Land Review

Site HO66 – Consider for release

Emerging Policy

Whilst not adopted, the Site Allocations Document is currently being prepared and a draft document has been consulted upon. However as this is at an early stage of preparation, the weight that can be attached to this is limited.

Consultation response (summarised)

Archaeologist – no objection subject to use of recommended condition in regard to the requirement for an archaeological desk based assessment.

Canal and River Trust – no objection.

Coal Authority – concurs with the recommendation of the Ground Investigation Report that further intrusive site investigations should be undertaken to establish the exact situation regarding coal mining legacy issues on the site. This can be secured by condition.

Community Safety Team – raises concerns with the indicative layout. Area around the site has suffered from historical anti-social behaviour and crime and there are a number of issues which should be “designed out”.

Education Walsall – based on the indicative mix, contributions of £745,843 towards local primary school provision and £813,994 towards local secondary school provision would be sought. Total of £1,559,837.

Environment Agency – no objection subject to use of recommended conditions in regard to details for any piling or other foundation designs using penetrative methods, details of surface water drainage and measures to deal with contamination.

Environmental Health – no objection.

Flood Risk Planning and SUDS Officer – no objection subject to use of recommended condition in regard to surface water drainage scheme.

Friends of the Earth – talking to residents in the Raleigh Street area they have concerns regarding the extra amount of traffic in Raleigh Street.

Greenspace Services - in accordance with the Green Space Strategy and Urban Open Space SPD contributions would be sought towards open space improvements at Reedswood Park and nearby greenways. No maintenance of any open space or facilities would be accepted without a commuted sum.

Highway Authority – no objection subject to use of recommended conditions in regard to detailed designs and engineering details, traffic regulation order imposing 20mph speed limit on the estate and limit to no more than 80 dwellings. Provides for improved accessibility and permeability for pedestrian and cyclists and links to surrounding residential areas and traffic to distribute more evenly onto the local highway network. Additional traffic would not have a material effect on the highway network.

Housing Strategy – no objection, 20 affordable rent units should be provided.

Local Access Forum – no objection. Plans propose a pedestrian/cyclist access to the new development.

National Grid – Apparatus in the vicinity of the site.

Natural Environment Team (Ecology) – no objections. The applicant’s ecologist’s recommendations can be enshrined in planning conditions.

Natural Environment Team (Landscape) – no objections, landscaping will be a required reserved matter.

Natural Environment Team (Trees) – no objection subject to securing replacement tree planting

Pollution Control – no objection subject to use of recommended conditions in regard to additional contaminated land investigations, a sound impact assessment, and a construction management plan.

Public Rights of Way Officer – no objection.

Public Lighting Manager – no objection.

Severn Trent Water – no objection subject to use of recommended drainage condition.

Structures and Geotechnics – no objection, site is located outside the zone of consideration for limestone mine working.

Vodafone – no fixed apparatus in the vicinity of the site.

West Midlands Fire Service – no objection providing all parts of the dwellings can be reached within 45m from the pump appliance and suitable water supplies for fire fighting should be provided.

West Midlands Police Crime Prevention Design Advisor – no objection, recommends that this site achieves Full Secure By Design standards.

Public Participation Responses

Surrounding occupiers notified by letter, site notices displayed and advertise in local press.

Four representations were received from local residents raising the following comments in objection to the application:

- What are the proposals for maintaining and repairing/resurfacing Neale Street?
- Will property owners be made aware of the obligations as this is a private road? Properties will be built on the back of Neale Street and will have responsibility for it.
- Will Neale Street be brought up to adoptable standards?
- Existing parking problem
- Buildings do not reflect the area
- Having anti social behaviour from Avonmore Court
- Full traffic survey should be completed. Area suffers from gridlock between 7-9.30am and 3.30-6.30pm weekdays.
- Pressure on school places
- Access from Jessel Road will only compound parking issues.
- Any walkways, alleyways will attract crime and anti social behaviour.
- Adding to transit nature of area and destroying the community.

Officer comment - Neale Street is outside the red line of the site. The application does not propose any links or changes to Neale Street. Whether or not any adjacent properties have to contribute to the upkeep of Neale Street is a civil matter not a determining factor of the current planning application.

Determining Issues

- Principle of development
- Highways and transport
- Natural and built environment
- Pollution control and ground stability
- Drainage and flood risk
- Planning obligations

Observations

Principle of development

Since the 1960s the site was used as a bakery, ceasing in 2012. The buildings were demolished in 2015. The site is not specifically allocated in the UDP, however it is considered for potential release within Walsall's Employment Land Review (ELR).

The NPPF states that Planning Policies should avoid the long term protection of sites in employment use where there is no reasonable prospect of the site being used for that purpose. BCCS policy DEL2 states that before releasing employment land first ensure the retention of an adequate supply of available employment land. The ELR in considering the employment land provision across the borough does not consider the site for retention. The nature of the previous buildings specialised to a bakery use limit alternative industrial use of the site. A new industrial development on the site would be constrained by surrounding residential uses and residential streets, limiting the scope of acceptable industrial uses to meet the needs of modern industry. The proposal therefore meets the exceptions tests of UDP policy JP7. Retention of industrial use is unlikely to be acceptable.

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. This is a brownfield site within an existing residential area. The proposal would look to provide an increased number of homes in a sustainable location. The principle of housing in this location is therefore acceptable.

Highways and transport

The application seeks outline planning permission (access only for consideration) for a residential development of up to 80 dwellings. The bakery was accessed from Hollyhedge Close. The scheme has been amended and proposes two vehicle access points, one from Jessel Road and one from Hollyhedge Close. To Jessel Road a 5.5m wide access is proposed with 2.4m x 25m visibility splay and the provision of a raised table at the new junction. Jessel Road is traffic calmed with speed ramps; one of the speed ramps is proposed to be removed to accommodate the safe use of the raised table. At the end of Hollyhedge Close are three access points, two to the application site and one to the adjacent scrap yard. The first access point will be retained and used to access a proposed parking court, the access to the scrap yard will be retained. The main access to the former Bakery will be amended to provide a 5.5m wide access road with 2m wide footway.

A Transport Assessment has been submitted to support the development. Using TRICS data, netting off the vehicle trips of the extant B2/B8 use compared to the predicted trips of the residential use, the development is predicted to generate +11 trips in the am peak and +23 pm peak. An appraisal of traffic flows on Hollyhedge Lane shows that the additional traffic generated by the development would equate to an additional 13 trips – one every 4 minutes – which would not have any material effect on the operation of the Wolverhampton Road/Hollyhedge Lane signal junction. The revised scheme with an additional vehicle access onto Jessel Road will also help distribute traffic onto the wider network potentially lessening any impact on the signal junction.

On balance the Highway Authority considers the revised scheme will not have severe transportation implications and is acceptable in accordance with NPPF para 32, subject to further design details being submitted with the Reserved Matters. Conditions have been recommended to secure these details.

It is noted that local residents requested either access via Neale Street, an unadopted road separated from the application site by a brick wall. Neighbours seek resurfacing works or potential adoption of this road. The road is not part of the applicant's ownership and is not part of the planning application. The application has demonstrated suitable access from Hollyhedge Close and Jessel Road and therefore the use of Neale Street is not required.

Residents state there is an existing parking problem. The properties along Jessel Road do not have off-street parking relying on on-street parking. It is noted that the proposed access from Jessel Road would reduce the availability of on-street parking on Jessel Road. As demonstrated by the Transport Assessment the site is well served by public transport. The loss of 3-4 on street parking opportunities is weighed against provision of a suitable access to unlock the delivery of 80 new houses within the area. Any reserved matters application will need to demonstrate sufficient parking for the new houses meeting the needs of the development. On balance the minor loss of on-street parking on Jessel Road, balanced against the delivery of 80 new houses in the location, is considered insufficient reason to refuse the planning application.

Natural and built environment

The NPPF says that developments should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the built environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character. Policies CPS4, HOU2, ENV2, ENV3 of the BCCS; GP2, 3,6 and ENV32 of the UDP and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements.

As access is the only matter for consideration and appearance, landscaping, layout and scale are all reserved for later consideration only limited weight can be given to the indicative layout plan street scene. This indicative plan of 80 units would equate to 43 dwellings per hectare which is considered suitable for this location.

All buildings on the site have been demolished as none were worthy of retention. A prior approval for demolition for all portal framed buildings was previously approved. A late Victorian building on Raleigh Street had been intended for retention but once the supporting portal framed buildings were demolished it was clear the building was not structurally sound so this was also demolished, but as this was not part of the prior approval description it has been added to this application.

The illustrative layout shows a mixture of one and two bedroom flats and two, three and four bedroom houses. Heights are predominantly two storeys to match the local vernacular, with some two-and-a-half storey designs within the site. The building designs and materials would relate to styles found in the local area. An area of open space is also shown. Energy efficient designs in line with Building Regulations would be utilised.

As this level of detail is not to be determined by this application, a detailed assessment of the proposed site layout and unit designs is not appropriate as these details could change once reserved matters are submitted. It is considered that the illustrative layout demonstrates that the principle of housing across the site could be accommodated. It is considered that the indicative layout raises issues of separation between the proposed units, provision of sufficient private amenity space, provision and layout of parking spaces and parking courts. These are matters that would need to be addressed as part of the reserved matters application to ensure any development integrates into the character of the area while ensure appropriate measures including amending the layout to reduce the perception of crime or anti-social behaviour. Concerns about anti social behaviour from Avonmore Court adjacent to the application site, cannot be addressed through this application.

An amended scheme to achieve a high quality layout on this site would help deter crime across the proposed site.

There are no designated wildlife sites which are likely to be adversely affected by this proposal. There are few protected species likely. Bats are unlikely to roost on this site which is well away from interlinked green infrastructure they could use as foraging habitat. However, care will be required over bird species which may be using the site for nesting. An ecological report by RPS has been provided. The recommendations in respect of protection of nesting birds and eradication of Japanese knotweed are satisfactory and can be secured by condition. There is little landscaping on the site and none worthy of retention. A full landscaping plan with new tree planting would come forward as part of the reserved matters.

Pollution control and ground stability

The bakery has had a presence on site since the 1960s, when it shared the site with a lock works. The lock works operated on the site since the early 1900s, when the site was first developed from agricultural fields.

An air quality report has identified that air quality is an issue near to the development site. The air quality at the actual site itself currently meets the requirements of the National Air Quality Objectives and no further action is required or has been recommended. The report identifies that there may be temporary issues during the demolition and construction phases, which should be manageable by appropriate dust mitigation measures.

Pollution Control agree with this recommendation subject to the use of a condition requiring the submission of a working plan to ensure disruption to nearby residential premises and the road network is minimised. This condition is considered necessary and is recommended.

The ground contamination report indicates that only select areas of the site that were easily accessible have been investigated. Areas of the site not investigated include those where buildings are still erect. The report has identified that the site has various contaminative substances within the soil and also within groundwater. Furthermore there are some volatile (hydrocarbon) gases that are being generated and elevated levels of carbon dioxide and methane.

The report has made some outline recommendations for the remediation of issues associated with contaminants and gases determined, but is also advising that additional investigations are required.

At this stage Pollution Control do not disagree with the findings of the investigation report. However, additional contaminated land investigations should take place when there is full access to the site i.e. post demolition (and clearance) to enable comprehensive remediation and mitigation measures. Necessary conditions are recommended.

A noise report has also been provided; this report advises the site is suitable for residential development subject to mitigation measures. Pollution Control agrees that actual site measurements should be undertaken to determine extant levels and mitigation measures need to be agreed with the Local Planning Authority. Measures need to consider the scrap yard coming back into use. These can be secured through condition.

The Environment Agency has also recommended conditions relating to foundation designs in regard to controlled waters.

The application site falls within the defined Development High Risk Coal Area. Records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth.

The Coal Authority concurs with the recommendations of the Ground Investigation Interpretative Report that further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site and recommends that a condition be imposed requiring these site investigation works and where necessary remediation measures. A condition is recommended.

The Archaeologist has also recommended a condition be attached to any planning permission to secure a program of works.

Drainage and Flood Risk

The Flood Risk Assessment sets out that surface water run-off would be controlled to green field rates, which is welcomed. The Flood Risk Planning and SUDS Officer has confirmed that surface water flood risk could be adequately mitigated through the detailed design and has recommended conditions. Severn Trent Water has confirmed no objection to the proposals as connections would be made to mains sewers, subject to a condition to secure details.

Sufficient drainage could be provided at the site to meet the needs of the development without causing any additional flooding issues.

Planning obligations

Due to the size of this development the Council seeks contributions towards, Urban Open Space, Affordable Housing and Education.

For Open Space, a development of this size within this ward, a contribution (as set by Designing Walsall SPD) of £127,335 would be sought. The indicative layout provides for onsite open space. 20 affordable units would be required as rented houses. Education confirm that based on the indicative mix, contributions of £745,843 towards local primary school provision and £813,994 towards local secondary school provision would be sought, a total of £1,559,837.

When the report was published in November in preparation of the Committee meeting the applicant's viability assessment was considered by the Council's Valuation Surveyor and that was without knowledge of the education contributions being sought.

The applicant has submitted an updated viability assessment from an independent company which now considers the education contributions. In addition the applicant has commissioned consultants to provide a commentary on the build cost of the site. These documents have been reviewed by the District Valuer Service, independent advisors on property and valuations. They conclude that the proposed development is not viable even without the provisions of affordable housing and S106 contributions. This would also be the case should the number of units be increased by 10%.

This is a vacant site within a sustainable location which provides the opportunity for a large number of new houses with a potential mix of types and sizes. The DVS consider the scheme unviable even without contributions being sought. In waiving the requirement for contributions the site is more likely to be developed for housing than it would should contributions totalling £1,687,172 be sought. In the interests of trying to bring the site forward for redevelopment it is recommended, in the circumstances, that financial contributions towards Open Space and Education, and on-site affordable housing requirements are not sought.

A play area is shown on the illustrative plans is welcomed as the site is quite remote from existing play areas and would contribute toward open space provision for future occupiers. The Council is unlikely to take on maintenance of this area. If the reserved matters submission includes a play area, it would also need to include details for on-going management and maintenance.

While the DVS report concludes even without contributions this is an unviable development, planning case law has established that whether a development will be or is likely to be implemented is not normally a material consideration. If a proposal fulfils the normal planning tests the applicant has the right to a planning permission regardless of whether they possess the finance or ability to carry out the development.

The applicant's agent in response to the DVS conclusions confirms that the applicant has had interest from developers indicating that the site is an attractive commercial proposition. The agent also confirms that the scheme is at an early stage in design terms and it would be expected that those developers will engage an element of value engineering to maximise sales values while reducing build costs and professional fees as far as possible.

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 indicatively proposes 80 new homes.

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

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

Positive and Proactive working with the applicant

Following initial concerns from Highways Officers the application has been amended to address those concerns to enable full support to be given to the application.

Conditions and Reasons

1. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

3. This development shall not be commenced until details of the following, hereafter named "the Reserved Matters", have been submitted to and approved by the Local Planning Authority:-

- i. Appearance
- ii. Landscaping
- iii. Layout
- iv. Scale

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

4. The development shall be carried out in accordance with the following approved plans:

- Location plan received 8/4/15
- Block plan received 7/10/15
- Demolition plan received 7/7/15
- Proposed site received 4/9/15
- Ecology appraisal received 12/3/15
- Bat survey received 7/7/15
- Noise Assessment received 29/4/15
- Air Quality Assessment received 12/3/15
- Ground Investigation Report received 12/3/15
- Transport Assessment received 12/3/15
- Transport Assessment Addendum received 4/9/15
- Residential Travel Plan received 12/3/15
- Flood Risk Assessment received 12/3/15

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

5. The details to be submitted in accordance with condition 3 above (the reserved matters) shall include details of how the development will seek to achieve Secure By Design principles. (Please refer to Note to Applicant No. 7 below)

REASON: To ensure the development is safe and secure in accordance with Secured By Design standards.

6. The details to be submitted in accordance with condition 3 above (the reserved matters) shall include appropriate highway design measures to prevent vehicular through-traffic from routing through the development site, either by the implementation of physical measures to effectively create two cul de sacs, one off Hollyhedge Close and one of Jessel Road, with pedestrian/cycle connections retained between the roads, or by the provision of other highway design measures such as vertical and horizontal traffic calming features.

REASON: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety.

7A. No development shall commence until an intrusive site investigation confirming the shallow mining conditions and any remediation measures required to ensure the safety and stability of the proposed development have been submitted to and approved in writing by the Local Planning Authority.

7B. The development shall be undertaken in accordance with any approved remediation measures.

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

8A. Notwithstanding the information provided, no built development shall take place until the following requirements have been complied with:

- i) A site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice has been undertaken (see Note for Applicant CL1); and
- ii) 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 has been submitted to and approved in writing by the Local Planning Authority (see Note for Applicant CL2); and
- iii) A "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation has been submitted to and approved in writing by the Local Planning Authority (see Note for Applicant CL2).
- iv) The remedial measures set out in the approved "Remediation Statement" required by part iii) shall be implemented and completed in accordance with the agreed timetable.
- v) If during the undertaking of remedial works or the construction of the approved development, unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered, development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

8B. No part of the development shall be brought into use until the remediation works have been completed and a validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements has been submitted to and approved in writing by the Local Planning Authority (see Note for Applicant CL3).

REASON: The site has previously undergone a phase of intrusive investigation, which identified a number of potentially contaminative sources across the site. This investigation was hampered by the presence of the existing site buildings and so an additional phase of work is required to fully characterise the risks posed by the site to 'Controlled Waters' receptors on and in the vicinity of the site and to ensure safe development of the site and to protect human health and the environment.

9A. No development shall take place until a sound impact assessment has been undertaken in accordance with a methodology which has first been submitted to and approved in writing by the Local Planning Authority.

9B. No development shall take place until acoustic mitigation measures to ensure that accommodation is designed to achieve the requirements of BS8233:2014 have been submitted to and approved in writing by the Local Planning Authority.

9C. No part of the development shall be brought into use until the approved acoustic mitigation measures have been fully implemented.

REASON: To mitigate the impacts of external noise.

10A. No development shall take place until a Construction Working Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i) Construction working hours
- ii) Parking of vehicles of site operatives and visitors
- iii) Loading and unloading of materials
- iv) Storage of plant and materials used in constructing the development
- v) A scheme for recycling/disposing of waste resulting from construction works
- vi) Temporary portacabins and welfare facilities for site operatives

- vii) Site security arrangements including hoardings
- viii) Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix) Measures to prevent flying debris
- x) Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi) Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii) Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

10B. The approved Construction Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

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.

11A. No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority:

- a. Engineering details of the required highway improvements to that portion of the unadopted highway Neale Street under the control of the applicant.
- b. Engineering details of the alterations to the existing traffic calming features in Jessel Road including the proposed introduction of a raised platform junction at the new access point.
- c. Engineering details of improvements to pedestrian links across Hollyhedge Lane, including tactile pedestrian crossings across the Hollyhedge Close, Neale Street and Jessel Road junction with Hollyhedge Lane.
- d. A Traffic Regulation Order imposing a 20mph speed limit on the new estate roads.

11B. The development shall not be occupied until the approved details have been implemented in full and to the satisfaction of the Highway Authority.

REASON: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety.

12A. No development or site clearance shall take place until a programme and methodology for permanent eradication of Japanese knotweed have been submitted to and approved in writing by the Local Planning Authority.

12B. The eradication of Japanese Knotweed shall proceed only in accordance with the approved programme and methodology.

REASON: To ensure the eradication of Japanese knotweed prior to the development of the site.

13A. To avoid the risk to nesting birds, site clearance of vegetation and clearance works should be undertaken outside the bird nesting season. The bird nesting season extends between mid February and September inclusive but is weather dependant and nesting may take place outside this period. If site clearance unavoidably takes place within the nesting season the site shall be checked by a qualified and experienced ecologist immediately prior to works commencing. If nesting birds are discovered then the nest and its surrounds within 5 metres must be left undisturbed until the young have fledged and the nest abandoned.

13B. If site clearance unavoidably takes place within the nesting season the following additional measure shall be taken in respect of black redstarts which are known to breed in Walsall town centre. No site clearance shall take place until a monitoring programme has been submitted in writing and approved by the Local Planning Authority. The monitoring programme shall provide full details of further survey work within possible black redstart breeding areas. It shall include provision for an ecologist to be on site within 48 hours before any work commences on site to determine whether nesting black redstarts are present. If they are not present works should commence. If an active black redstart nest is present works cannot commence until Natural England had been consulted. The nest and adequate buffer zone around it (which shall be agreed with Natural England) must be retained until an ecologist has confirmed the nest is no longer in use.

Please note that feral pigeons are protected and destruction of nests could only take place on the grounds of public health or public safety.

Reason: to conserve local bird populations.

14A. No development, including any works of demolition or ground preparation, shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority.

14B. The development shall be carried out only in accordance with the approved details.

REASON: To ensure that any archaeological remains within the site are adequately investigated and recorded or preserved in situ in the interest of protecting the archaeological heritage of the borough.

15A. No development shall take place until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority.

15B. The development shall not be brought into use until the approved scheme has been implemented in accordance with the approved details.

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

16A. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles where possible, has been submitted to and approved in writing by the Local Planning Authority. The submitted surface water drainage scheme shall include:

- i) The ability to accommodate surface water run-off generated up to and including the 1 in 100 year plus 30% climate change critical storm, based upon the submission of drainage calculations; and
- ii) Details to show the outflow from the site is limited to the maximum allowable rate i.e. Greenfield site run-off (8.2l/s) and demonstrate betterment on the current discharge rates; and
- iii) Subject to detailed design, on-site storage shall be provided by way of oversized pipes and crated attenuation tanks, and the use of permeable paving within multi-use drive areas should also be considered; and
- v) Finished floor levels are to be set no lower than 150mm above adjacent ground levels and higher of practicable; and
- vi) Responsibility for the future maintenance of drainage features.

Note: Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

16B. The development shall not be brought into use until the approved drainage scheme has been fully implemented in accordance with the approved details.

REASON: To protect the quality of Controlled Waters receptors on and in the vicinity of the site and to prevent the increased risk of flooding and pluvial inundation and to ensure the efficient working of the drainage system and future maintenance.

17A. No piling or any other foundation designs using penetrative methods is permitted unless it has first been approved in writing by the Local Planning Authority. Such methods will only be approved for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

17B. The development shall be fully carried out in accordance with the approved details.

REASON: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

18A. Upon first occupation of the first dwelling on the development, the measures and commitments contained within the submitted Residential Travel Plan shall be implemented.

18B. Once implemented, the Travel Plan shall be monitored and reviewed in accordance with the details contained within the approved document for the lifetime of the development.

REASON: To encourage sustainable modes of travel.

19. For the avoidance of doubt the development shall consist of no more than 80 dwellings.

Reason: As defined by the application submission and the Transport Assessment in accordance with UDP Policy GP2, T1, T4, T5, T6, T8 to T12 and BCCS TRAN2 and TRAN4 and in the interests of highway safety.

NOTES TO APPLICANT

1. Public Rights of Way

Public rights of way may be in existence which are not shown on the definitive map and statement. In accordance with section 31 of the Highways Act 1980, where a route has been enjoyed by the public without interruption for a period of 20 years, a claim can be made under section 53 of the Wildlife and Countryside Act 1981. This would have to be dealt with through the necessary stopping up or diversion order prior to development should a claim be received.

2. Contaminated Land

CL1 - Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in the National Planning Policy Framework (2012); British Standard BS10175: 2011+A1:2013 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665); or any relevant successors of such guidance.

You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same

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

3. Environment Agency

The applicant / developer should refer to our 'Groundwater Protection: Policy and Practice' (GP3) document, available from our website at www.gov.uk/environment-agency. This sets out our position on a wide range of activities and developments, including:

- Storage of pollutants and hazardous substances
- Solid waste management
- Discharge of liquid effluents into the ground (including site drainage)
- Land contamination

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to our guidance 'PPG1 – General guide to the prevention of pollution', available from our website.

4. Coal Authority

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

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

5. Acoustics

Acoustic mitigation measures need to consider the potential that the current closed scrap-yard will come back into use. BS8233:2014 – ‘Guidance on sound insulation and noise reduction for buildings’

6. Severn Trent Water

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our New Connections Team (Tel: 0800 707 6600).

7. Secure by Design

Secure By Design specifications will significantly increase the security of the building (doors and windows). Information can be found at

http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 2.

Reason for bringing to committee: Major Application

Location: LAND AT JUNCTION OF CRAMP HILL, BILSTON STREET AND CHURCH STREET, DARLASTON

Proposal: DEMOLITION OF EXISTING BUILDINGS (WITH BOUNDARY) AND CONSTRUCTION OF 1 NO. APARTMENT BLOCK CONSISTING OF 15 X 1 BEDROOM FLATS AND 12 X 2 BEDROOM FLATS.

Application Number: 15/1620

Applicant: Accord Group

Agent: Mr Kevin Paddock

Application Type: Full Application (Major)

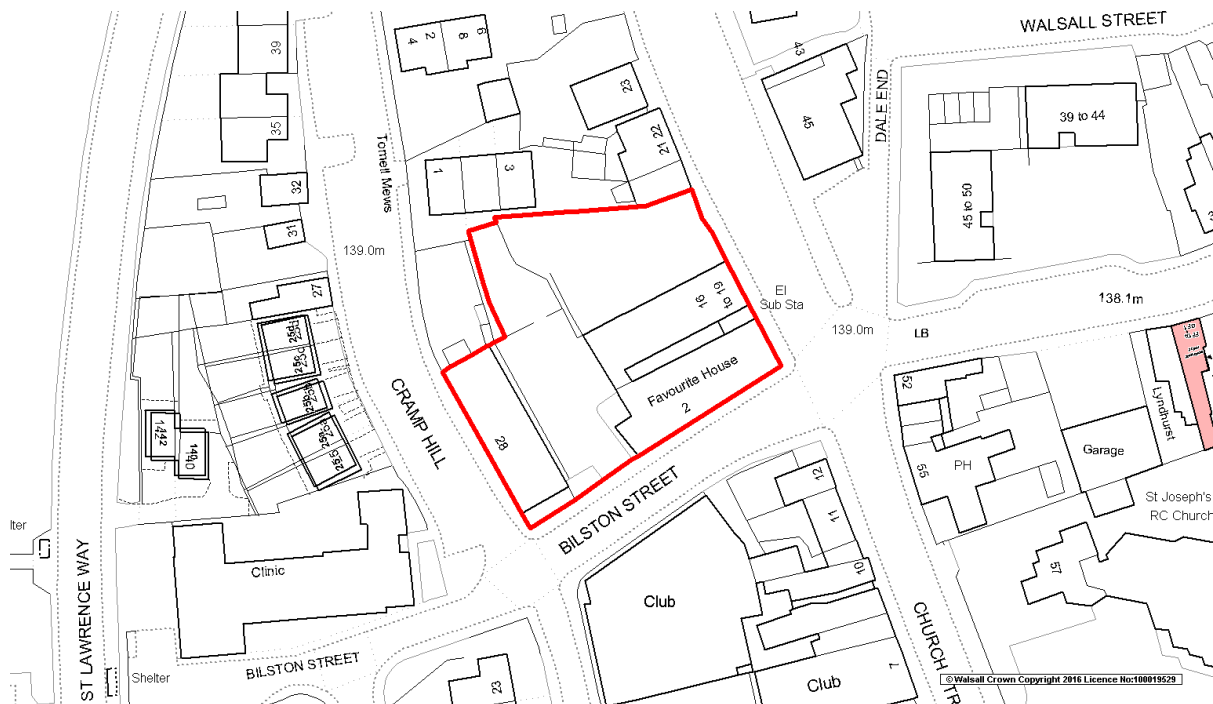
Recommendation Summary: Grant permission subject to conditions and subject to a S106 Agreement to secure provision for affordable housing.

Case Officer: Karon Hulse

Ward: Bentley And Darlaston North

Expired Date: 08-Feb-2016

Time Extension Expiry:



Officers Report

Application and Site Details

The application site consists of land enclosed by Cramp Hill, Bilston Street and Church Street, Darlaston and is 0.2 hectares in area, located some 200m north of Darlaston town centre at King Street.

The proposal seeks to demolish and clear the application site and to develop it for a mix of residential flats over 2.5 and 3 storeys consisting of 27 residential flats comprising:

- 15 x 1 bedroom flats
- 12 x 2 bedroom flats

All with associated car parking and landscaping and communal private space

The site is currently occupied by two buildings and associated car parking with the main access directly off Bilston Street. A large 3 storey Victorian building called Favourite House currently occupied with 10 flats, stands on the corner of Bilston Street/Church Street and is currently used as flats. The second building is on the Cramp Hill side of the road, a single storey brick building currently occupied and used by the Sons and Daughters of Rest as meeting place.

There is a level change across the site of approx 1-1.5 metres with the highest point located on the Cramp Hill/Bilston Street corner, which then falls away across the site in both directions.

Immediately adjacent to the site are private gardens to the north-west side and commercial premises to the north-east. There is an existing sub-station within Favourite House which is proposed to be relocated to the north-east corner.

The majority of the surrounding area is residential comprising of regular 2 storey terraced houses with a number of bungalows to the rear of the site. The local residential architectural vernacular consists of a mixture of Victorian townhouses and more modern townhouses, steep roof pitches, red brick and prominent gable ends.

There are a number of two storey commercial premises nearby including a function venue opposite and some small shops and public house on Church Street.

Old Church C of E Primary School is located some 250m from the site while Rough Hay Primary School is some 650m away from the site. St Lawrence Way (A462) to the west of the site is served by regular bus services, including number 333, operating between Walsall and Lodge Farm, via Darlaston. Services commence at 0830 and operate at half hourly intervals until 1730. Darlaston bus station, 300 metres to the south where there are numerous bus routes, with all services stopping adjacent to the ASDA store on St Lawrence Way.

Local transport links include the M6 motorway and Black Country Route.

The proposed building configuration will be in a u-shape form to address each of the three frontages of the site. A rear-parking courtyard will gain a new access point off Cramp Hill providing 100% parking provision for the 27 apartments. The parking and access road will consist of shared surfaces. Bin stores for both general waste and recycling bins will be located close to rear entrance points of the flats.

The flats will have dual frontages with views both out onto the street and into the rear parking courtyard and amenity space. The flats are three storey in scale facing Bilston Street with the top floor stepping down to 2.5 storeys with box dormer windows on the outer wings of the plan, facing Cramp Hill and Church Street to reflect the height alongside adjacent buildings.

A contemporary mono-pitch gable feature is proposed to highlight the corners with shallow eaves to create a seamless appearance between the roof and wall.

Stairwells and entrances are located on the two corners of the site and in the centre to provide an active street frontage on all sides, the building will have varying heights in order to absorb the level change across the site and provide breaks in the façade.

Materials for the flats will be a combination of brick with areas of black horizontal cladding and lighter cladding for the projecting façade elements. Slate roofing and curtain walling for the stairwells with dark grey window frames.

The front elevation of the building is set back by 1200mm to provide defensible space and soften the street frontage landscaping between pavement and habitable rooms. The north-east part of the site will accommodate the relocated sub-station facing onto Church Street behind 2 mt high gates.

There will be approximately 400 sq mts of external amenity space at the rear of the apartment blocks with 5.2 sq mts balconies to the first and second floor flats facing into the rear courtyard are proposed and patio areas on the ground floor. This provides 494 sqm total of private amenity space for the development (approx 18.2 sqmts for each apartment). There will also be incidental areas of landscaping including a strip between 1 mt and 3 mts deep in front of the apartment blocks.

All housing accommodation proposed will be designed and constructed to level 3 of the Code for Sustainable Homes.

The proposed density on the site will be 135 dwellings per hectare (DPH). Currently around the site the density varies between 45 and 128 dph.

The application is accompanied by the following documents:

Design and Access statement – The application site is located 200m north of Darlaston town centre and fronts onto Bilston Street, Church Street and Cramp Hill and is located within a largely residential area on the northern edge of Darlaston town centre. The site is currently occupied by existing flats and commercial property, plus an electricity station.

Transport statement – the proposed visibility at the site access is considered to be appropriate to the scale of redevelopment and the location. The site will be provided with a parking provision that reflects local parking standards, the vehicular trip generation of the site has been determined based on similar sites nationwide within the TRICS database which showed the proposed development would result in no more than 4 additional two-way trips in either highway peak hour or just one additional trip every 15 minutes at the busiest time. The site is accessible by sustainable modes. The site lies in very close proximity to Darlaston town centre, local schools and local bus routes. The site also benefits from an extensive local footway network.

Viability assessment - outlines that the site would be unviable if financial contribution to open space is required.

Bat survey - It is concluded that the inspected buildings do not currently contain any bat roosts. Furthermore, the survey area and its immediate surroundings are considered to offer low quality bat habitat.

Arboricultural Survey – it recommends the retention of any Category C trees where possible, all new development to be located outside of the RPA or canopy spread of any retained tree, any new development which require works within the RPA of any retained tree an then an Arboricultural Method Statement should be prepared and any proposed new planting should consist of native and wildlife attracting species.

Coal mining risk assessment - A review of the investigation holes will be required to fully assess what remediation works are required; however the proposed development will more than likely be at risk from shallow coal seams. Stabilisation by drilling and grouting will address this risk. Works will be carried out in accordance with CIRIA recommendations and current best practice.

Relevant Planning History

None relevant

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

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

Paragraph 50 seeks to deliver a wide choice of quality homes and states local planning authorities should plan for a mix of housing.

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

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

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

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials
- Are visually attractive as a result of good architecture and appropriate landscaping

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

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

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

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

Paragraph 118 states planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats...and the loss of aged or veteran trees...unless the benefits of the development clearly outweigh the loss.

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

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

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "decision-takers may continue to give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012.

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

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

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

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

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

HOU2: Advises on housing density, type and accessibility and the need to achieve high quality design and minimise amenity impacts. All developments should aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined

HOU3: Seeks to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable.

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

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

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

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

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance aspects of the historic environment together with their settings.

ENV3: Refers to design quality requirements.

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

ENV7: All residential developments of 10 units or more must incorporate generation of energy from renewable sources sufficient to offset at least 10% of the energy demand of the development.

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

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

GP3: Planning obligations will be used to secure any on or off-site mitigating measures made necessary by a development.

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

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV24: Seeks to retain and enhance wildlife corridors.

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

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

ENV40: The quality of all water resources will be protected.

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

H3: Encourages provision of housing through re-use of previously developed sites provided a satisfactory residential environment can be achieved, the site is not required to be retained for employment, there is good accessibility and residential development does not constrain the development of adjacent sites .

LC1: Residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

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

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

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

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

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

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

Supplementary Planning Documents (SPD)

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

DW1: Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

DW4: Continuity - Well defined streets with a continuity of built form are important.

DW5: Ease of Movement – connections to existing routes

DW6: Legibility - new development should contribute to creating a place that has a clear identity

DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.

DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

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

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- Garden dimensions: 12m in length or a minimum area of 68 sq m for houses and 20 sq. m of useable space per dwelling where communal provision is provided.

Conserving Walsall's Natural Environment SPD

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

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

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

It is considered in this case that the relevant provisions of SPD Conserving Walsall's Natural Environment are consistent with the NPPF.

Supplementary Planning Document for Affordable Housing

Guides delivery of affordable housing to appropriate locations in the Borough and provides for balanced, mixed communities.

Supplementary Planning Document Urban Open Space

Requires a contribution towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward.

Consultations

Transportation – no objections

Ecology – no objections

Housing Strategy – no objections

Landscape – no objections subject to conditions requires further information

Pollution Control – no objections subject to conditions requiring demolition and work place strategy

Severn Trent Water – no objections subject to conditions requiring drainage details

The Coal Authority – no objections subject to conditions regarding site investigations

Police ALO – no objections subject to Secure by Design informative

Public Participation Responses

Three petitions and 6 letters received:

Petition 1 – 9 signatures (Duckhouse)

Objecting on the following grounds:

- Impact on amenities
- Flat tenants cause disturbance
- Noise and general nuisance
- Vehicle movements existing volume of traffic already at saturation
- One parking space not enough
- Highway safety
- Too high
- Too high density
- Existing club in a good location
- Existing iconic building (favourite house)

Petition 2 - 9 signatures (Causer)

Objecting on the following grounds:

- significant vehicle movements
- existing volume of traffic already at saturation

Petition 3 - 43 signatures (Davies)

Objecting on the following grounds:

- construction of housing of this type which will have a negative impact on the community and
- is inappropriate opposite a day nursery.

6 letters of representation objecting on the following ground:

- demolition of buildings which carry character and history of Darlaston
- demolition of the Sons of Rest which has been a local asset for Darlaston since 1938.
- old electric Sub station historical loss to the area
- new properties overlooking my house
- traffic in quiet cul-de-sac will be increased, causing noise and disturbance.
- affect the value of my property (*this is not material to the consideration of this planning application*)
- street currently occupied by elderly people who will feel threatened by young people moving in
- destroy the close community in the street.

- people who move in may be disruptive to the present residents.
- privacy
- lack of parking
- parking in street
- significant vehicle movements
- detrimental to the character and visual amenities of the area
- noise and vibration
- overdevelopment
- loss of trees

Determining Issues

- **Principle of residential development**
- **Character and appearance within the surrounding area**
- **Layout/Design/Density/Secure by Design**
- **Landscape/Ecology**
- **Environmental Aspects**
- **Access and parking**
- **Provision for Affordable Housing and Urban Open Space**
- **Local Finance Considerations**

Observations

Principle of development

This application seeks consent for the redevelopment of this land for residential. The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local planning authorities may make an allowance for windfall sites in their five-year supply, in this instance the principle of redevelopment for residential is acceptable subject to all other matters being satisfactory.

Whilst there are sufficient sites that already have planning permission in Walsall to meet the housing land requirement in the BCCS until at least 2021 – (6 year supply from now). The supply requirement is contained in policy HOU1 of the BCCS: this sets a minimum figure for the amount of housing land that needs to be provided rather than a maximum.

Policy CSP2 of the BCCS sets out the Council's policy towards development in areas outside the Growth Network such as this. It states that such areas will provide, amongst other matters, "a mix of good quality residential areas" and "a constant supply of small-scale development opportunities". This therefore provides support for the application.

Character and Appearance within the surrounding area

Character - The NPPF says that developments should respond to local character, it is proper to seek to promote or reinforce local distinctiveness and address the integration of new development into the built environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character. Policies CPS4, HOU2, ENV2, ENV3 of the BCCS; GP2, 3,6 and ENV32 of the UDP and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements.

The area is a mix of bungalows, houses and flats (including within Favourite House) including some commercial properties of differing styles, scales and ages, which defines the character. The built urban form is mixed, ranging from traditional street frontage to some back land and buildings sited within their land plots. To best maximise the site and improve safety and security of the location, improving passive surveillance of public spaces, the development has adopted a traditional street frontage style.

The scale of local buildings is mixed including; single and two storey commercial, victorian 2.5 and 3 storey residential, modern single, two and 2.5 storey residential and on site site Favourite House varies between 2 and 3 storeys. Consequently, the proposed buildings scale and design has taken account of the mixed height and design character of the location,

None of the buildings within the application site are either locally listed, listed or in a conservation area and none of the buildings have been identified as community assets worthy of retention. It is noted that the existing buildings are of poor construction and/or poorly maintained and there are bits of the original buildings that may have some intrinsic value to the local community, although this on its own would be insufficient to warrant a refusal of the development or the retention of the existing buildings.

Balancing local concerns against the policy requirements, the Governments drive to deliver more housing, the existing character and the proposed scheme, it is considered that the residential redevelopment of this previously developed site in a sustainable urban location, providing an additional mix and choice of residential properties is in accordance with the NPPF and BCCS and local development plan policies.

Layout/Design/Density/Secure by Design

Layout and Design - The proposed design mixes a traditional layout of the site, utilising a contemporary appearance and finishes. It is considered the fusion of the old and new will create and introduce a development that will make a positive contribution to the character of the area.

The building design incorporates active frontages with a perimeter building, creating an enclosed and contained rear car park and amenity areas. Pedestrian access to the street provides interest and activity within the location, as well as provide natural surveillance for security. Each block will contain a secluded and secure private core the front defensible space being landscaped to provide security to the ground floor windows. Ground floor rear patios and balconies will provide additional external private amenity space for its residents which will contribute to the quality of life of those living there.

The proposed street block building, set back and following the back of pavement around Bilston Street, Cramp Hill and Church Street. Rear habitable room windows overlooking the car park and amenity area will be in excess of the Designing Walsall guidance for habitable room windows, with any windows facing the bungalows to the north of the site being 35 metres away. Houses opposite on Cramp Hill will be 22metres away whilst this is below the standard between habitable room windows, Designing Walsall SPD allows for the separation distance to be applied more flexibly across roads.

Density - The proposed density is 135 dwellings per hectare (dph), currently around the site the existing housing stock in this vicinity ranging between 45 and 128 dph. Whilst this is high it is considered acceptable and optimises and makes the best use of the land in this sustainable location in accordance with the NPPF and the Council's development plan aims and objectives.

Secure by Design - This development is situated on the Bentley and Darlaston North Neighbourhood Police Team area. This area has suffered 1082 reported crimes, of which 117 were burglaries and 217 vehicle related. In order to address this and in order to minimise additional opportunities for crime, it is recommended that the development meets Secure By Design specifications and guidelines. A condition and note for the applicant can be included.

Balancing the issues raised and the considering the proposed development design, it is considered the proposed layout and design is acceptable and would make a positive contribution to the character of the locality.

Landscape / ecology

The proposed landscaping within the site is welcomed, including tree planting and can be secured by way of a safeguarding condition. This should include how the frontage areas (defensible space) around the site will be addressed which should be around 1m in depth and consist of dense low level shrubbery suitable for light and the soil environment in this location.

Existing trees within the site boundaries are insignificant and do not warrant retention providing limited amenity value to the locality. Any proposed scheme should use native trees and shrubs in soft landscaping. Alternatively, non-native species of trees and shrubs which are known to be attractive to wildlife for example through having flowers for insects and/or berries for birds maybe used. These can be included within the landscape scheme and can be secured by way of an appropriate planning condition.

Nesting birds should be protected during site clearance works. This is no more than the law requires but can be addressed through a planning condition.

Furthermore, nesting features should be included within the development which are suitable for declining urban birds, such as starling, house sparrow, swift and house martin, again this can be secured through a planning condition.

Environmental Aspects

Coal Authority - The application includes a coal mining risk assessment. The Report identifies that the application site may have been subject to past coal mining activity, information indicates that historic unrecorded coal mining is likely to have taken place beneath the site at shallow depth.

The report makes appropriate recommendations for the carrying out of intrusive ground investigations in the form boreholes in order to ascertain the ground conditions, to establish the depth and condition of coal seams beneath the site and to inform any necessary remedial works required. In the event that shallow mine workings are encountered, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

The applicant should ensure that the exact form of any intrusive site investigation, including the number, location and depth of boreholes, is agreed with The Coal Authority's Permitting Team as part of their permit application. The findings of these intrusive site investigations should inform any mitigation measures, such as drilling and grouting stabilisation works, foundation solutions and gas protection measures, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Coal Authority recommends that the Local Planning Authority impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

It is considered that all of the above can be satisfactorily achieved by the imposition of suitable planning conditions.

Electricity Sub Station - The submitted plans show that the substation is to be relocated elsewhere within the site. The land around the location of the existing sub station will need to be investigated for contamination, potential noise and electromagnetic (non-ionising radiation) will also need to be considered from the new substation. This may be addressed by using a brick enclosure rather than any other material. This can be secured via a safeguarding condition.

Contaminated Land - With regards to the rest of the site, a due diligence report on the state of the land should be carried out in order to ascertain if any further formal intrusive

work will need to be undertaken to ensure that the site is suitable for use as a residential development. This can be satisfactorily required by way of a planning condition. It is recommended that prior to any demolition works commencing an asbestos survey is undertaken and any asbestos managed and removed accordingly.

Engineering and Construction Phase - As with all new developments and in particular where there is an element involving demolition it is considered necessary to require a "Demolition and Construction working plan" plus Site Management and Welfare measures to address noise, dust and debris drag-out from the site. In addition other details should include wheel-washing facilities and road-sweeping. This can be secured by way of planning conditions in which case this is considered acceptable provided it is implemented throughout any demolition, site clearance or construction phases.

Access and parking

The existing favourite house and sons & daughters of rest use, currently generate a level of traffic movements and parking, that would reflect the current proposed redevelopment to 27 flats

The new car park entrance is considered to be appropriate to the scale of the development of 27 one and two bed flats, subject to some modification to achieve highway visibility. This can be secured by the applicant entering into an agreement under S278 of the Highways Act 1980. The development site would provide 100% parking provision. The development is within 200m's of Darlaston town centre, that benefits from a range of shopping facilities, bus station, health and education facilities as well as benefitting from a very well-developed network of local footways and footpaths providing continuous connections to the town centre.

Secure cycle shelters are to be provided.

In terms of highway matters the site is considered to be in a sustainable location close to Darlaston town centre where there is a range of facilities within walking distance, as such the aims and objectives of UDP policy T13 parking can be flexibly applied.

Section 106 Agreement Contributions

Affordable Housing - Under the terms of policies DEL1 and HOU3 of the BCCS and SPD Affordable Housing the proposal triggers the need for provision of affordable housing. Provision of 25% would equate to the need for 10 units. The application is made by Walsall Housing Group (WHG) and all units will be "affordable rent" to be provided by WHG a Registered Provider. Although the proposed affordable housing provision at 100% is well above the policy requirement for 25% provision and the Council's Housing Strategy officer is fully supportive of the level of provision proposed. The affordable housing provision is still recommended to be secured as part of the Section 106 Agreement.

Open Space - A viability assessment submitted by the applicant has been considered by the District Valuer who has concluded the following:

"My assessment shows a Residual Land Value of the scheme detailed above in the negative sum of -£585,957.00, against a Site Value of £165,000.00. Accordingly, I would confirm that the scheme, assuming the payment of a Section 106 contribution of £27,027 for Urban Open Space, is not viable as at the date of this report."

As such there is no requirement for any open space financial contributions attributed to this application.

It is recommended that the proposal is granted subject to securing the affordable housing element only.

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 17 (discounting the 10 existing homes within Favourite House) new homes.

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

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

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant supporting information and additional revised plans have been submitted. In light of the submitted details officers are able to support the scheme.

CONDITIONS

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

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

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

Plans

- Proposed elevations – sheet 1 (105 A) received 2/11/15
- Proposed elevations – sheet 2 (106 A) received 2/11/15
- Proposed ground floor plan (102 A) received 2/11/15
- Proposed first floor plan (103 A) received 2/11/15
- Proposed second floor plan (104 A) received 2/11/15
- Proposed levels (C6671-2000 rev P1) received 11/2/16
- Drainage strategy (6671-201rev P2) received 11/2/16
- Topographical survey (100) received 2/2/16
- Proposed site plan (101 B) received 2/2/16

Reports

- Design and Access statement 2/11/15
- Transport statement received 2/2/16
- Bat survey received 2/11/16
- Arboricultural survey received 2/11/15

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 removal and relocation of the sub station, full details in respect of noise mitigation measures to ensure future residents will not be exposed to noise levels that exceed a Noise Rating of 35 one metre from a habitable room due to noise emanating from the substation shall be submitted to and approved in writing by the Local Planning Authority. the details shall include materials and any enclosure proposed.

3b. Prior to the re construction of the sub station commencing, the applicant shall provide written confirmation to the Local Planning Authority that the Electro Magnetic Fields from the substation will be below the National Guidelines for non-ionising radiation at the residential premises. The approved details shall be fully implemented and thereafter retained.

Reason: To ensure the health, safety and well being of future and existing residents.

4a. Prior to any works being commenced on the site, including demolition works a Construction Management Plan / Site Management and Welfare Provision plan outlining arrangements for the following:

- control of noise,
- dust and debris,
- site drag-out,
- details of parking and turning facilities for site operatives within the application site etc

shall be submitted to and approved in writing by the Local Planning Authority

4b. The approved measures shall be fully implemented and retained throughout and until all demolition, engineering, and construction activities have been completed.

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

5a. Prior to any demolition works commencing an asbestos survey shall be undertaken and any asbestos managed and removed in accordance with the Control of Asbestos Regulations 2012, the Approved Code of Practice (ACOP) and guidance.

5b. Written confirmation of any investigation and subsequent asbestos removal shall be provided to the Local Planning Authority prior to the demolition commencing.

Reason: To safeguard the health and safety of workers on the site and amenities of nearby and future residents and ensure the satisfactory development of the site.

6a. Prior to the commencement of the development full engineering details of all works within the existing highway, including layouts, alignments, widths and levels, together with all necessary drainage arrangements, shall be submitted to and receive technical approval in writing by the Local Planning Authority in consultation with the Highway Authority. The details shall include;-

- i) the kerb realignment with new and existing dropped kerb access points in Cramp Hill,
- ii) the removal of the redundant access ramp in Cramp Hill and reinstatement back to footway,
- iii) the removal and reinstatement of the redundant footway crossings in Bilston Street and Church Street,
- iv) the provision of tactile pedestrian dropped crossing point across Bilston Street at the Church Street junction.

6b. Prior to the development first coming into use, the highway infrastructure works detailed under Condition 1 (a) above shall be fully implemented in accordance with the approved details and to the satisfaction of the Local Highway Authority.

Reason: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety and to improve accessibility to the district centre.

7a. Prior to the development first being occupied details of any proposed boundary treatment along the Bilston Street frontage, shall be submitted to and approved in writing by the Local Planning Authority.

7b. The details shall accommodate a 2.4m x 43m visibility splay in a north-easterly direction at the Cramp Hill junction and shall not contain any structure or planting exceeding 600mm in height above carriageway level

7c. The approved details shall be fully implemented before the rear car park is first used and shall thereafter be retained.

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

8a. Prior to the development first coming into use, the proposed cycle shelters, shall be fully implemented in accordance with the approved details.

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

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

9a. Prior to the first occupation of the development, all access ways, parking and vehicle areas shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain and the parking bays clearly demarcated on the ground.

9b. These areas shall thereafter be retained and used for no other purpose.

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

10a. Prior to the commencement of the development, a construction methodology statement shall be submitted to and approved by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

10b. Any temporary hoarding around the site during the period of construction shall not encroach into 2.4m x 43m visibility splays at the Cramp Hill junction with Bilston Street and the Bilston Street junction with Church Street, which shall be kept clear at all times.

10c. This provision shall be retained during construction in accordance with the approved details.

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

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

- i. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii. 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)
- iii. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- iv. The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vi. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3).
- vii. The applicant shall provide written confirmation that all imported clean cover materials are not contaminated and are suitable for their intended use.

Reason: To safeguard the amenities of future residents and ensure the satisfactory development of the site.

12a. Prior to any built development above damp proof a scheme for the provision of nesting features suitable for starling, house sparrow, swift and house martin shall be submitted to and approved in writing by the Local Planning Authority of the development being brought into use.

12b. The approved scheme shall be installed before any part of the development is first occupied and shall thereafter be retained with access openings maintained free of obstructions at all times.

Reason: To conserve local bird populations

13a. Prior to the commencement of any built development above damp proof full details of boundary treatments shall be submitted to and approved by the local planning authority

13b. The approved boundary treatment shall be fully implemented prior to first occupation of any part of the development and maintained in accordance with the agreed details thereafter.

Reason: To safeguard the amenities of nearby residents.

14a. Prior to the construction of the development above damp proof course details of proposed measures to achieve a high quality sustainable design shall have been submitted to and agreed in writing by the Local Planning Authority. Examples may include the following measures: -

- i. Measures to reduce energy consumption and carbon dioxide emissions (e.g. building insulation, energy display devices, drying space, energy labelled white goods, low and zero carbon technologies, cycle storage, home office)
- ii. Measures to reduce water consumption (e.g. recycling surface water or grey water)
- iii. Responsible sourcing of materials
- iv. Reduction of surface water run-off (e.g. surface water management and management of flood risk)
- v. Household recycling, construction waste management and composting facilities
- vi. Means of reducing pollution and emissions
- vii. Health and wellbeing measures (e.g. daylighting, sound insulation, private space, Lifetime Homes)
- viii. Management opportunities (e.g. home user guide and considerate constructors scheme)
- ix. Ecological enhancements

14b. The development shall be carried out in accordance with the approved measures referred to in Condition 14a, and the dwellings shall not be occupied before the approved measures have been fully installed and made available for use by the occupiers of the dwellings.

Reason: In order to secure the sustainable means of construction to Level 3 or above of the Code for Sustainable Homes in accordance with policy ENV3 of the Black Country Core Strategy and policies ENV39 and ENV40 of Walsall's Unitary Development Plan.

15a. Prior to the construction of the development above damp proof course full details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development will meet Secure By Design specification.

15b. The approved details shall be fully implemented prior to first occupation of any house and thereafter retained.

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

Reason: To ensure the safety of future occupants.

16a. Prior to the commencement of any built development above damp proof level, and notwithstanding any details deposited a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the use of native trees and shrubs in the soft landscaping and the use of non-native species of trees and shrubs which are known to be attractive to wildlife (for example through having flowers for insects and/or berries for birds).

16b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such.

16c. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

17a. Upon the site being cleared of all materials and buildings, full details of how foul and storm water will be disposed of from site shall be submitted to and approved in writing by the Local Planning Authority.

17b. The scheme shall be implemented and retained in accordance with the approved details before the development is first brought into use.

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

18. The materials used shall be those indicated on the approved plans.

Reason: To ensure the satisfactory appearance of the development.

19. No ground fires shall be permitted on the demolition site.

Reason: To safeguard the amenities of nearby residents.

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

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

Reason: To safeguard the amenities of nearby residents.

21. The existing art deco sign on the building adjacent to the sub station on Church Street shall be removed and reused within the external fabric of the new building.

Reason: To safeguard features and memorabilia pertaining to local history within the Darlaston area.

Note for applicant

Electricity Sub-station - For electro-magnetic (non-ionising radiation) fields the UK Government has adopted the recommendations of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

Contaminated Land

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

CL2 When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land Contamination", The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 "Updated technical background to the CLEA model" and Science Report – SC050021/SR2 "Human health toxicological assessment of contaminants in soil" or any relevant successors of such

guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3 Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials (**‘topsoil verification’ certificate**), 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.

BS8233 2014 Guidance on sound insulation and noise reduction for buildings

BS 8233:2014 recommends various noise levels are achieved within habitable rooms between 30 dB(A) (23.00-07.00) for bedrooms, and 35 dB(A) (07.00-23.00) for living rooms and bedrooms. BS 8233:2014 adopts guideline noise values recommended by World Health Organisation for external amenity areas such as gardens and patios, desirable that the external noise does not exceed 50 dB LAeq,T with an upper guideline value of 55 dB LAeq,T. Noise levels within bedrooms shall not regularly exceed 45dB LAFMax criterion within bedrooms.

Given the size of the development it is recommended that a planning condition is included within any permission requiring for the applicant to agree a Construction Methodology Statement to control noise, dust and debris during the construction phase, including hours of work.

Secure by Design

West Midlands Police: The Police Architectural Liaison Officer has been consulted on the application and the developer should be made aware of Secure By Design specifications which will significantly increase the security of the building (doors and windows). Information can be found at [http://www.securedbydesign.com/pdfs/SBD New Homes 2010.pdf](http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf)

1. Windows should conform to PAS 24 2012 PS1A Standard with at least one pane of 6.4mm laminated glass in all ground floor windows.
2. There should be an area of defensible space in front and across the length of each front facing window, which should be around 1m in depth and consist of dense low level shrubbery, suitable for the light / soil environment at its location. The defensible space will help protect ground floor windows and make access to them by offenders more difficult.
3. All doors should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock.
4. All communal doorsets should be to PAS24 2012 standards or STS 202 Issue 3:2011.

Glazing in and around communal doorsets needs to conform to PAS 2012 P1A. A vandal resistant video/audio access control system should be installed on each of the main entry points to the building, linked to each of the apartments served from that access point.

5. There should be an access control system fitted to the first and second stair well door, stopping access onto those floors and thus reducing access to unauthorised persons around the various floors.

6. The open plan nature of the car park leaves vehicles vulnerable to crime in an area which is already a high vehicle crime area. As a result the car park area should be gated and protected by 2.1m metal railing fencing.

The gated system should have a vandal resistant access controlled system in place.

7. The car parking area should be well light along with the entry/exit doorways to BS5489:2013 standards

8. The proposed cycle storage is in my opinion not fit for purpose. These types of storage anchors leave bikes visible and open to the elements. As a result they end up not being used and they are left to become seating or gathering areas for local children.

Cycle storage should be fit for purpose and provide a safe area for pedal cycles to be stored. A secure unit such as the TPR security sheds, offers a higher level of security, keeps cycles out of sight and away from the elements. They are also Secure By Design certified and made in part from recycled plastic. They are virtually maintenance free. <http://tpr-sheds.com/>

9. Due to the increase in metal theft consideration should be used to minimising the use of lead in the design, by using lead substitute or alternative products.

Demolition

If your application includes demolition work, it may be necessary for you to also notify Building Control Services of your intention to demolish (Section 80 of the Building Act 1984). This should be done as soon as possible but not less than 6 weeks before commencement of the demolition work. Helpline number 01922 652408

S38/S278 Works

No works on the public highway shall be commenced until all engineering details have been approved by the Highway Authority and an agreement under Section 38/278 of the Highways Act, 1980 entered into. All costs are to be met by the applicant and it should be noted that any non standard materials, landscaping, highway drainage or structures etc will require a commuted sum for future maintenance. Note for applicant regarding Mud on Highway 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.

Drainage over the public highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning areas do not discharge onto the public highway. No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway or vice versa.

Nesting birds

To avoid the risk to nesting birds, site clearance and dismantling works should be undertaken outside the bird nesting season. The bird nesting season extends between mid February and September inclusive but is weather dependant and nesting may take place outside this period. If this is not possible no site clearance works should be undertaken until the site has been surveyed for nesting birds by a qualified and experienced ecologist. If nesting birds are discovered, clearance works should be delayed until the young have fledged.

(Please note that feral pigeons are protected and destruction of nests could only take place on the grounds of public health or public safety.)

Recommendation

Grant permission subject to conditions and subject to a S106 Agreement to secure provision of affordable housing.

End of Officers Report

ECONOMY AND ENVIRONMENT

- 9 MAR 2016

RECEIVED

To Walsall Council
Planning Applications Dept.,
The Civic Centre,
Darwall Street,
Walsall,
WS1 1DG.

1st March, 2016.

Dear Sirs,

● Planning Proposal/Application No. 15/1620.
Erection of 15 one bedroom flats and 12 two bedroom flats on land fronting to Church Street, Bilston Street and Cramp Hill, Darlaston.

We, the under mentioned residents of upper Cramp Hill, strongly object to the application in its entirety on the following grounds:-

- 1. The development would have an adverse impact on the amenities currently enjoyed by the occupiers of neighbouring properties.

Most of the occupiers in the vicinity are middle aged to senior citizens who value highly the relative quietness of the area particularly during the evenings, through the nights and also at weekends.

We envisage that the tenants living in the flats would cause disturbance to the existing occupiers of neighbouring properties

- 9 MAR 2016

OBJECTION TO PROPOSED
 PLANNING APPLICATION OF
 LAND AT JUNCTION OF CRAMP
 HILL, BILSTON ST, & CHURCH ST,
 APP No 15/1620.
 27 FLATS IN TOTAL, 3 STOREY.

RECEIVED

ADDRESS	NAME	SIGNATURE
23, CRAMP HILL		
" " "		
5 CRAMP Hill.		
9 CRAMP-HILL		
9 CRAMP Hill		
11, CRAMP HILL		
15 CRAMP Hill		
15 CRAMP HILL		
13 CRAMP Hill		
13 CRAMP HILL		
17 CRAMP HILL		
19 CRAMP HILL		
19 CRAMP HILL		
21 CRAMP HILL		
21 CRAMP HILL		
25a CRAMP HILL		
" "		
25B "		
25B "		
25B "		
32A CRAMP HILL		
37 " "		
41 CRAMP HILL		
41 CRAMP Hill		
45 " "		
1 1 TONELL MEWS CRAMP HILL		



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 3.

Reason for bringing to committee: Major application and sale of Council owned land

Location: FORMER CASTLE VIEW HOSTEL SITE, CASTLE VIEW CLOSE, WALSALL, WS10 8SE

Proposal: RESIDENTIAL DEVELOPMENT OF 19 DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING, INCLUDING REMOVAL OF VEHICULAR ACCESS FROM CASTLE VIEW CLOSE AND FORMATION OF NEW VEHICULAR ACCESS FROM CASTLE VIEW ROAD.

Application Number: 15/0797/FL

Applicant: Mr P Timmins

Agent: Mr Jason Ridgway

Application Type: Full Application (Major)

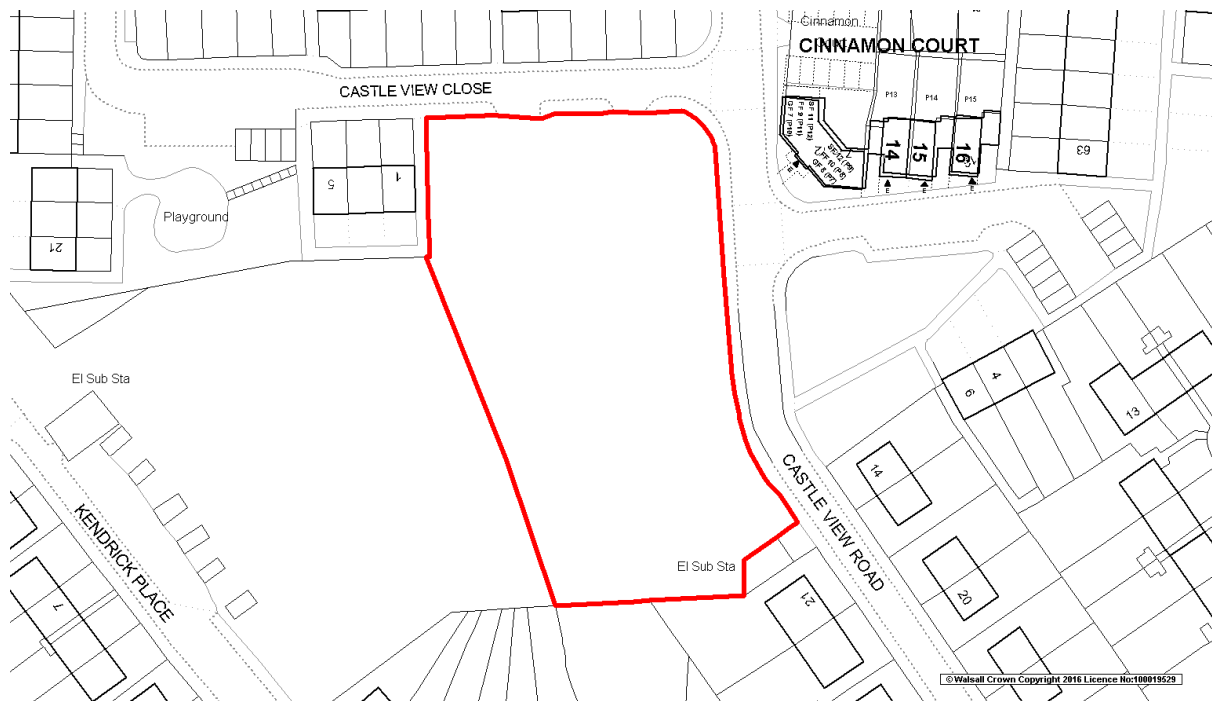
Recommendation Summary: To delegate to Head of Service to issue permission subject to no new material planning consideration being brought forward in respect of the amended plans neighbour re-consultation and to overcome the Coal Authority's objection.

Case Officer: Devinder Matharu

Ward: Darlaston South

Expired Date: 21-Oct-2015

Time Extension Expiry: 31-Mar-2016



Officers Report

Application and Site Details

The application site is a parcel of open land located on the western side of Castle View Road and the southern side of Castle View Close. The land was previously developed and housed a building which was used for care facilities.

The site is irregular in shape in that it is wider where it fronts castle view close to the north and narrower where it meets the rear boundaries of surrounding residential properties to the south. A small section of the site projects out towards Castle View Road along the south eastern corner of the site to accommodate the existing substation at this location. The western part of the site also narrows to define the boundary between the application site and the public open space to the west beyond the site.

Castle View Close is a cul de sac that serves numbers 1 to 5 and the rear of numbers 29 to 51 High Street. No 1 to 5 are two storey terrace properties externally clad and have short front and rear gardens. A 2m high gravel board fence forms the side boundary between number 1 and the application site, this fence also forms part of the site boundary fronting Castle View Close adjacent number 1.

The rear gardens to 29 to 51 High Street have garages and outbuildings fronting Castle View Close that are secured by 2m high boundary treatments.

At the junction of Castle View Close and Castle View Road there is a telegraph pole.

On the opposite side of this junction are three storey apartments and houses which are currently being constructed.

On the opposite side of Castle View Road immediately to the east is a parcel of open space and to the south of that a pair of two storey semi detached houses.

The southern part of the site forms the boundary with an existing substation and number 21 Castle View Road and 14a and 14b Leighton Road, these properties are two storey detached. Number 21 has a large rear garden that is quadrilateral in shape that extends further out towards the north of the site.

Castle View Road to the east and south of the site (on both sides of the public highway) extending in front of the sub station there is a high level kerb and 1m high railings which sit on top. A lamppost is positioned adjacent the substation on the public highway.

There are a number of trees within the site and along the perimeters.

The previously developed part of the site is bunded with earth with the site sloping east to west and north to south.

The area is residential in nature with terrace, semi detached and apartments in close proximity to the site.

The site is located 87m from the edge of Moxley local centre.

The application proposes the erection of 19 two storey dwellings in the form of:

- Five rows of terrace houses, a row of 4 houses (plots 12 to 15) positioned adjacent 1 Castle View Close and a row of three terrace houses (plots 16 to 18) adjacent the row of four fronting Castle View Close, a row of three terrace houses (plots 7 to 9) located in the middle section of the site (to the south of the semi detached houses) and two rows of three terrace houses (plots 1 to 6) to the southern part of the site.
- A pair of semi detached houses (plots 10 to 11) located in the middle section of the site to the south of plots 16 and 17.

- A detached property located in the north eastern part of the site at the junction of Castle View Close and Castle View Road.

The housing development would be finished in a mixture of brick and render and the details would be:

House type A- End gable render, Plot 9, 3 bedrooms 11.2m length, 6.5m width, 5m eaves, 7.9m pitch.

House type A- End gable brickwork, Plots 4, 12 and 15, 3 bedrooms, 11.2m length, 6.5m width, 5m eaves, 7.9m pitch.

House type A semi detached brick, plots 10 and 11, 3 bedrooms, 11.2m length, 6.5m width, 5m eaves, 7.8m pitch.

House type B- render, plots 2, 3, 5, 13, 14, 16 and 17, 2 bedrooms, 10.8m length, 4.2m wide, 5m eaves, 7.8m pitch

House type B- brick, plots 7 and 8, 2 bedrooms, 8.9m length, 4.2m wide, 5m eaves, 7.8m pitch

House type C- brick, plot 6, 3 bedroom, 9.1m length, 5.2m wide, 5m eaves, 7.9m pitch.

House type D – brick, Plot 19, 4 bedroom, rectangular in shape with rear gable projection and single storey side garage. Main house 9.4m wide, 6.5m length, rear projection 2.2m length and 4.1m wide, 5.1m eaves and 7.4m to pitch. The property would have side facing windows at ground and first floor fronting Castle View Road and a rear bedroom window on the projecting gable.

The boundary treatments would be:

- A 1.8m high screen wall between the substation and rear elevation of plot 1 and rear of plot 19
- A 1.8m high fence with 0.3m trellis on top at the rear of and side of plots 1 to 6 and plots 7 to 12.
- A 1.1m high post and rail fence along the south western corner of the site adjacent parking spaces for plots 4 to 6.
- The existing sub station wall will remain as will the existing fence between 1 Castle View Close and the application site.

A new access road would be created off Castle View Road to serve plots 1 to 11 and 19. The access road at the entrance would curve as the development would include an area fronting Castle View Road to be planted with a tree. The development would provide frontage parking for plots 12 to 18 along Castle View Close including a visitors space for 19, frontage parking for plots 7 to 11, parking for plots 4 to 6 in the southern western corner and parking for plots 1 to 3 along Castle View Road frontage opposite the parking for plots 7 to 9.

The rear garden lengths vary from 10m to 12m with the total amenity areas varying from 44 square metres to 90 square metres. The position of the mine shaft is within the rear garden of plots 9 and 10.

The house (plot 12) adjacent 1 Castle View Close would be 0.8m higher than the existing house and the house (plot 1) adjacent 21 Castle View Road would be 0.9m lower than the existing house.

The following documents have been submitted with the application:

Design and Access Statement stating:

- The site consists of a corner plot of vacant land between Castle View Road and Castle View Close with existing public open space flanking the western boundary.
- The site is a mile from Bilston Town Centre and Darlaston Town Centre
- Walsall Town Centre is 3 miles away
- Site grades gently to the south with a gradient falling away to the southern boundary.

- A small row of existing houses served from Castle View Close abut the north west corner separated by concrete bollards and posts with an open public space adjoining the rest of the western boundary comprising metal palisade fence currently accessed from Kendrick Place.
- The northern boundary fronts castle view Close with the eastern boundary fronting Castle View Road both open to the back of footpath.
- The southern boundary abuts an electrical substation in the south eastern corner with the remainder southern boundary comprising of close board fence to the rear gardens of the existing house son Leighton Road and Castel View Road.
- There are a variant of housing styles in the vicinity
- The facing materials are predominately red brick and horizontal boarding with a variety of roof colours and profiles.
- The roof scape varies from hipped and gable end constructions with storey heights ranging from single storey garages to three storey apartment building opposite the site.
- Traditional architectural features include projecting gables, porch canopies and bay windows.
- The development seeks to make the best use of the current land that is unwanted and underused. The new housing will meet local demand and provide cost effective way family housing to improve the image and identity of the locality.
- The location of the existing trees limits the commercial viability of the site.
- There are two bus services via High Street
- Local facilities include two schools, St Martin's CE Primary School and RSA Academy and an Aldi store in Moxley and pharmacy on the High Street.

Groundsure survey – a ground survey listing the historical ground conditions of the site.

Coal Mining Risk Assessment

Phase 1 Environmental Desk Study

Tree Survey

A financial viability statement

Housing review statement

Urban open space statement

Topographical survey

Proposed landscaping plan

Plan identifying trees on the site and those to be removed.

Relevant Planning History

None

Relevant Planning Policy Summary

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

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

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

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.

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

Key provisions of the NPPF relevant in this case:

1. Building a strong, Competitive economy

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

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

4. Promoting sustainable transport.

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

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

6. Delivering a wide choice of high quality homes.

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

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

7. Requiring good design

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

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

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

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

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

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

121. Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is presented.

122. In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where

these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

123. Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts²⁷ on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts²⁷ on health and quality of life arising from noise from new development, including through the use of conditions;

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

CSP4: Place Making

HOU2: Housing Density, Type and Accessibility

States that the density and type of new housing provided on each site will be informed by, amongst other factors, the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics in the area where the proposal is located. All developments will aim to achieve a minimum net density of 35 dph except where higher densities would prejudice historic character and local distinctiveness.

Development should not undermine the viability and viability of the local centre.

TRAN1: Priorities for the Development of the Transport Network

Improving sustainable transport facilities.

ENV3: Design Quality

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

HOU3: Delivering affordable housing

The Local Authorities will aim to provide a minimum of 11,000 new affordable dwellings between 2006 and 2026, in partnership with developers. LPA will seek to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable. On sites where 25% affordable housing is proven not to be viable, the maximum proportion of affordable housing will be sought which will not undermine the development's viability, subject to achieving optimum tenure mix and securing other planning obligations necessary for the development to gain planning permission. Financial viability assessments conforming to an agreed methodology will be required and, where necessary, independently appraised by the local planning authority at the cost of the applicant. Claw back and other flexible arrangements will be sought through planning agreements, wherever possible, to allow for changing market conditions in future years.

ENV5- to assist reducing the extent and impact of flooding and also reducing

To assist in both reducing the extent and impact of flooding and also reducing potential urban heat island effects, all developments should:

a) Incorporate Sustainable Drainage Systems (SUDs), unless it would be impractical to do so, in order to significantly reduce surface water run-off and improve water quality. The type of SUDs used will be dependent on ground conditions.

Unitary Development Plan

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

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

ENV14 encourages the development of previously developed land.

ENV17: The planting of new trees, woodlands and hedgerows will be continued to achieve the establishment of the Forest of Mercia and the Black Country Urban Forest provided there is no adverse impact on wildlife, archaeology, amenity, sporting or other recreational interest and it is compatible with the other policies of this Plan. Planting will be promoted particularly in streets and gardens.

ENV18: (a) The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows. Development will not be permitted if it would damage or destroy trees or woodlands protected by Tree Preservation Order, in a Conservation Area or identified as Ancient Woodland, or hedgerows of significant landscape, ecological or historical value unless:-

I. the removal of the trees or hedgerows would be in the interests of good arboricultural practice and there would be no unacceptable adverse impact on wildlife; or

II. the desirability of the proposed development significantly outweighs the ecological or amenity value of the woodland, trees or hedgerows.

(b) Where developments are permitted which involve the loss of trees or hedgerows developers will be required to minimise the loss and to provide appropriate planting of commensurate value; wherever possible, this should involve native species of local provenance.

ENV33: (a) Good landscape design is an integral part of urban design and the Council will require, where appropriate, planning applications proposing development in the locations described in policy ENV32 to be supported by full details of external layout and landscape proposals.

(b) In addition, larger development proposals will also be required to be supported by full details of external layout and landscape proposals.

H3: Encourages the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

LC1 – residential development will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

T4 - District distributors are important routes connecting the main residential and employment areas of the Borough. Street parking and direct frontage access will be strictly regulated.

T7 - All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T10: Accessibility Standards – General

(b) Standards will apply to all development proposals with the exception of:

i small residential developments within existing residential areas including infill plots

7.51: Easy walking/cycling distance will depend on local circumstances but the maximum will normally be regarded as 1000m.

T13: Parking Provision for Cars, Cycles and Taxis

2 bedroom houses and above, 2 spaces per unit

Supplementary Planning Documents

Designing Walsall (2013)

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

Policy DW1 Sustainability - New development should seek to simultaneously meet environmental, economic and community needs without compromising the needs of future generations

Policy DW2 Safe and Welcoming Places - All new development must contribute towards creating places that feel safe, secure and welcoming for everyone

Policy DW3 Character - All new development must be designed to respect and enhance local identity

Policy DW4 Continuity - Where the context of a site presents a repetitive design characteristic, this should be reflected in the design of the new development

Policy DW5 Ease of Movement - All new development should contribute to creating places that are well connected, easy to get to and safe to move through

Policy DW6 Legibility - New development should contribute to creating a place that has a clear image and identity and is easy to understand

Policy DW7 Diversity - All new development should contribute to creating lively places and opportunities to sustain the widest range of possible users

Policy DW8 Adaptability - New development should contribute to creating flexible and adaptable places that can easily change over time

Policy DW9 High Quality Public Realm - New development must seek to ensure it creates places with attractive environmental quality that responds to the buildings and uses around it

Policy DW10 Well Designed Sustainable Buildings- New development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Urban Open Space (2006)

The SPD is a guide to the scale and kind of contribution that developers will be required to make towards the provision of new, and the improvement of existing, open spaces.

Policy OS1: Qualifying Development - All types of residential development will be required to contribute towards the provision of all types of open space as set out in the following policies.

Policy OS2: Planning Obligations- The Council will negotiate Planning Obligations (Section 106 Agreements), which may include unilateral undertakings, to secure benefits in line with the UDP and this SPD with respect to developments of 10 or more dwellings.

Policy OS3: Scale of Contribution

(a) The scale of contribution required from qualifying development will be as set out at Annex C.

(b) The scale of contribution will be the same in all parts of the borough, subject to the Land Value Adjustment.

(c) The scale of contributions is set at 2005 prices and will be subsequently linked to inflation in the average house price in the borough of Walsall.

(d) On-site provision within a development will be taken into account when calculating any residual off-site contribution that may be required.

Policy OS4: Local Standards for New Homes - The Audit measured the quantity and quality of green spaces around the borough. The Audit also identified particular shortfalls in Provision for Children and Young People and the quality of some parks and other spaces.

Policy OS5: Use of Contributions- Funds collected towards set up will be spent as soon as reasonably practicable after receipt by the Council, but in any case within five years of receipt.

Affordable Housing SPD (2008)

The SPD will guide delivery of affordable housing to appropriate locations in the Borough, while at the same time providing for balanced, mixed communities.

AH1 - Quality of Affordable Housing

(a) Affordable housing must not be substandard housing, in terms of space or standards, and is encouraged to conform to the Housing Corporation's Design and Quality Standards, and expected to meet the Lifetime Homes standards. Residential developments should not differentiate between affordable and private houses in terms of design or material specification.

AH2 Tenure Type and Size

Wherever possible the Council will require:

- (a) West of Borough – 75% social rent and 25% shared ownership
- (b) East of Borough – 100% social rent
- (c) Supported Housing Schemes across the borough where appropriate
- (d) A property mix of predominately houses (to include flats and bungalows where appropriate) with 10% 2 bedroomed, 40% 3 bedroomed and 50% 4 bedroomed and above. This mix will not apply to supported housing schemes referred to in AH2 (c).

AH3 Abnormal Development Costs

- a) The Council does not define 'abnormal' in absolute terms, but this may include: contamination; past mining; infrastructure; flood management; or other constraints, which, individually or in combination, might severely affect the viability of the development.
- b) The onus will be on the developer to submit evidence, including a detailed financial appraisal of the scheme, to demonstrate that abnormal development costs would necessitate a reduction in the affordable housing element. The appraisal will be independently assessed and the developer will bear the cost of this assessment.

AH4 – Provision Location

When considering the location of the provision of Affordable Housing:

- a) The Council's preferred approach is for the developer to construct all of the housing and transfer a proportion to an RSL to manage.
- b) The Council requires the affordable housing units to be fully integrated and spread across the development.
- c) The spread of non-flatted accommodation will be negotiated on a site by site basis, but should be in clusters no greater than 4 houses.
- d) The spread of the flatted element will be subject to negotiation on a site by site basis. For ease of management purposes, the Council may accept affordable flatted accommodation together in the same block.

AH5 Off Site Provision

- (a) The Council will always seek on site provision, but may consider exceptions which are not defined in absolute terms, but these may include: guidance from regeneration areas (SRF and WRC masterplans), specific client need schemes, specific property size and type of provision required.
- (b) In these instances of off site provision, the Council will in the first instance, encourage off site direct provision. Where this is not suitable, the Council will require a commuted sum from the developer.
- (c) The Commuted sum will be calculated to ensure that the Council receives an adequate amount from the developer to enable the Council with a housing partner to develop a similar amount of affordable housing (assuming 25% provision and meeting the requirements of AH2) of an appropriate type and size in a similar area of the Borough

Conserving Walsall's SPD (2013)

NE7 All planning applications with the potential to damage or destroy trees identified should be supported by an arboricultural impact assessment to a nationally accepted standard. Planning applications which are not supported by an adequate arboricultural impact assessment are likely to be refused.

NE8 All planning applications proposing the retention of trees within a development site should demonstrate that the trees to be retained will survive without causing significant nuisance beyond the development phase. Adequate space should be retained for the trees to develop in the future without causing severe shading or requiring damaging containment pruning.

NE9 Where trees are unavoidably lost, the Council will seek compensatory planting.

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

Consultations

Strategic Policy – No objection subject to contributions to open space and affordable housing.

Transportation – No objection subject to planning conditions relating to parking, access and layout.

Pollution Control Contaminated Land Team – No objection subject to planning conditions to undertake further contaminated land and ground gas investigations to ensure properties can safely be built on the land and conditions have been recommended to ensure nearby residents are not unduly affected by noise during construction and engineering works.

Environmental Health – No objection

Victims of Crime Officer – No objection but makes the following comments relating to boundary treatments and security lighting.

Police Architectural Liaison Officer (PALO) – No objection but makes comments on boundary treatments and security.

Severn Trent Water – No objection subject to a planning condition relating to foul and surface water drainage.

Drainage – No objection subject to planning conditions relating to surface water.

Flood Risk Planning and SuDs Officer – No objection planning conditions relating to surface water drainage works, attenuation of surface water up to the 1 in 100 year storm event plus 30% climate change allowance and surface water limitation to green field run off rates.

Landscape Officer – No objection subject to landscape condition

Arboricultural Officer – Objection due to the loss of significant trees, and the lack of sufficient space for medium to large growing replacement tree species.

Coal Authority - Objection

Wolverhampton City Council – No objection

Public Participation Responses

Two letters have been received objecting to the proposal on the following grounds:

- No clear plan of the proposed development
- Patch of land should be used for the community such as a park

- The community lacks greenery and trees
- Will residents have access to rear of houses
- Will Castle View Road be closed for vehicles and pedestrians
- Where the new road will be located
- Will residents be able to access the new road layout without constraints
- Vehicular access to Castle View Road is limited
- New road formation may be dangerous on account of how fast vehicles travel along the road

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

Determining Issues

- Principle of development
- Planning contributions
- Land stability and pollution
- Design, layout and character of the area
- Impact upon adjoining residential occupiers
- Trees and landscape
- Access and parking

Observations

Principle of development

The NPPF says decisions should encourage the effective use of land by re-using land that has been previously developed. The site occupied a former building which has now been demolished and was used as facilities related to care. Policy ENV14 of the UDP seeks to encourage the development of previously developed sites in the Borough. This is a previously developed site, so in principle the redevelopment of it would be supported.

The NPPF also says that housing applications should be considered in the context of sustainable development. There are three elements to sustainable development, economic, social and environmental. For economic: the need to ensure that sufficient land of the right type is available in the right places and at the right time; for social: providing the supply of housing required to meet the needs of present and future generations and environmental: contributing to protecting and enhancing our natural, built and historic environment. In Walsall, the five year requirement of housing supply is currently being met through the allocation of housing land and granting of planning permission (which is significantly brownfield land).

In this case, the proposal would meet the economic and social role as defined in the NPPF. The environmental role would be considered elsewhere in the report. Furthermore, Policy H3 of the UDP supports windfall sites to come forward to for residential purposes, which this site is.

The site is within walking distance of Moxley local centre. This local centre is within the maximum 1000m as defined in paragraph 7.51 of the UDP for small residential development and therefore not too dissimilar to the surrounding houses and considered to be consistent with guidance in the NPPF, BCCS and UDP.

Objectors have stated that the patch of land should be used for the community such as a park as the community lacks greenery and trees. There is an open parcel of land to the west of the application site, which is within walking distance for the occupiers of Castle View Road, Castle View Close, High Street and Leighton Road. The proposed development seeks to include planting which will enhance the visual amenity of the area.

Planning Contributions

Policy GP3 of the UDP requires securing on or off site provision of services. In this case, the proposal to erect 19 dwellings would require contributions towards the provision and improvement of open spaces whether this be on or off site under policy LC1 of the UDP and the public Open Space SPD. Strategic Policy have advised that the provision should be provided off site, through a contribution to the enhancement of existing open space nearby.

The proposal would also be subject to affordable housing.

The agent has submitted a financial viability statement which addresses the requirement towards public open space and the provision of affordable housing. The District Valuer has advised that the scheme would be unviable if public open space contributions and affordable housing were provided as part of this residential development. Therefore public open space and affordable housing cannot be provided as part of this residential development in order to ensure the scheme is viable.

Land stability and pollution

Policy ENV14 of the UDP states where the site is found to have been occupied or underlain with uses or activities which may have contaminated land, affected by land stability or led to the generation of land fill gas, then the application must be accompanied by a site investigation report. In this case, the relevant documents have been provided.

The Coal Authority have objected to the application as the submitted coal mining risk report revealed that there is a significant risk to any development of the application site, and The Coal Authority is the opinion of that the risk and uncertainty arising from the presence of a recorded mine entry is such that further specialist investigation is required before the LPA can be satisfied that the application site can be safely developed. They also state that it is unclear from the available information whether these further investigations have been carried out and have informed the revised proposed layout. Details of the site investigations undertaken along with any remedial, preventive and mitigation measures to address any issues of land instability should be included in a revised Coal Mining Risk Assessment Report. In addition, the applicant should demonstrate that the revised layout positions all built development clear of the mine entry and its associated 'no-build' zone. On these grounds the Coal Authority maintain their objection and refuse the application contrary to paragraphs 120-121 of the NPPF.

The agent has submitted a plan which shows that the mine shaft is located on the edge of the rear gardens of plots 9 and 10. The Coal Authority has been consulted with this information and amended comments from the Coal Authority will be updated in the supplementary paper and subject to the withdrawal of the Coal Authority's comments it is considered that the application should be supported.

Pollution Control have recommended planning conditions recommending that the applicant undertake further contaminated land and ground gas investigations to ensure properties can be safely built on the land.

Design, layout and character of the area

The NPPF says that decisions should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the, built environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character. Policies CPS4, HOU2, ENV2, ENV3 of the BCCS; GP2, 3,6 and ENV32 of the UDP and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements. Plot sizes and built density will relate to their local context.

The existing residential development in the area varies from two storey terraces, semi detached and three storey apartments. The proposed development seeks to create two storey houses in the form of terrace and semi detached and detached properties. The size of the proposed dwellings in terms of the number of bedrooms would provide a mix of housing for different housing needs.

Objectors have raised concerns that there is no clear plan of the proposed development and query where the new road will be located. The submitted plans show a residential development of the site with houses to the north, central and southern part of the site with an access road to the eastern part of the site linking into the existing Castle View Road.

The design of the proposed development would include gable roofs, window details, canopies above front entrances, brick course details and brick corbels with the housing being finished in a mixture of render and brick. The design of the proposed houses is considered acceptable as they would enhance the appearance of the development in the street scene. The proposed houses would be in keeping with the surrounding residential properties along Castle View Road and Castle View Close where houses are finished in cladding, brick and render.

Plots 1 and 19 would have side facing windows fronting Castle View Road which would create an active street frontage and provide street surveillance. Plots 12 to 19 would follow the existing pattern of development would provide an active street frontage along Castle View Close. Plot 12 would be positioned approximately 2m further forward of 1 Castle View Road but this would not unduly impact upon the setting of the street scene.

The relationship of the rear habitable room windows of plots 16 and 17 to the side facing wall of plot 11 would meet the Council's 13m separation distance and therefore the proposal in this aspect would be acceptable.

Plots 7 to 11 would be set back into the site where the front of the site fronting Castle View Road would be dominated with off road parking. Whilst the proposed development seeks to provide some planting along the frontage, it is considered a more comprehensive planting scheme can be secured to provide low level shrubs to visually enhance the frontage of the proposed development along Castle View Road and to screen the parking area. The rear of these plots would provide surveillance over the rear public open space and also give residents the perception of a greater open outlook.

Plots 1 to 6 would be positioned to face into the site to create a courtyard style development. The separation distance from the side of plot 6 to the side of plot 7 would be 7.5m. The main frontage to plot 6 would be to the west looking out over the public open space with the side windows facing plot 7 being secondary. The relationship between the two houses would be considered acceptable.

The separation distance from the rear of plots 16 and 17 to the side of plot 11 would be 13m, which is in accordance with the Council's residential standards.

The proposed rear gardens vary in length from 10m to 12m and the total amenity areas vary from 44 square metres to 90 square metres. The shortfall in rear garden lengths and total amenity areas an area where there is public open space to the western part of the site is considered acceptable, as resident's have access to a larger open space other than the rear gardens. Furthermore, the occupiers of plots 7 to 11 would have an outlook onto this open space which would give residents the perception of openness.

The proposed development would provide a comprehensive residential development that would make effective use of the land and would create a courtyard style development. The proposal would enhance the existing character of the area and as such should be supported.

The PALO has advised that the developer is made aware of Secure by Design and has made comments relating to types of doors and windows and locks, defensible space around ground floor windows, boundary treatments, and intruder alarms. The PALO also makes comments about the boundary treatment by plots 6 and 7 stating this needs to be increased to prevent unauthorised access and the canopy over plots 5 and 6 should be removed. The boundary treatments around the site can be secured by condition, despite the submitted boundary treatment plan. The canopy within the scheme has now been removed due to the detrimental visual impact this would have upon the street scene and impact upon potential occupier's amenities in terms of overlooking.

The Victims of Crime Officer has also made comments about boundary treatments and security lighting. As stated above amended boundary treatments and security lighting can be secured by condition.

Impact upon adjoining residential occupiers

Plot 12 would be positioned 2m further forward of number 1 Castle View Road, this would not unduly impact upon the amenities of this neighbouring property as the proposal would still comply with the Council's 45 degree code.

The separation distance from the front of plots 12 to 19 to the rear of numbers 39 to 51 High Street would be 23m, a shortfall of 1m. It is considered that this shortfall would not unduly impact upon the amenities of these existing occupiers or proposed occupiers as the rear of the existing houses are across a highway with interrupted views of boundary treatments and outbuildings. Furthermore, proposed planting in front of these plots would also provide interrupted views. It is considered this shortfall of a metre would not unduly impact upon the amenities of the existing or proposed occupiers to warrant refusal of the scheme.

The side of plot 19 has windows to provide an active street frontage. The separation distance from the side of the ground floor habitable room window to the front of the apartments directly opposite would be 15m. The apartment block opposite is set at an angle and would not result in direct views from the ground floor window of the proposed plot and the existing apartment block. Furthermore, any direct views would be interrupted by the highway, it is considered that this relationship is acceptable and the proposal should be supported.

The separation distance from the front elevation of plot 1 to the front elevation of 14 Castle View Road would be 20.5m. Any direct views would be interrupted by the highway and boundary features between the proposed plot and existing dwelling. It is considered that the proposed would not unduly impact upon the amenities of the existing or proposed occupiers to warrant refusal of the scheme.

Plots 1 to 6 would be located to the south of the site. The separation distance between these plots and the rear of numbers 14a and 14b Leighton Road would be 40m, which exceeds the Council's separation distance. The application site is set at a higher level and there are some concerns that the houses on the application site would sit at a higher level and there would be a greater level of overlooking and loss of privacy between the proposed development and the existing houses to the south of the site. Whilst the proposal has shown some planting within the rear garden of these plots, it is considered any planting within the rear gardens of these plots should be of a semi mature nature to prevent any direct views to the rear of numbers 14a and 14b Leighton Road. This can be secured through a landscaping condition.

Number 21 Castle View Road has a large rear garden that is quadrilateral in shape that extends further out towards the north of the site. From the rear of plots 1 to 3 there is some concern with the application site being set at a higher level of overlooking and loss of privacy between the proposed development and this existing house. Whilst these plots would result in some overlooking of the rear garden area of number 21, the area immediately to the rear

of the existing house would be shielded from any direct views due to the positioning of plots 1 to 3. Whilst the proposal has shown some planting within the rear garden of these plots, it is considered any planting within the rear gardens of these plots should be of a semi mature nature to prevent any direct views to the rear garden of and the rear of number 21. Again, this can be secured via condition.

Pollution Control have recommended a planning condition to ensure nearby residents are not unduly affected by noise during construction and engineering works.

Objectors have raised concerns whether they will have access to the rear of the houses. The proposed development does not seek to alter any existing rear access ways to any of the neighbouring residential occupiers.

To ensure proposed residential are secured with adequate amenity space and to protect the amenity of the neighbouring occupiers, in particular to the south of the site, it is considered that a planning condition is attached to prevent any extensions to the properties which would reduce rear garden length and which could potentially bring the development closer to neighbouring properties to the south.

Trees and landscape

The application is accompanied by a plan that identifies the existing trees on the site and those to be retained and removed.

Policy ENV18 of the UDP seeks to protect and enhance existing trees, the policy also states development will not be permitted if it would destroy trees protected by a Tree Preservation Order.

The Arboricultural Officer states the tree survey submitted by Peter Jackson has been undertaken after the layout of the site has already been designed and this is not in accordance with BS 5837:2012 which states the tree survey should be used to inform feasibility studies and the layout of the design. Assessing the site constraints in this way results in the trees being 'downgraded' slightly and indicated for removal regardless of their retention category.

Of the twelve trees on site, eight are good specimens, two are reasonable and two require removal regardless of development. The proposal to remove all twelve (or even if T2 and T7 were retained as suggested, even though T2 is a C class tree of low retention value) does not represent an acceptable balance of tree retention and removal in the view of the Councils Arboricultural Officer. They are of the view that the clear felling of a site with a significant number of high value trees is not acceptable regardless of the applicant's opinion of commercial viability.

It is accepted that the retention of some of the trees will be a constraint to development. However, they are either located towards the periphery of the site or on ground that is difficult to develop without significant engineering solutions. The Arboricultural Officer is of the view the applicant should consider alternative layouts with the retention of at least all A and B class trees to achieve a more acceptable balance of tree retention, removal and replacement.

The Arboricultural Officer is recommending refusal of the application due to the loss of a significant number of trees that contribute significantly to the amenity, aesthetic and landscape value of the area.

Trees T3 and T4 should be retained as the most significant trees on site, with T7, T8 and T11 also being considered. The retention of trees T3 and T4 would necessitate relocation of plots 1-5 in a northerly direction to achieve at least 10m from the base of the tree to the rear elevations. This could easily be achieved by the deletion of one of the plots running in an east-west direction (7-11 inclusive).

Tree T7 is located in the rear garden of Plot 10 and is indicated as being 10m from the rear elevation of the property. It has a crown spread of 4m towards the proposed building, which is sufficient clearance.

Tree T8 is 7m from the proposed buildings and it is difficult to see how it can be retained in the current layout, particularly as it is recommended that plots 12-18 are relocated further to the south to be more in keeping with the existing building line and to afford greater space to the front of the buildings for parking and replacement tree planting. At present, the space for replacement trees is insufficient to support a species of reasonable mature size without causing issues to any future owner or occupier. It is anticipated that any tree planting will quickly be removed due to this conflict.

Tree T11 is situated close to the corner of the site and close to plots 18 and 19. However, it is not inconceivable that this tree could be retained with minor alterations to the layout of this part of the site.

The agent has considered the comments of the Arboricultural Officer and has advised due to the viability of the site, it is not practical to retain the trees to the south of the site. Policy ENV17 and ENV33 of the UDP seeks replacement tree planting and landscape being an integral part of urban design. The application is accompanied by a landscape plan.

Whilst the Arboricultural Officer states it is recognised that significant replacement trees are proposed, despite the species and location being questionable in most cases. On balance, it is considered whilst the site layout could be amended to try and retain more existing trees on site, none of these trees are protected by a tree preservation order. The proposed landscaping plan whilst not acceptable in its current format, the Landscape Officer has no objection to the proposal subject to a landscaping condition. Amended landscaping can be sought by way of planning condition which should include additional landscaping along the Castle View Road frontage to be incorporated into the scheme to visually enhance the development.

Drainage

Severn Trent Water have no objection to the proposal subject to a planning condition seeking drainage details for foul and surface water.

The Flood Risk Planning and SuDs Officer has sought further planning conditions relating to surface water drainage works which includes block paving and attenuation of surface water up to the 1 in 100 year storm event plus 30% climate change allowance and surface water limitation to green field run off rates. These can be secured by planning condition.

Access and parking

The housing development for 19 dwellings consisting of two and three bedroom houses and 1 four bedroom house would result in the creation of a new private mews type access road onto Castle View Road. Due to the constraints formed by the vertical and horizontal alignment of a Castle View Road fronting the site, the new access point is directly opposite an existing access road effectively forming a new crossroad junction on Castle View Road.

Objectors have raised concerns over whether Castle View Road would be closed for pedestrian and vehicles and will residents be able to access the new road formation without constraints. They also state vehicular access to Castle View Road is limited and the new road formation may be dangerous on account of how fast vehicles travel along the road.

During the construction period if the highway including the public footpath is closed for works then this would be for a short period of time and in consultation with the Highways Department to ensure alternative access arrangements are provided.

As Castle View Road is one of the main routes out of the Fiery Holes estate and in order to slow traffic speeds on the approach to the development, a traffic calming feature is necessary at the junction.

Parking is 190% across the development which is considered acceptable due to the location of the site being close to bus routes and within easy walking distance of Moxley local centre.

The Highway Authority does not consider the development will have severe transportation implications and is acceptable in accordance with NPPF para 32.

Positive and proactive working with the applicant

Amended plans were sought to overcome officers concerns with regard to the layout of the site.

Reasons and Conditions

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

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

2. The development shall be completed in accordance with the following approved plans only:

- Topographical survey 2122/02A submitted 23 July 2015
- Tree survey plan 1b submitted 22 May 2015
- Tree survey plan 2 submitted 22 May 2015
- Location plan submitted 12 April 2016
- Block plan submitted 12 April 2016
- Proposed site layout 2122/03/G submitted on 12 April 2016
- House type A- end gable brick work 2122/23A/C submitted on 18 March 2016
- House type A- end gable render 2122/23B/A submitted on 18 March 2016
- House type A- Semi detached 2122/24/B submitted on 18 March 2016
- House type B- render 2122/25A/C submitted on 18 March 2016
- House type B- brick work 2122/25B/A submitted on 18 March 2016
- House type C- 2122/26/B submitted on 27 May 2016
- House type C- end gable brick work 2122/26/B submitted on 12 April 2016
- House type D- end gable brick work 2122/27/C submitted on 25 May 2016
- Ground floor block plans 2122/20/D submitted on 12 April 2016
- First floor block plans 2122/21/D submitted on 25 May 2016
- Street scene 2122/22/E submitted on 25 May 2016
- Site section 1- 2212/15/B submitted 12 April 2016
- Site section 2- 2212/16/A submitted 12 April 2016

Reason: To define the permission

3a. Prior to the commencement of this permission, drainage details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

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

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

4a. Prior to the commencement of this permission, a scheme for the provision of surface water drainage works, including block paving and including attenuation of surface water up to the 1 in 100 year storm event plus 30% climate change allowance shall be submitted to and approved in writing by the Local Planning Authority.

4b. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: Necessary to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

5a. Prior to the commencement of this permission, a scheme for the provision and implementation of surface water run-off limitation to greenfield run-off rates shall be submitted to and approved in writing by of the Local Planning Authority.

5b. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: Necessary to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with Policy ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

6a. Notwithstanding the landscaping plan 3a submitted on 18 March 2016, and prior to the commencement of this permission, a detailed landscaping scheme illustrating planting within the proposed site, planting to the site perimeters and frontages within each plot of the development and planting along the Castle View Road and Castle View Close frontages shall be submitted to and approved in writing by the Local Planning Authority. The planting details shall include:

- Topsoil specification. – If existing soils are to be used, details of its retention, improvement, cultivation or safe storage for re-use should be specified. Imported topsoil to British Standard, including soil type and depths
- Further details of proposed tree/plant species, size and type at time of planting, ground surface treatment, tree support and tree pit details, Latin names and any other cultural requirements to ensure successful establishment.
- Soil depth and specification
- Grass / turf type and specification

6b. The approved scheme shall be implemented within 12 months of any part of the development being brought into use.

6c. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: Necessary to ensure adequate replacement planting is sought and in order to safeguard the amenities of the occupiers of the properties to the south of the site and secure the satisfactory visual appearance development of the application site in accordance with Policies ENV17 and ENV33 of the UDP.

7a. Notwithstanding the boundary treatment plan 2122/06/C submitted on 12 April 2016, and prior to the commencement of this permission, details of all boundary treatments, which take into account the Police Architectural Liaison Officer's and Victims of Crime Officers comments shall be submitted to and approved in writing by the Local Planning Authority.

7b. The development shall be completed in accordance with the approved details and retained and maintained at all times.

Reason: Necessary to ensure the development can be secured and to safeguard the amenities of the adjoining residential occupiers, the visual amenities of the area and to protect the amenities of the occupiers of the proposed development.

8a . Prior to the commencement of this permission, details of any external lighting to be installed which take into account the Police Architectural Liaison Officer's and Victims of Crime Officers shall be submitted to and approved in writing by the Local Planning Authority.

8b. The development shall be completed with the approved details and retained and maintained at all times.

Reason: Necessary to ensure the development can be provided with adequate security lighting and to prevent light pollution, to protect the amenity of surrounding residential occupiers and to protect the amenities of the occupiers of the proposed development.

9a. Prior to site investigations, engineering and site clearance/preparation works commencing a Construction Management Plan setting out how the works will be undertaken and giving details of arrangements for the control of noise, vibration, dust and debris (including site drag-out), and the management of any materials arising from the works shall be provided in writing to the Local Planning Authority

9b. The Construction Management Plan shall be implemented upon commencement of any works and shall be maintained until the site is completed.

Reason: Necessary to protect neighbouring residential premises and the road infrastructure

10a.

- i. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii. 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)
- iii. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- iv. The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall

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

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

Reason: Necessary to ensure future residents are not exposed to contaminated materials and ground gas does not enter residential premises.

11a. Prior to the commencement of this permission, and prior to the first occupation of any dwelling within the development served by the proposed access mews off Castle View Road, full engineering detail of a Raised Junction Platform within the highway and encompassing the four arms of the newly introduced cross roads, including alignments, widths and levels and all necessary drainage arrangements, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

11b. The highway works shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

Reason: Necessary in the interests of highway safety and in order to reduce traffic speeds on Castle View Road on the approach to newly introduced cross roads junction, in accordance with DfT Manual for Streets1 guidance, UDP Policy GP2.

12a. Prior to the commencement of this permission, a construction methodology statement shall be submitted to and approved by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

12b. This provision shall be retained during construction in accordance with the approved details.

Reason: Necessary in order to minimise potential disruption to the free flow of traffic on the public highway during the period of construction and in the interests of highway safety.

13a. Prior to the commencement of this permission, and prior to the first occupation of any dwelling within the development, a tactile pedestrian dropped crossing shall be installed across the Castle View Close junction, full engineering details of which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

13b. The crossing shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

Reason: Necessary to improve accessibility to the site in the form of better pedestrian links to the local centre on High Street in accordance with NPPF para 32 and 35, UDP Policy GP2, T8.

14a. Prior to any works commencing above damp proof course details of the facing materials, render colour finishes including the type of render to be externally applied and roofing materials for the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

14b. The development shall be completed in accordance with the approved details and retained and maintained at all times.

Reason: In the visual amenities of the area.

15a. Prior to the first occupation of any dwelling on the development, all access ways, parking and vehicle manoeuvring areas serving that dwelling shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain and the areas brought fully into use.

15b. These areas shall thereafter be retained and used for no other purpose.

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

16. Prior to the first occupation of Plots 12 to 19 fronting Castle View Close and Plot 1 off Castle View Road, a new vehicle footway crossing to align with the parking spaces for the dwelling shall be installed in accordance with Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

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

17. Disposal of materials by burning on bonfires, ground fires or in containers at the site is not permitted.

Reason: Protect neighbouring residential premises

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

Reason: To protect the amenities of potential occupiers.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, no development within classes A, B, C, D, E, F, G and H shall be undertaken without planning permission.

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

Notes for applicants

Drainage

In order to comply with the above conditions, the applicant must demonstrate that they have entered into a suitable agreement with the relevant body – i.e. Sewerage Undertaker, EA, Building Control / Technical Services, or Highway Authority - and that the receiving system has sufficient capacity to accommodate this proposal and that maintenance of SuDs features

is considered and confirmed .i.e. Long term maintenance of block paving on the non-adoptable highway.

Contaminated Land

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

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

Pollution Control recommends that any **soils imported onto site are accompanied with a ‘topsoil verification’ certificate** that the soils are suitable for intended use i.e. they are not contaminated

Police Comments

2. All external door and windows sets should comply to PAS 24 2012 standards. (This includes French doors)

3. All ground floor and accessible windows should contain a pane of laminated glass which complies to BS EN 356:2000 class P1A. This will improve the standard of security to the more vulnerable ground floor windows.

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

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

5. Perimeter and Boundary fencing in general should be at least 2.1m in height, (2.1m adjacent to public footpath see below) the fencing should be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. Anti-Climb Trellis topping can be incorporated to achieve the required height offering greater protection of the vulnerable rear of the properties e.g. 1.8m fencing plus 300mm anti climb trellis 2.1m. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.

Where the boundary fence adjoins the neighbouring office development i.e. Plots 1-6, or public / semi public space i.e. Plot 1, 7, 18 and 19 fencing along this boundary should be 2.1m in height to reduce the risk caused by the ease of access for offenders to these boundary lines.

6. All side gates should be as close to the building line as possible to improve natural surveillance by removing or limiting the depth and number of recess's

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

8. All the buildings on this development should be suitably fitted with an intruder alarm.

9. Rear access alleyways need to be secured by a key lockable 2.1m gate (Key lockable from both sides with a mortise type lock). The gate needs to be positioned as close to the front building line as possible. All gates and fencing along the rear access alleyway should be 2.1m in height.

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

11. The canopy between plots 5 and 7 should be removed, this type of structure is a magnet for crime and ASB as it provides shelter for local youths to gather under. Other developments such as Bridgewater and Wyre Close in Walsall Wood have had to take retrospective measures to close such canopies off after years of problems as a result of such canopies being present. On other developments where such a canopy exists a requirement for access controlled gates would be made by myself to remove access to the recess, this does not seem practical in this situation but would be required if the canopy cannot be removed.

12. The presence of 1100mm post and rail fencing between plots 6-7 increases the vulnerability to the rear of these plots and also the vehicles parked adjacent to it. The height and style of fencing provides no security benefit what so ever. This area should be protected by fencing of at least 1.8m in height, ideally 2.1. hit and miss type fencing can be used provided the gap is no more than 3" between posts.

Victims of Crime Officer comments

The path adjacent to plot 12 and rear access to plot 11 does not have gate which should be in line with frontage.

Plot 5 & 6 requires a minimum of (caged or otherwise safeguarded) security lighting to alert residents of potential loitering/access to properties under bedroom of plot 5.

Fencing to the side of plot 6 setback creating hiding spot to the side of the property with no surveillance view available.

Plot 18/19 fencing set back from property frontage creating a hidden access point with no surveillance view of vehicles or potential perpetrators

Recommendation Summary: To delegate to Head of Service to issue permission subject to no new material planning consideration being brought forward in respect of the amended plans neighbour re-consultation and to overcome the Coal Authority's objection.

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 4.

Reason for bringing to committee: Major application

Location: UNIT 2, BLOXWICH LANE INDUSTRIAL ESTATE, BLOXWICH LANE, WALSALL, WS2 8TF

Proposal: CHANGE OF USE FROM B1, B2 & B8 USE TO ROLLER SKATING RINK (USE CLASS D2).

Application Number: 15/1786

Applicant: Miss Melissa Danks

Agent:

Application Type: Full Application (Major)

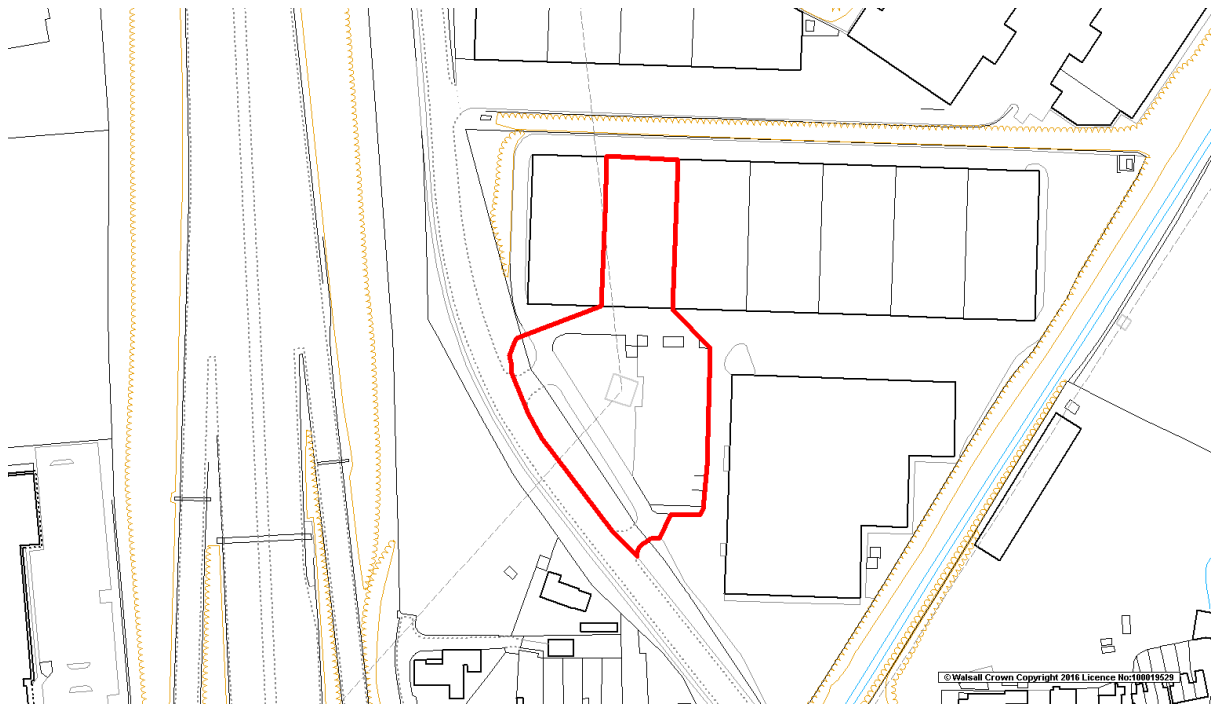
Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Barbara Toy

Ward: Birchills Leamore

Expired Date: 08-Mar-2016

Time Extension Expiry:



Officers Report

Application and Site Details

The proposal is for change of use of Unit 2 Bloxwich Lane Industrial Estate from Class B2 (general industrial use) to a roller skating rink (use class D2). The premises are currently vacant. The unit sits within a block of seven similar sized units with a small number of customer parking spaces immediately outside each unit and a shared car park of 60 spaces to the south of the block. The industrial estate is serviced by a one way HGV route through the site, with driveway to the rear of the buildings. Blakemore Cash & Carry is situated to the south and south east of the customer car park, with its own vehicle access and customer parking.

The proposals would involve minor internal alterations to create a rink area, spectator/refreshment area, reception, staff room, toilets and a party room. The external appearance of the building would remain as existing.

The use would utilise the existing car park for the industrial estate as well as the existing spaces immediately outside the frontage of the unit, with the number of disabled spaces increased. Since submission the scheme has been amended to increase the red line boundary to allow for a pedestrian link from the main entrance of the unit to the car park (with warning signs to motorists), creation of a safe zone immediately outside the entrance door through the use of bollards as well as a pedestrian link into the site to the south of the main vehicle entrance from the road.

The use would employ up to 10 members of staff with no more than 5 on site at any one time. The use would operate Monday to Friday 1200 – 2000, Saturdays 1000 – 2200 and Sundays and Bank Holidays 1000 – 2000.

The Additional Information – This identifies a number of other premises (both retail and industrial premises) considered for the use that have been discounted due to size, insufficient parking, landlord unwilling to accept the change of use and area too busy with industrial traffic.

The key criteria adopted by the applicant in their search for premises included:

- Enough parking for staff and customers
- Easy to find
- Easy access
- Good bus routes
- Local residents
- The right size of premises

The Transport Statement – Identifies that no changes to parking arrangements are proposed and existing HGV access to the industrial estate as a whole will remain as existing. The session times to be adopted for the use would avoid peak traffic times with the most popular sessions being in the evenings and weekends with 30-45minutes between sessions to allow customers to leave before other arrive. The existing layout of the site restricted vehicle access to the immediate frontage and the height restricted car park. The amended scheme includes pedestrian links from the building car park and into the site from the main road to improve pedestrian safety. The proximity of the site to local bus services is also highlighted. It concludes that the proposals would not have a severe impact on the local highway network or strategic network.

Relevant Planning History

BC51962P - Change of use to Business, General Industrial and Storage and Distribution (Class uses B1, B2 & B8) – GSC 22/07/98.

14/0272/FL – Units 1 -2, change of use from B2 to B1, B2 & B8 Granted subject to conditions 16-05-14

14/0657/FL – Bloxwich Industrial Estate, erection of 2.1m high palisade fencing and gates to industrial estate and realignment of curbs within the site, granted subject to conditions 25-05-14.

Relevant Planning Policy Summary **National Planning Policy Framework (NPPF)**

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

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

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

Key provisions of the NPPF relevant in this case:

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

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

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

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

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

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

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

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

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

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

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

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

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

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

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

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

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

EMP3: Provides for local quality employment land.

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

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

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

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

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

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

ENV1: Seeks to safeguard nature conservation.

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

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

CEN7:

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

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

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

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

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

ENV35: refers to the appearance of commercial buildings.

S7:

JP7: Seeks to protect the use of land and buildings in other employment areas for employment uses.

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

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

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

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

T8: Seeks to improve pedestrian access.

T13: Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment. As the proposed use is sui generis it does not fall within one category for calculating parking requirements.

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

DW2 - Safe and Welcoming Places

DW3 - Character

DW9 - High Quality Public Realm

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

Consultations

Transportation – No objections subject to conditions to ensure the use is restricted to roller skating only and not a general D2 use and implementation of pedestrian safety routes prior to first occupation. The proposals would utilise the existing car park for visitors to the units and provide additional disabled parking outside the unit.

The applicant has undertaken parking surveys at a similar establishment to assess vehicle trips which shows the busy times at weekends when the other units are generally closed and the opening times would prevent a clash with AM peak traffic periods. The site is also close to frequent bus services and secure cycle storage would be provided for staff and visitors. It is considered that the development will not have severe transport related impacts and is acceptable subject to conditions.

Strategic Policy – No objections. The applicant has demonstrated that the proposals cannot be provided in-centre or at edge of centre and there is no evidence that the proposal will have an adverse impact on Walsall's established centres. It is considered that the proposals comply with policies S7 of the UDP and CEN7 of the BCCS. It is recommended that any consent is restricted to the proposed use only to prevent a general D2 permission. This is in recognition that the roller skating use needs a particular type of premises but that other D2 uses could be accommodated within a centre and to ensure that the unit reverts to an industrial use if the occupier leaves.

Pollution Control – No objections

West Midlands Police – No objections, a number of recommendations made regarding security etc, forwarded to the applicant.

Environmental Health – No objections

Public Participation Response

None

Determining Issues

- Principle of development
- Layout and Design
- Relationship to surrounding properties
- Means of access and parking
- Coal

Observations

Principle of Development

The premises are located in an employment area where there are established industrial uses adjacent. In accordance with policies EMP2 and EMP3 of the BCCS and JP7(a) of the UDP these types of sites are safeguarded for employment uses including classes B1, B2 and B8. The BCCS Appendix 2 identifies this area indicatively as being suitable for potential high quality industry, which does not include car sales. Nevertheless it is considered that the current layout of the industrial estate is not suitable for the needs of modern industry as access for HGV's is poor. In addition there is evidence that the unit has been marketed for several years without success of finding a tenant and the unit has remained vacant. The proposals would create jobs and bring a vacant unit into use. It is however considered appropriate to restrict the consent to a roller skating facility only to prevent a general D2 use of the premises. This would allow the unit to revert to an industrial use when no longer in use as a roller skating facility and ensure no further D2 use that would be better located in a centre.

The applicant has clearly demonstrated that the proposed use requires a particular size of unit and available parking for customers and have demonstrated that the proposal cannot be provided in-centre or at edge-of-centre locations. Desk top research has also been undertaken by officers for suitable alternative locations within the borough without success. There is no evidence that the proposals would have an adverse impact on Walsall's established centres. Whilst an in centre location would be more accessible the site is within walking distance of bus stops.

For these reasons the principle of the proposed use is considered acceptable.

Layout and Design

The proposal does not make any changes to the layout of the site or design of the building. There are only internal changes to provide the necessary accommodation but this does not affect the appearance of the building. Minor changes to the parking layout outside the unit would create 4 additional disabled spaces and better pedestrian access into the site from the road and from the unit to the car parking area would improve pedestrian safety.

The layout and design of the proposal are acceptable.

Relationship to surrounding properties

The proposal does not make any physical changes to the design or layout of the existing premises or alter existing access arrangements. In the circumstances it is considered that there will be no significant adverse impact upon the surrounding industrial premises. The busiest times for the proposed use would be outside of the normal operating hours of the adjoining industrial premises and the access to the customer car park and the building would not impact on the existing access for HGVs etc to the rest of the industrial premises. No objections have been received from the other industrial occupiers within the estate.

The nearest housing is in Bloxwich Lane over 200m away from the unit. The proposal does not alter the premises such to impact significantly on these neighbours.

It is considered that there would be adverse impact on surrounding occupiers as a consequence of the change of use of the premises.

Means of access and parking

The proposals would utilise the existing access and parking arrangements to the industrial estate. The existing one way HGV route through the estate would remain unaffected and would not be used by customers to the facility.

The submitted transport statement indicates that the session times for the use would avoid peak traffic times with the most popular sessions being in the evenings and weekends with 30-45minutes between sessions to allow customers to leave before other arrive. The existing layout of the site restricts vehicle access to the immediate frontage and the height restricted car park. The amended scheme includes pedestrian links from the building to the car park, a safe zone for pedestrians immediately outside the entrance/exit door (through the use of bollards) and a pedestrian route into the site from the main road to improve pedestrian safety. The site is also situated within walking distance of bus routes. The transportation officer concludes that the proposals would not have a severe impact on the local highway network or strategic network.

The proposals would improve pedestrian access and safety and vehicle access and parking associated with the use are considered acceptable.

Coal

Although the site falls within a high risk area for former coal mining the proposal is for change of use only and the development proposed does not break the ground or present risks to coal mining features. On this basis no coal mining risk assessment is required. A note for applicant is recommended to highlight health and safety issues in respect to former coal mining.

Positive and Proactive working with the applicant

The applicant has provided additional information and amended plans following consultation comments from Transportation and discussion with the case officer.

Conditions and Reasons

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

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

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

- Location Plan submitted 16th March 2016
- Internal Layout Plan submitted 23rd December 2015
- Car parking Layout submitted 21st December 2015
- Parking Facilities Statement submitted 21st December 2015
- Travel Statement submitted 4th February 2016
- Additional Information regarding premises search submitted 9th December 2015

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

3. Prior to the first occupation of the premises as a roller skating rink, a package of measures to provide improved accessibility to the unit shall be implemented, in accordance with full details which shall be submitted to and approved in writing by the Local Planning Authority ;-

- i) improved pedestrian links internally between the main car parking area and the building entrance including new line markings, zebra crossing markings and signage, as necessary,
- ii) a section of new footway provision from Bloxwich Lane to the site and pedestrian gate to improve pedestrian connectivity from the main road,
- iii) a vehicle free zone around the main entrance of at least 3.5m in width from the building elevation protected with bollards at 1.5m centres,
- iv) full details of a secure, covered cycle shelter for staff and customers which could be an external facility or an area identified within the building itself,

Reason: To provide safe pedestrian routes between Bloxwich Lane, the car parking areas and the building entrance to minimise potential conflicts between commercial and customer traffic and pedestrians including children, to provide a vehicle free pedestrian circulation zone around the building entrance and to encourage sustainable modes of travel, in accordance with UDP policy GP2, T7, T13 and Black Country Core Strategy TRAN4.

4. Prior to the first occupation of the premises as a roller skating rink, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall set out commitments, measures and targets to encourage staff and customers to travel to the site by sustainable means other than by motor car. It shall include regular travel pattern surveys, incentives, targets and monitoring. The Plan shall be fully implemented and reviewed in accordance with the approved details for the lifetime of the development.

Reason: To encourage sustainable travel modes to the development and to minimise car trips to the site and to ensure adequate off street is available, in accordance with BCCS policy TRAN2 and UDP Policy T10.

5. The site shall only be open for business between the following permitted operating hours:
1200 – 2000 hours Monday – Friday
1000 – 2200 hours Saturday

1000 – 2000 hours Sunday and Bank Holidays

Reason: To ensure the safe and satisfactory operation of the development

6. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification, the premises shall be used for a roller skating rink only and for no other purpose. The refreshment facility shown on the approved plans shall remain ancillary to the principal use as a roller skating rink and shall not operate independently.

Reason: To define the use of the development on the basis that the application has been assessed on the predicted travel patterns, vehicle trips, parking provision and visitor numbers to the proposed site based upon data and surveys from a similar leisure use, to ensure adequate off street parking and servicing is available, in accordance with UDP Policy GP2, T7 and T13 and in the interests of the safe and satisfactory operation of the site and adjoining businesses and highway safety.

7. Upon cessation of the site as a roller skating rink, the lawful use of the site shall revert to the uses permitted by Planning Permission 14/0272/FL (uses B1, B2 or B8 of the Use Classes Order).

Reason: To return the site to the available employment land supply.

Note to Applicant – West Midlands Police

1. There needs to be a CCTV system in place covering the main entry exit doors, giving a clear evidential image of persons entering and leaving the building. Main entrance needs to be well light.
2. An access control system should be installed so that anyone leaving needs to be authorised from the pay desk. This is to stop youngsters leaving the building unaccompanied or leaving with unauthorised persons. This could be linked to the door or a barrier type system near to the pay desk.
3. There should be a self closing / locking mechanism on the staff room entrance door. This will reduce opportunities for sneak in theft. Lockable lockers should be provided for staff.

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 5.

Reason for bringing to committee: Call in by Councillor Murray due to significant community interest and contrary to policy due to the lack of justification for the scheme

Location: LIMEKILN, NORTHGATE, ALDRIDGE, WALSALL, WALSALL, WS9 8BD

Proposal: SUBSTANTIAL DEMOLITION AND EXTENSION TO EXISTING PUBLIC HOUSE TO CREATE RETAIL SHOP (A1), INCLUDING ATM, REVISED PARKING, SERVICE AND STORAGE ARRANGEMENTS.

Application Number: 15/1923

Applicant: Neil Guy Pension Fund

Agent: Mr John Jowitt

Application Type: Full Application

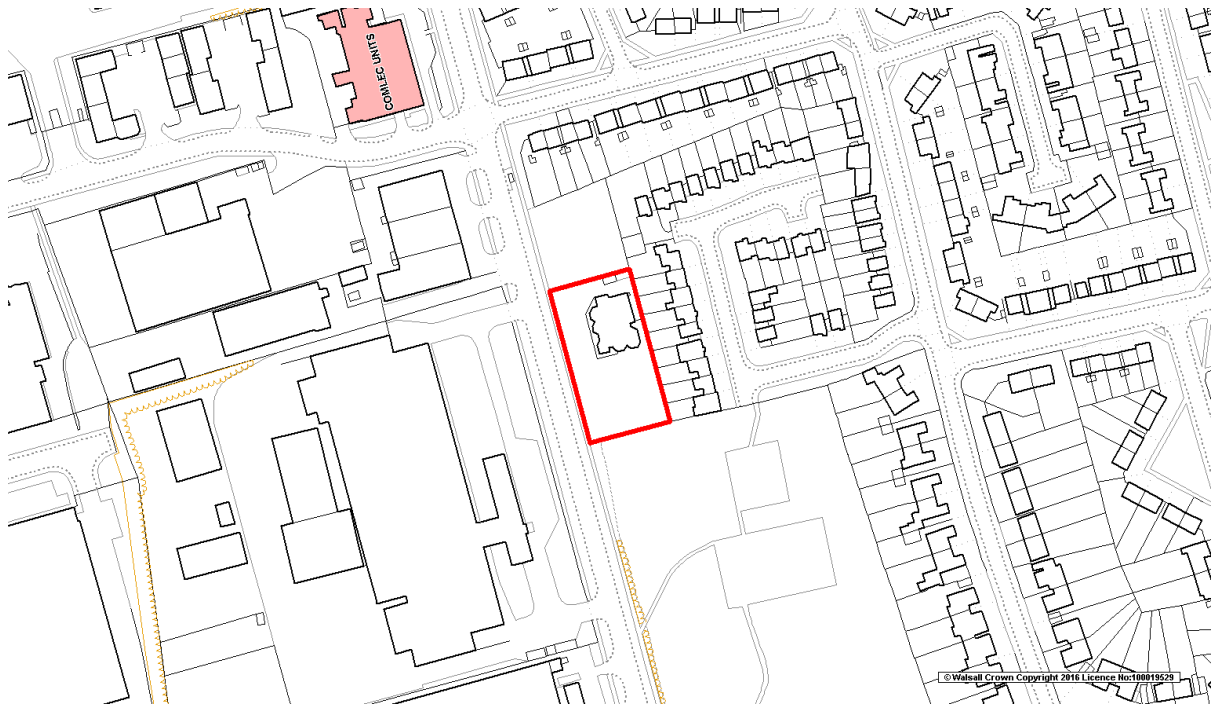
Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Stuart Crossen

Ward: Aldridge Central And South

Expired Date: 27-Mar-2016

Time Extension Expiry:



Officers Report

Application and Site Details

The applicant seeks planning permission for the conversion of the existing public house (Use Class A4) into a shop (Use Class A1).

The proposal includes alterations to accommodate this change comprising new shop windows, flat roof, entrance and ATM machine. The extension and conversion of the public house to an A1 retail shop would result in a ground floor area of about 464m².

The front and side walls (to the car park) of the existing single storey part of the building which are irregular in shape are to be replaced with a squared off glazed design which would not project further out than the extent of the existing building. The two existing six sided roof pitches to the front and similar designed 2 hipped roof features to the side would be removed with a flat roof in its place, no higher than existing.

The main entrance and the ATM machine would be on the side elevation facing the car park.

The applicant confirms that the existing two storey building at the rear of the site is to remain, the ancillary living accommodation being converted to ancillary offices, staff room and storage.

This long established public house is located on Northgate which is a District Distributor between Aldridge and Brownhills, across the road is the Core Employment Area of Leighswood Industrial Estate, with the rear gardens of houses in Hereford Close separated from the rear of site by a brick wall. Most of the houses have mature landscaping along this boundary. To either side of the building are areas of woodland. The building has two vehicle access points with parking areas to the front and side. The building sits away from the road and is 3.5m from the rear gardens of the houses to the rear.

There are currently 47 parking spaces, the application proposes 46 spaces, including two dedicated parking spaces for people with disabilities. Four cycle stands are also proposed. The existing access points and service area would be retained. Part of the car park to the south of the site is owned by the Council.

A Planning Statement has been provided in support of the proposals makes the following conclusions:

Case law shows that in these circumstances, policies which would otherwise mitigate against the proposal, or require further justification to allow the proposal, should be weighed against the likelihood of permitted development rights being implemented. In this case, the applicant confirms that the building will be converted to a shop, should permission be refused.

The existing use is also a town centre use.

The size of extension to the existing building is minimal, and well within the thresholds set by Council policies in respect of the need for a sequential assessment.

The grant of planning permission therefore allows certain issues, which have the potential to cause disturbance, such as noise from plant or deliveries to be controlled by condition.

An appropriate redevelopment of this prominent site.

Makes good use of public transport links, without detriment to the local highway network.

Creates a substantial number of new jobs (the forms state there would be the equivalent of 30 full time staff)

Makes good use of a vacant site in an important location, and is of an appropriate design.

Relevant Planning History

10/0986/FL – Change of use of a section of the car park to provide a bespoke drive through vehicle cleaning service, including timber pay shed and canopy. Refused 13/1/2011 on grounds of noise, visual appearance and overspray.

14/0845/FL - Proposed change of use of first floor accommodation to offices, proposed ground. Refused 21/11/14 on grounds of being out of centre and noise and disturbance to residents.

Relevant Planning Policy Summary

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

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

1. Delivering sustainable development

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

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

2. Ensuring the vitality of town centres

24. Applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

4. Promoting sustainable transport

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

34 Developments that generate significant movement are located where the need to travel will be minimised.

35 Developments should be located and designed where practical to; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

7. Requiring good design

56. Good design is a key aspect of sustainable development.

58. Decisions should aim to ensure the developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- and are visually attractive as a result of good architecture and appropriate landscaping.

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

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

8. Promoting health communities

69. Decisions should aim to achieve...safe and accessible environments where crime and fear of crime do not undermine quality of life or community

11. Conserving and enhancing the natural environment

109 The planning system should prevent new and existing development from contributing or being put at unacceptable risk from, or being adversely affected by unacceptable levels of.... noise pollution.

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

120. To prevent unacceptable risks from pollution decisions should ensure that new development is appropriate to its location. The effects (including cumulative effects) of pollution on health or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

123 Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life.
- Recognise that development will often create some noise
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value.

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

The Development Plan

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may*

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

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

The key planning policies include:

CSP4: Develops the need for high quality place making and design

EMP1: Providing for economic growth and job creation.

CEN1: Black Country Centres will provide for the main focus for....office activities.

CEN2: Hierarchy of Centres – identifies 3 levels of hierarchy.

CEN4: Regeneration of Town Centres

CEN6: Meeting Local Needs for Shopping and Services – new small-scale local facilities outside of defined centres of up to 200sqm will be permitted if it can be shown that: the proposal is of an appropriate scale to meet day-to-day needs, provision could not be better met by investment in a nearby centre, existing facilities will not be undermined; access by means other than by car.

CEN7: Controlling Out-of-Centre Development - requirements of CEN6 will be required.

TRAN1: Priorities for development of the transport network – all new developments will address the transport network and provide adequate access for all modes.

TRAN2: Planning permission will not be granted for development likely to have significant transport implications.

ENV2: States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness. Proposal should aim to sustain and reinforce locally distinctive elements.

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

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

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

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

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

The relevant policies are:

GP2: Environmental Protection - The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment

3.6 Development and redevelopment schemes should as far as possible, help to improve the environment of the Borough.

3.7 The Council will seek to protect people from unacceptable noise, pollution and other environmental problems.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution.

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

ENV32: Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

ENV35: Appearance of Commercial Buildings

S1: Town Centre use includes – Class A1 retail.

S2: The Hierarchy of Centres

S4: The Town and District Centres – centres will be safeguarded

S5: The Local Centres – seeks retention of shops

S6: New small-scale local facilities will be permitted if it can be shown:

- The proposal is a scale and kind to meet a local need for improved facilities
- The local need cannot be better met by investment in a nearby centre
- There will be no likelihood of an adverse impact on the vitality and viability of any established centre in the Borough or elsewhere within the affected catchment area.
- There will be no impact on existing local provision such as to leave some local needs unmet, contrary to efforts to promote social inclusion.
- The proposal will improve accessibility to facilities by means other than the car and, in particular, will be within convenient, safe walking distance of the community it is intended to serve.
- The proposal will help to reduce the need to travel, especially by car.
- There must be no significant loss of amenity for neighbouring homes.
- Servicing and parking associated with the proposed use must not create any significant road safety or traffic problems.

S7: Sequential tests need to be undertaken to justify out of centre development of town centre uses in edge of centre locations, except where in accordance with policy S6. Meeting Local Needs (a) Outside the identified centres, existing local shopping, service, leisure, community and other facilities - in the form of shopping parades, clusters, single shops and other local provision - will be encouraged to continue to meet the day-to-day needs of their communities, unless it can be shown that the requirements of policy LC8 in Chapter 8 would be met.

T4: The Highway Network

T7: Car Parking - All development should satisfy the car parking standards set out in Policy T13. This will involve providing an adequate level of parking to meet operational needs while not exceeding any maximum parking standards that are specified.

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

Use Class A1: 1 car park space per 14m² of gross floorspace. At least 1 bike stand for every 20 car park spaces, and absolute minimum of 2 bike stands Taxi facilities.

LC8: Local Community Facilities

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the National Planning Policy Framework.

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process.

Policy DW2 Safe and Welcoming Places
Policy DW3 Character

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

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

Environmental Health – No objections, details required location and acoustic treatment for any external plant.

Transportation – No objections subject to conditions for parking demarcation, parking to be retained, and details of an accessibility audit prior to commencement.

Planning Policy – Objection, the application does not address the sequential test and is contrary to policy.

Pollution Control – Conditions recommended to minimise noise and disruption to residents at the rear.

Police Architectural Liaison Officer - Conditions have been recommended for anti-ram bollards, cctv, alarm systems, privacy boxes, risk assessment for cash replenishment, anti-theft devices, secure till area, restricted access to private areas of the building and a services area gate specification.

Strategic Planning Policy – Objection, no evidence received to meet the policy tests.

Public Participation Responses

6 Objections have been received on the following grounds:

Proposal does not accurately reflect the relationship to number 5 Hereford Close (*the plans are sufficient to determine the application and officers also rely on the site visit, Council maps and photos*)

Noise disturbance

Would like the store entrance and the ATM to be moved to the Northgate Road side.

Proposal would have a larger footfall than the Public House.

Noise and disturbance from the increased use of footpath from Leigh's Wood.

Councillor Wilson shares the above neighbour concerns.

Only 19 and 21 have been consulted (*Odd numbers 1 – 21 have been consulted*)

Would result in more noise and traffic than previous refused application which was refused on these grounds.

Highway Safety

The Struggling Monkey mainly had trade from people walking.

No need for a retail unit, there is a Co-Op and B&M nearby and Aldridge Village Centre is walking distance.

A lot of upheaval in developing the site for it to close due to commercial failure. (*Any disturbance would be temporary and whether the proposal is commercially viable is a matter for the applicant*)

If approved the decision will be publically contested.

More skilled jobs required not part-time minimum/living wage.

Won't be able to sit in garden due to noise, car fumes and rate from rubbish bins.

Operating hours and delivery times

Position of any air conditioning/cooling motors in relation to neighbouring houses.

The following questions have been raised by an additional resident:

Will the ATM machine be inside the shop or outside the shop?

What sort of lighting will be on the car park area?

Will there be any additional trees planted or fence erected around the car park?

What are the hours of business going to be?

The case officer has confirmed that these details are provided for in the application which they should view.

Determining Issues

- Principle of development
- Character and appearance
- Residential amenity
- Crime & Security
- Highway safety

Observations

Principle of development

UDP policy LC8 considers the loss of local community facilities which include public houses, their loss will only be permitted if it can be demonstrated that:

1. There are other existing facilities, in an equally or more convenient location, which could accommodate any community activities displayed by the proposed development; or
2. A replacement facility could be provided in an equally or more convenient location; or
3. There is no longer a need for the facility, or for any other community use which could be appropriately provided on the site in accordance with other policies of this Plan; or
4. It would not be possible to retain the facility, or provide an alternative community facility because, despite all reasonable efforts, this would not be viable.

No justification has been provided to permit the loss of the public house, the proposed development of a Class A1 retail convenience shop, which is considered a Town Centre use, in an out-of-centre location would also be subject to the tests set out in the BCCS and the UDP. No statement has been submitted to consider the sequential test and an objection has been received from the Strategic Planning Policy Team.

Notwithstanding the above requirements, permitted development allowances for changes of use have changed since the UDP was originally adopted. Under class A of part 3, schedule 2 of the General Permitted Development Order, development consisting of a change of use of a building from a use falling within

A4 (drinking establishments) of the Schedule to the Use Classes Order, to a use falling within Class A1 (shops) is permitted provided the building is not a community asset. The building is not a community asset and there are no plans to make it one.

There are appeal decisions by the Planning Inspectorate which take account of the weight that can be afforded to permitted development rights. In particular, case number APP/T1410/A/12/2188964 for a change of use of The Parkfield Public House in Eastbourne stated that even in the context of a lack of information to demonstrate the proposal complied with Council policy the "overriding consideration is the fact that planning permission is not required for a change of use from a public house to Class A1 retail".

Although the applicant has not demonstrated that the proposed loss of a community facility is acceptable or that the proposed shop (including 37m2 extensions) outside of a local centre is acceptable, contrary to planning policy, this must be balanced against permitted development rights available to this site which are a material consideration. Therefore, in this context a refusal in this instance on the grounds that the development does not comply with the requirement of LC8 or S7 of the UDP is not significant to warrant refusal.

Character and appearance

The existing design is unusual and there are a number of competing elements which do not relate to any nearby buildings. The proposal would simplify the design of the building and feature a flat roof which is considered compatible with the existing design. For these reasons the proposal is considered an improvement and would not have a detrimental impact on the character of the area.

Residential amenity

Planning permission is not required for the use. However the application has been submitted so that elevation changes can be made which also increase the floor space. Planning permission for the development is required and provides an opportunity to safeguard the amenities of nearby residents.

With regards to refrigeration, heating / ventilation / cooling machinery no details have been provided but these matters can be secured by condition. Pollution Control Officers recommend that the applicant consider positioning these towards the Northgate frontage or if the applicant chooses to install them on the rear of the proposed store then consideration of acoustic enclosures or locating the machinery internally should be made. Conditions have been recommended for any machinery and equipment noise levels but as planning permission has not been sought for this equipment it would have to be applied for separately.

Noise which would be outside of the typical working hours could have an impact on the occupiers of adjacent residential properties. It has been noted that there is a brick wall erected (approx 2 metres high) between the proposed store and residential gardens at the rear of the site, which Pollution Control Officers consider will mitigate some of the noise impacts and there is a distance of approximately 10 metres from the boundary wall to the facade of dwellings.

From the application form it is noted that the desired operational hours are 0600 to 2300, seven days a week. Other public houses that have been converted to shops with similar operational hours do not appear to have generated any significant complaints to the Environmental Health Section; however, Pollution Control Officers recommend that deliveries should be controlled to ensure that these are within reasonable hours e.g. 0800 to 2000 which can be conditioned.

Conditions have also been recommended for lighting of signage, directed towards residential premises, to be switched off between 23.00 and 06.00. Illuminated signage requires separate advertisement consent which could provide these controls.

Crime and Security

Automatic Teller Machines (ATMs) or 'cash machines' are being targeted around the country by organised groups of criminals and Banking Institutions are suffering significant losses. The groups are utilising a number of different methods of criminality from simple distraction theft/skimming to advanced manual manipulation of the machines, using specialist apparatus to capture customer data and in some instances stealing the whole machine or alternatively stealing the money when the machines are being reloaded.

Various methods are used to physically attack an ATM's and there are ample escape routes for criminals in this locality.

The threat of crime against this ATM and users is real. The Police Architectural Liaison Officers views are supported by the crime statistics for the area. Conditions have been recommended for anti-ram bollards, CCTV, alarm systems, privacy boxes, risk assessment for cash replenishment, anti-theft devices, secure till area, restricted access to private areas of the building and a services area gate specification.

Highway Safety

The site has 46 parking spaces which more than meets UDP T13 parking policy for an A1 Retail Food use.

The access points onto Northgate are existing and will require upgrading to bellmouths and a one-way in and out arrangement is required as a result of the likely increase in vehicle movements to the site compared to the existing use.

Whilst the proposed development is likely to result in a significant change in the nature, type and frequency of trips to the site across all modes, the Highway Authority is aware that there is a fall-back position that the existing A4 pub can be converted to A1 shop under permitted development.

The Highway Authority recommends that the current application is supported with reasonable conditions and controls.

Positive and Proactive Working with the Applicant:

Discussions have taken place with the agent about the relevancy of a sequential test, land ownership and scope of the proposals. Further details have been

Conditions and Reasons

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

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

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

Location plan and site layout (9494.PL.01C) received 05/01/16

Proposed Elevations (9484.PL.03A) received 05/01/16

Proposed Floor Plans and Streetscene (9484.PL.02B) received 18/01/16

Tree Shading Diagram (9484.PL.08) received 05/01/16

Tree Location and Constraints (Q814TCP01) received 26/10/15

Tree Protection Plan (Q814TCP01) received 26/10/15

Design and Access Statement received 26/10/15

Tree Survey and Assessment received 26/10/15

Reason: To define the permission.

3a) Prior to the development first coming into use;-

i) all car parking areas shall be clearly demarcated on the ground in accordance with the approved plan, including the clear IN/OUT only markings together with the installation of suitable signage,

ii) full engineering details of the remodelled access points from dropped kerb crossings to bellmouths shall be submitted to and approved in writing with the Local Planning Authority and the works fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority,

3b) All car parking spaces and vehicle manoeuvring areas shall thereafter be retained and used for no other purpose.

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

4a) Prior to the commencement of the development, an Accessibility Audit shall be undertaken within the local highway network to identify pedestrian desire lines to the

development and assess and ensure that safe and suitable access can be achieved to the site for all people and to limit any significant impacts of the development.

4b) Prior to the development first coming into operation, any on or off site mitigation works identified by the Accessibility Audit as being required to ensure safe and suitable access is achieved to the site for all people, shall be implemented, full details of which shall be submitted to and approved in writing by the Local Planning Authority in advance.

Reason: The proposed Change of Use is likely to result in a change in the nature, type and frequency of travel patterns to the site particularly pedestrians and consequently safe and suitable access to the site can be achieved for all, in accordance with NPPF Para 32 and UDP policy T10 to T12.

5a) Prior to construction of the development full details of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority.

5b) The approved details shall be fully implemented prior to first occupation of the house and thereafter retained

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

Reason: To ensure the safety of future tenants and the public. The details are required prior to any further works because they should be integrated into the design.

6a) Prior to the development first coming into use;-

i) all car parking areas shall be clearly demarcated on the ground in accordance with the approved plan, including the clear IN/OUT only markings together with the installation of suitable signage,

ii) full engineering details of the remodelled access points from dropped kerb crossings to bellmouths shall be submitted to and approved in writing with the Local Planning Authority and the works fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority,

6b) All car parking spaces and vehicle manoeuvring areas shall thereafter be retained and used for no other purpose.

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

7) The boundary wall between the store and residential dwellings shall be maintained in a good state of repair, with no holes or gaps.

Reason: To safeguard the amenities of neighbouring residents and to comply with UDP police GP2 and ENV10.

8a) The store hereby approved shall only be open between 06.00 and 23.00 hours on any day.

8b) Goods Deliveries to the store and waste collection shall only take place between the hours of 08.00 to 20.00 hours on any day.

Reason: To safeguard the amenities of neighbouring residents and to comply with UDP police GP2 and ENV10.

Highways

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

2. The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

The applicant shall agree the positioning and screening of any machinery and equipment that is to be located externally prior to the installation.

Machinery and equipment shall be designed and installed to ensure noise levels do not exceed a Noise Rating of 35 dB, one metre from the facade of a residential dwelling between the hours of 07.00 and 23.00 hours.

Machinery and equipment shall be designed and installed to ensure noise levels do not exceed a Noise Rating of 30 dB, one metre from the facade of a residential dwelling between the hours of 23.00 and 07.00 hours.

External lighting systems shall comply with the recommendations of the Institute of Lighting Professionals 'Guidance for the Reduction of Obtrusive Light'

Lighting to signage that is directed towards residential premises shall be switched off between 23.00 and 06.00.

The boundary between the store and residential dwellings shall be maintained in a good state of repair, with no holes or gaps.

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 6.

Reason for bringing to committee: Significant Community Interest

Location: FOXHILLS FARM, BEACON ROAD, ALDRIDGE, WS9 0QP

Proposal: REDEVELOPMENT OF EXISTING RIDING STABLES AND RIDING SCHOOL BY THE WAY OF AN ERECTION OF 4 NO. DWELLING HOUSES WITH ASSOCIATED WORKS INCLUDING THE ALTERATION OF EXISTING SITE ACCESS, FOLLOWING DEMOLITION OF EXISTING BUILDINGS ON SITE.

Application Number: 14/1552/FL

Applicant: Kingscliffe Property Company

Agent: CT Planning

Application Type: Full Application

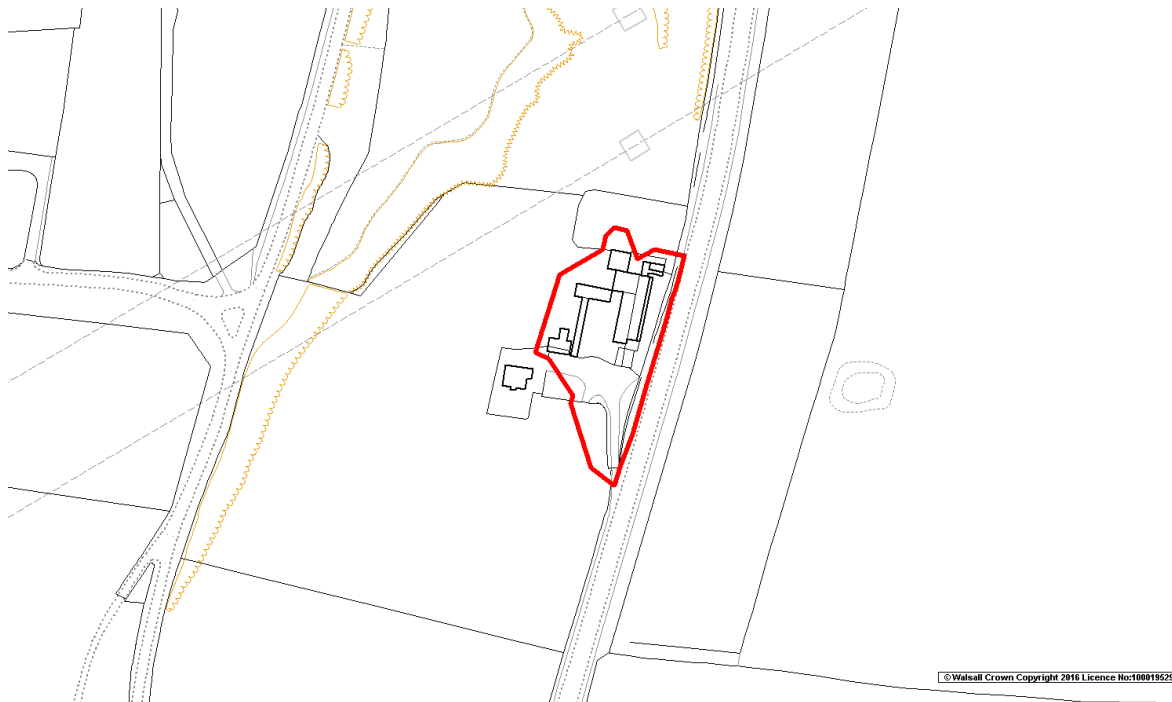
Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Andrew White

Ward: Pheasey Park Farm

Expired Date: 09-Dec-2014

Time Extension Expiry: 31-Jan-2016



Officers Report

Status

The 4th February 2016 planning committee resolved to refuse this planning application for the following reason;

That planning application number 14/1552/FL be refused because it has a worse impact on the openness of the Green Belt than the existing stables because of the proposed residential use, the proposed residential use would be visible from Barr Beacon and does not fit in with the view expected from Barr Beacon and the Great Barr Conservation Area.

Following planning committee, the applicant asked if they may attempt to overcome the 4th February 2016 planning committee's concerns. The applicant subsequently submitted revised elevations and plans to better illustrate the landscaping and views from Barr Beacon into the site. The amended planning application has been re-advertised. The report has been updated to take account of received comments including the further petition.

Application and Site Details

The application site contains a riding school and livery business, located on the western side of Beacon Road. It is accessed via an existing access serving the business and also a farmhouse. Existing buildings are predominantly single storey timber construction with some metal profile sheeting. There is also a large ménage. The site covers approximately 0.5 hectares and rises to the north and north-west. Immediately to the north of the site is a National Grid overhead power line and pylons. The site is within the Great Barr Conservation Area and within the Green Belt. The site is within a wildlife corridor running along the Barr Beacon Ridge and adjacent to the Beacon Quarry Site of Importance for Nature Conservation and Local Nature Reserve.

The proposal is to demolish all existing buildings within the red line and redevelop the site for four detached bungalows, with associated external works including alterations to the existing access. The existing access road would be altered and extended to run parallel to Beacon Road. The four 4-bedroom single storey bungalows with detached garages as well as on-plot parking, in a staggered line leading off the access road. The existing two-storey farmhouse is outside the red line and would remain as existing, sharing access with the development. The *amended* materials would be grey clay plain roof tiles, stained timber cladded walls and joinery to be stained timber. The applicant has agreed to the removal of the ménage as part of the proposal, to become part of the landscaping proposals. The ménage is outside the redline plan, although it is within land controlled by the applicant.

The application has been supported by: site survey, proposed plans and elevations, 3D visualisations and sections, tree survey, landscape plan and report, ecological assessment and bat report, design and access statement, planning and heritage statement, transport statement, *plus additional visualisations at various points from Barr Beacon looking towards the application site*. The plans illustrate the existing structures footprint and volume in comparison to the proposed footprint and volume;

- Existing footprint of the structures to be demolished is 649.84 square metres
- Proposed footprint of the four bungalows and garages is 558.32 square metres.
- The existing volume of the structures to be demolished is 1863.65 cubic metres
- The proposed volume of the four bungalows, chimneys and garages is 1859.34 cubic metres

The application is below the thresholds for screening under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and does not require an Environmental Statement.

The planning application and drawings/illustrations have been supported by the following documentation;

- Design and Access Statement
- Planning and Heritage Statement
- Ecological Assessment and Bat Report
- Pre-development Tree Survey
- Tree protection plan
- Transport Report
- Materials Schedule
- Landscape strategy, plant species and specification

Relevant Planning History

None.

Relevant Planning Policy Summary

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

National Planning Policy Framework 2012 (NPPF) and associated guidance

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

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

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

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

On planning conditions the NPPF says:

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

The Black Country Core Strategy (BCCS)

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

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

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

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

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

The above are supported by the following key policies, as relevant to this application:

CSP2: Development Outside the Growth Network
CSP3: Environmental Infrastructure
CSP4: Place Making
CSP5: Transport Strategy
HOU1: Delivering Sustainable Housing Growth
HOU2: Housing Density, Type and Accessibility
TRAN2: Managing Transport Impacts of New Development
TRAN5: Influencing the Demand for Travel and Travel Choices
ENV1: Nature Conservation
ENV2: Historic Character and Local Distinctiveness
ENV3: Design Quality
ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
ENV6: Open Space, Sport and Recreation
ENV7: Renewable Energy
ENV8: Air Quality
WM1: Sustainable Waste and Resource Management
WM5: Resource Management and New Development

These Policies are considered to be consistent with the NPPF.

Walsall's Unitary Development Plan (UDP)

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

The key 'Saved' Policies relevant to this proposal are:

GP2: Environmental Protection
GP5: Equal Opportunities
GP6: Disabled People
ENV1: The Boundary of the Green Belt
ENV2: Control of Development in the Green Belt
ENV3: Detailed Evaluation of Proposals within the Green Belt
ENV5: Stabling and Riding of Horses and Ponies
ENV10: 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
ENV29: Conservation Areas
ENV32: Design and Development Proposals
ENV33: Landscape Design
ENV40: Conservation, Protection and Use of Water Resources
H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
T1: Helping People to Get Around
T4: The Highway Network
T7: Car Parking
T8: Walking
T9: Cycling
T10: Accessibility Standards – General
T11: Access for Pedestrians, Cyclists and Wheelchair Users
T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
T13: Parking Provision for Cars, Cycles and Taxis

These 'Saved' Policies are considered to be consistent with the NPPF.

Supplementary Planning Documents

http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_development_framework/ldf_supplementary_planning_documents.htm

Where relevant BCCS and UDP policies are consistent with the NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The SPDs relevant to this application are:

- Designing Walsall
- Conserving Walsall's Natural Environment

Emerging Policy

Whilst not adopted, the Site Allocations Document is currently being prepared and a draft document has been consulted upon. However as this is at an early stage of preparation, the weight that can be attached to this is limited.

Consultations

Conservation Officer – No objections regarding the amended scheme, which has been repositioned to fit within the ridge, removes the balconies from the roof, reduction in height and simpler form, design and materials. The proposed design of the scheme is inoffensive in detail, and is positioned so that it does not dominate the area or take focus off the Farmhouse, which will still stand proud and be the main focus of buildings within the site... the proposed scheme is compliant with Policy ENV29 and ENV32 of the Walsall UDP, and ENV2 of the Black Country Core Strategy.

Highway Authority – No objection to the revised site layout and access arrangements, subject to safeguarding conditions for; engineering details of the access, surfacing and drainage of the access and driveways, visibility splays and construction method statement.

National Grid – No objections.

Natural and Built Environment Team (Ecology) – Objection.

Still concern that there is no blue line on the application documents so any landscape proposals outside the red line of the planning application would be unenforceable.

The breaking out of the ménage and the future landscape of this feature should be fully incorporated into any permission.

Since it is to be the Local Planning Authority's decision to secure the further information required through planning condition, I have provided some draft conditions.

It will also be necessary to ensure that the recommendations in the Ecolocation ecological report dated 31/7/14 are enshrined in the permission.

It is standard practice to include root protection zones within planning application documents, however, I have incorporated a requirement for further information. Further standard tree conditions will be required from the tree officers.

(Since the Ecologist made these comments, the Council has received updated and amended plans)

Natural and Built Environment Team (Landscape) –Comments on amended plans have been provided by the Council's ecologist. I do not intend to comment further.

Natural and Built Environment Team (Trees) – No objection to the revised layout subject to root protection area fenced during construction, secured by condition, for the oak tree and the hedgerow fronting Beacon Road.

Pollution Control – No objections.

Severn Trent Water – No objection subject to a condition to secure drainage details, which will include details of the disposal of foul and surface water flows, to reduce the creation or exacerbating any flooding problem.

Strategic Planning Policy – The impact on openness is not simply a question of comparing the floor area and volume of buildings, or even their heights. It is also affected by the extent to which buildings are spread over the site (buildings with small individual footprints but which are scattered over a large area could have more impact on openness compared with larger buildings that are confined to a compact area). In the case of residential development, the potential for large areas of the site to contain domestic paraphernalia such as parking, garden sheds, play equipment etc. should also be taken into account.

This site lies on a prominent hillside and there are significant levels differences within the site. The location of development relative to the levels within the site will therefore affect the impact on openness.

The difference in footprint and volume between the existing and proposed buildings is insignificant compared with these other factors. However, on the understanding that the proposed bungalows are to lie in a hollow on the site, the proposal would therefore appear to have less impact on openness than the existing development.

Western Power – No comments received at the time of writing. Any comments on the amended plans and any recommended conditions will be reported at Planning Committee.

West Midlands Fire Service – No objections.

West Midlands Police Crime Prevention Design Advisor – No objection and recommend the application meets Secure By Design Specifications.

Walsall Friends of the Earth- Object. Inappropriate development in the green belt with a material detriment

Public Participation Responses

Original proposal. Approximately 40 letters of objection have been received from local residents, including Walsall Friends of the Earth and Staffordshire Campaign to Protect Rural England, raising the following issues:

- Loss of a green lung
- Harm to conservation area and Green Belt
- Urbanising development
- Harm to Barr Beacon local nature reserve
- Loss of openness in the countryside
- Light pollution
- Loss of leisure/community/educational facility
- Loss of jobs/impact on local businesses
- Loss of grazing land for horses
- Other sites are more suitable for housing
- Impact on character and appearance of area
- Sets a precedent for other countryside land to be built on
- Harm to horses through relocating them (*Not a material consideration to the determination of this planning application*)
- Inconvenience/cost to horse owners (*Not a material consideration to the determination of this planning application*)
- Harm to wildlife
- Close proximity of electricity pylon to new homes
- Extra traffic on an already busy road
- Poor pedestrian and cycle access to the site
- No community benefit from the proposal
- Contrary to Green Belt purposes
- Inappropriate development in the Green Belt with no 'very special circumstances'
- Buildings are too tall/large
- Buildings are too close to Barr Beacon Road
- Too many housing developments in local area
- Very few similar facilities in the local area
- Homes for four families should not be allowed to the detriment of all the staff and users of the stables
- Additional housing not required as Walsall has a five year housing land supply
- Inject cash into renovating pre-existing properties and buildings
- Shame it comes down to money
- Greedy property developers eating up the land

Valerie Vaz MP has also objected on behalf of her constituents for the following reasons:

- Loss of rural tourism and leisure development
- Housing need cannot justify housing development in the Green Belt
- The development would have a greater impact on the openness of the Green belt than the existing buildings due to hedge removal and height of the houses
- Agricultural land should be protected
- The development would undermine the functions of the Green Belt
- Previously developed land should be prioritised over Greenfield sites

Valerie Vaz MP has provided a further objection on behalf of her constituents for the following reasons:

- Loss of rural tourism and leisure, include supporting provision and expansion

- Very special circumstances will not exist unless potential harm to the Green Belt by inappropriateness is clearly outweighed by other considerations
- Unmet housing need is unlikely to outweigh harm to the green belt... to constitute very special circumstances... proposed development cannot be justified by housing need
- The construction of new buildings as inappropriate in green belt. The exception is where a development would not have a greater impact on the openness of the green belt and the purpose of including it
- The construction of 2 storey buildings where there were previously single storey will substantially reduce the openness of the green belt, exacerbated by the topography of the site.
- A strong green belt to promote urban renaissance within the urban area and provide easy access to the countryside
- The site is currently agricultural land and the BCCS indicates this should be protected. There is a lack of agricultural land locally and the site is easily accessible to urban residents. Allowing development on the green belt would undermine these crucial functions of green belt policy.

(Whilst the MP's comments are noted, for clarity, the proposed development has been amended to single storey bungalows, from two storey houses and the land is not agricultural land)

An online petition has also been signed by over 300 people, stating; *"Cancel plans to build houses on Foxhills Farm Riding School. Foxhills Farm Riding Centre is a huge part of the local community. Foxhills brings happiness to hundreds of children every year, some children that are severely disabled get to spend time around the animals in a safe environment. Foxhills has been a riding school for 40+ years and is the centre of the community. It being [brings?] activities for children to do in the holidays as well as being one of the closest riding school outside north Birmingham offering country life to inner city children. It employs 6 full time staff and without Foxhills and having houses in its place will be a huge loss the wide area. Save Foxhills from the property giants".*

456 signatures and comments received with the following question; *Why was the 2014 planning rejected as the Council classed the land as greenbelt land and now its been changed without informing residents to brownfield. The stables that are on the proposed site are not brick they are wooden so they are classed as temporary buildings. Please can you let us know why this was changed, friends of the earth were under the same impression.*

Following the February 2016 planning committee, a revised scheme was received and consulted on. Commentary in the form of the comments are summarised as;

Loss of green belt is detrimental

Impact on Barr Beacon

Open the floodgates to more development *(each planning application is assessed on its individual merits)*

Impact on Great Barr Conservation Area & neighbourhood character

Not what you expect next to Great Barr Nature Reserve

Some additional trees won't screen the houses

Shrinking and lack of nature areas in the West Midlands

Don't build on open fields *(The site is currently built up with permanent buildings and defined as a brownfield site in the National Planning Policy Framework)*

Build on brownfield sites *(The site is currently built up with permanent buildings and defined as a brownfield site in the National Planning Policy Framework)*

Plenty of local brownfield sites; Three Crowns public house, former Texaco petrol filling station Queslett Road (*This site has been cleared and has no development potential*), Former petrol filling station at the corner of Beacon Road and Moreton Avenue (*This site has land ownership issues that have impacted on its ability to be brought forward for development*)

Previously rejected was worse impact

Affects local people

Council should morally support the refusal (*The Council must make decisions that accord with the national and local planning legislation, policies and guidance*)

Remove a well used riding school and livery, providing a leisure facility that helps children and adults learn to ride and look after horses

Stables provide jobs

No further permanent building should be built (*The proposal is to replace existing permanent buildings with new permanent buildings*)

Alters the skyline

View would be blighted

Impacts on traffic, schools and doctors

Not affordable housing

Only benefits landowners for profit

Why Councillors not supporting the area (*Councillors on planning committee must make decisions in line with the national and local planning legislation, policies and guidance*)

Residents not aware of previous notices on the road (*The Council advertised the planning application and subsequent amendments in line with the national planning legislation*)

Nature area and tourist location

No need for 4 more houses, provides no benefit to anyone

Endured the Netherhall and golf driving range developments (*Not material to the determination of this planning application. Each application must be considered on its own merits*)

More surface water, floods the area

Building houses lower in the ground, houses will be taller than the existing buildings

Don't want buildings, want fields, wildlife and open spaces (*The site is currently built up with permanent buildings and defined as a brownfield site in the National Planning Policy Framework. There are no proposals to build on open fields*)

Concern that the visuals provided are misleading (*The planning application assessment does not rely on the visuals provided, it's a matter of considering the legislation, guidance, site visit, commentary from third parties and the visuals provided*)

Developer has not provided alternative provision for the equine facility

Not reduced the footprint

Any further material considerations raised by residents will be reported in the Supplementary Papers.

Determining Issues

- Suitability of proposed land use
- Natural and built environment
- Residential amenity
- Highways and transport matters
- Local Finance Considerations

Observations

Suitability of proposed land use

NPPF paragraphs 87, 88, 89 and 90 should be read together and consequently, development in the green belt is inappropriate and only permissible in very special circumstances unless it is within the list of exceptions set out in paragraphs 89 and 90.

Paragraph 89 bullet point 6 confirms;

'...partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'.

The NPPF glossary continues by defining previously developed land as;
'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; ... land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time'.

The site is currently in equestrian use and has buildings on it, and is considered to be previously developed land as defined by the NPPF glossary. The current use is not an agricultural use, consequently the land is not protected as agricultural land. It is not necessary for the applicant to demonstrate *'very special circumstances'* or *demonstrate that there is not any sequentially preferable land available for development* if they are able to meet this policy test that it is previously developed land, and the proposed development has no greater impact on openness and the purpose of including land within the Green Belt than the existing development. Some of the objection comments have stated that this would 'set a precedent' although, this form of redevelopment is an approach allowed by national planning policy. The Council's development plan policy ENV2 does not fully reflect the NPPF exceptions so in this case, the Council would defer to the NPPF tests. Based on the NPPF glossary and paragraphs 89 and 90, the current use of the site is previously developed land, consequently, very special circumstances, in this instance, do not need to be demonstrated by the applicant.

Considering the impact of openness in the green belt, the amended proposal is for 4 bungalows in a similar position to the existing stables. The bungalows single storey form is of a similar height to the existing stables. The footprint of the bungalows is 91.52 square metres less than the stables to be demolished whilst the volume of the bungalows would be 4.32 cubic metres less than the stables to be demolished which provides an overall net gain regarding the current and future impacts on the openness of the green belt. The bungalows are further forward in the plot than previously proposed, similar to the existing buildings, with the ridge in the ground forming a rear boundary to the development. There would be no significant further incursion into the Green Belt or the countryside than the existing built form on the site. It is considered that the development would have no greater impact on the openness of the Green Belt or the purposes of including land within the green belt than the existing development, even taking into account the gardens, parking (the existing use already has parking on site and it is expected the bungalows would attract less vehicles than the livery/stables), boundary fences and the usual paraphernalia that comes with dwellings. The removal of permitted development for extensions and garden structures would further reduce any additional impact on the openness of the green belt. The proposal is considered acceptable in principle in this instance. It is also noted the proposal would contribute to the five-year housing-land supply as a small windfall site. Whilst Walsall is already able to demonstrate a five-year housing land supply, this is not a reason to refuse permission for windfall sites.

Whilst the Development Plan and the NPPF also encourage outdoor recreation uses in the Green Belt, such as the existing riding school, there is no objection to the loss of the existing use as there is no demonstrable shortfall in provision and the existing use is not considered to support the day-to-day needs of the community. It is recognised from the objections received that it provides leisure and education opportunities to some members of the community.

There is no policy requirement for a replacement use to be of community value. Some objections refer to loss of open space and the shrinking and lack of nature areas in the West Midlands. As the site is previously developed land it does not constitute a loss of open space and consequently, would not contribute to the shrinking or lack of natural areas in the Midlands. Subject to the applicant fully implementing the proposed landscaping, it may actually improve and increase some of the natural areas in the immediate locality. Residents concern that additional trees wont screen the houses, the trees are part of the landscaping to improve the overall quality of the site and the development. The six existing jobs at the site would be lost and the horses would need to be relocated. Residents concerns that the loss of well used riding school and livery, that helps children and adults learn to ride and look after horses is noted. These reasons, whilst important to part of the community that benefit from the existing use, are considered not to be overriding reasons to refuse the current planning application when balanced against the current national and local planning policies and guidance. It is noted that the lease for the riding school could be terminated at any time by the landowner, notwithstanding the outcome of this planning application. Residents are concerned that the development is not for affordable housing and that the only person that would benefit from the development is the landowners profit. The development does not meet the threshold for affordable housing so the Council is unable to ask for the bungalows to be affordable housing. If developers do not make profit, they would not bring sites forward for development and would not then be able to provide new homes for people to live in.

Natural and built environment

As discussed above, the impacts of the proposed development on the Green Belt are considered acceptable in this instance, as there are similarities between the existing and proposed quantum and location of development. It is also considered that the impact of the proposal on the Conservation Area would be acceptable as there would be no greater impacts from the four bungalows than the existing stables. Objections refer to potential light pollution from the development. It is considered unlikely that four bungalows would require greater lighting levels than the existing business use.

They would have a more urbanised appearance than the existing stables although the design, appearance with timber wall finishes and layout of the bungalows are considered appropriate to the character and appearance of the local area and the existing stables, in this instance. Whilst the bungalows would not be 50m away from the electricity pylons, they are outside the minimum separation distance required for safety purposes. A condition requiring the development to meet Secure By Design specifications is recommended, together with an informative, to ensure adequate residential amenity for future occupiers.

The proposal would retain much of the existing vegetation, including the extensive hedge along the site frontage, and also proposes additional planting. No protected species were found on the site. Conditions would be required to secure the recommendations of the ecological report. The development should include landscaping and habitat creation, which is also be secured by the landscaping condition. Hedgerow and tree protection measures would also be required and secured by condition. It is noted that some of the objection comments refer to adverse impacts on the Barr Beacon Local Nature Reserve. The Council's former Ecologist had not raised this as a concern regarding any impact on the nature reserve.

Whilst the Council's former ecologist objected to the scheme, concerned that there wasn't a detailed landscaping scheme and the enforceability of the landscaping condition, the ecologist has asked for a landscaping scheme of local native species, a five year landscaping management plan to help establish the landscaping scheme and bat mitigation conditions to be imposed should the planning application be approved. The planning application redline, is relatively tightly drawn around the proposed development. The applicant has provided a blue line plan to demonstrate what additional land is within their control. This overcomes the ecologists main concerns and demonstrates that the landscaping planning condition, would be enforceable. The ménage, the Ecolocation

ecology report and the tree protection measures have been incorporated into the proposed conditions as requested by the Council's former Ecologist. It is considered that in this instance, the confirmation from the applicant of the additional land in their control and that the ménage would be broken out, with the imposition of the landscaping, landscaping management plan and bat mitigation conditions overcome the former Ecologists concerns and help mitigate and further harm on the green belt location.

The Council's Arboriculturist has no objections to the amended scheme requiring a condition to protect the root protection area of the oak tree and the frontage hedgerow.

Residential amenity

The nearest residential property would be the retained farmhouse to the southwest of the site. The next nearest properties are over 200m away. The farmhouse would retain the existing shared access with the development and has its own on-plot parking. Residents concerns about the skyline being altered and the view being blighted are noted. It is considered that the skyline is unlikely to be altered excessively, given the scale of the proposed buildings are no greater than the existing buildings. Views cannot be protected via the planning legislation, guidance or determination of a planning application. Residents are concerned about potential surface water run off and flooding. The existing building and hard surfaces on site currently generate surface water run off. The proposal for 4 bungalows is required by condition 8 to provide a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, coupled with the additional tree planting, the proposed development is likely to reduce the amount of surface water created compared to the existing use. It is considered that no significant adverse impacts would occur from the proposal in terms of overlooking, overbearing, overshadowing, loss of light, change in skyline, impact on views or potential for flooding sufficiently to sustain a reason for refusal.

Highways and transport matters

The Highway Authority has confirmed they have no objections to the proposed amended four-bungalow scheme, replacing the existing riding stables. The number of vehicle trips to the new bungalows is likely to be less than to the riding stables use. The traffic impact of the development of four bungalows is likely to be limited. A 2.4m x 120m visibility splay can be achieved at the revised access point, which more than meets current highway design standards. Three parking spaces per dwelling is proposed which meets the Council's development plan policy UDP T13 parking policy requirements. The Highway Authority considers the redevelopment of the riding school and stables for four bungalows will not have severe transportation implications in accordance with NPPF paragraph 32, subject to safeguarding conditions.

Local Finance Considerations

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

This application proposes 4 new homes.

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

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

Conclusions

The proposed redevelopment of the existing stables and riding school to four bungalows, within the Great Barr Conservation area and the green belt is considered, in this instance to be acceptable and subject to suitable to the proposed safeguarding conditions. As set out in the observations of this report, the applicant does not need to demonstrate very special circumstances, as the NPPF glossary confirms the existing site is previously developed land, plus the floor space and cubic capacity of the four bungalows is less than the existing stables consequently improves the openness in the green belt. In weighing the planning balance, taking on board objector's comments, the NPPF, the Council's Development Plan, the 4th February 2016 Council's Planning Committee recommendation to refuse and the proposed amended development, it is considered that the balance weighs in favour of the Governments NPPF sufficiently to recommend planning approval in this instance. It is considered the applicant's amendments have overcome the 4th February 2016 planning committees concerns.

Positive and Proactive working with the applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long that they safeguard the natural and built environment, highway network and the amenity of citizens.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including any community and planning application consultee representations that may have been received, and negotiating amendments with the applicant, including after the 4th February planning committee at the request of the applicant to try to address the planning committee's concerns, then reassessing the planning application before determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Conditions and Reasons

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2.The development shall be carried out in accordance with the following approved plans:

1218-10a site/location plan

1218-12f dec 15 site plan received 18/1/15

4090.88 Location plan: Scale 1:5000 @ A4: January 2016 received 21/1/16

1218-40b plot 1 elevations feb 16 received 1/03/16

1218-41b plot 1 plans and external visualisation feb 16 received 1/03/16

1218-43b plot 2 elevations feb 16 received 1/03/16

1218-44b plot 2 plans and external visualisation feb 16 received 1/03/16

1218-46b plot 3 elevations feb 16 received 1/03/16

1218-47b plot 3 plans and external visualisation feb 16 received 1/03/16

1218-49b plot 4 elevations feb 16 received 1/03/16

1218-50a plot 4 plans and external visualisation dec 15 received 1/03/16

Transport Appraisal, David Tucker Associates received 15/12/15

Landscape Strategy, DJOGS Landscape Architect and Ecology Services received 15/12/15
Visual of proposed master-plan DJOGS Landscape Architect and Ecology Services received 15/12/15

Landscape Strategy (addendum) DJOGS Landscape Architect and Ecology Services received 19/1/16

Midland tree Surgeons Pre-Development Tree Survey received 13/10/14

Figure 2- Protective fencing for RPA received 18/1/16

Ecolocation Ecological Appraisal and Initial Bat Assessment received 13/10/14

Revised Design and Access statement received 29/03/16

Revised Planning and Heritage Statement received 29/03/16

REASON: To define the permission

3A. Notwithstanding the details provided, no development shall take place until a colour schedule for the following approved external surface materials

-Colour of the grey clay roof tiles

-Colour of the stain for the external timber boarding

-Colour of the stain for the external timber joinery

-Colour, texture and material of the vehicular access-ways and parking areas

has been submitted to and approved in writing by the Local Planning Authority.

3B. The development shall be fully implemented and constructed with the approved materials only and retained thereafter.

REASON: To ensure a satisfactory appearance of the development in relation to the character of the area, the Conservation Area and the Green Belt.

4A. Notwithstanding the details provided, no development or site clearance shall commence until full details of landscaping are submitted to the Local Planning Authority and approved in writing. Landscaping should comprise mainly species and habitats native to the immediate neighbourhood. Full details shall be provided of:

- Preparation of land for planting.
- Tree protection details to BS5837:2012- Trees in Relation to Design, Demolition and Construction – Recommendations standards including root protection zones and measures to avoid damage to existing trees and hedgerows (including those outside the planning application redline on land identified on the blue line plan titled ‘Foxhills Farm, Beacon Road, Aldridge. Walsall. WS9 0QP. 4090.88 Location Plan: Scale 1.5000@A4: January 2016).
- Specification and depths of topsoil/ subsoil/ growing medium and any mulches to demonstrate that the planting proposed will grow in the locations shown.
- Locations of all planting.
- Density/ numbers of all planting/ sowing.
- Specifications for all planting to include: full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.
- Locations and full specifications of all hard landscaping/ lighting and drainage, including paving and fencing. (Drainage must be carried out to sustainable urban drainage systems principles.)
- Any phasing.

4B. The landscape scheme shall be implemented fully in accordance with the approved scheme before any part of the development is brought into use and retained thereafter in accordance with the landscape management plan.

Reason: To provide an attractive and functional setting for the proposed development and contribute to the ecological diversity of the wider site providing green infrastructure for a range of species of animals and plants within the wildlife corridor.

5A. Prior to the commencement of the development, full engineering details of the proposed alterations to the access arrangements on Beacon Road, including sections through the vehicular access showing gradients between Beacon Road and the access road, construction specifications, demarcation along the highway boundary, removal and reinstatement of the existing redundant access back to a verge, shall be submitted to approved in writing by the Local Planning Authority in consultation with the Highway Authority.

5B. Prior to the first occupation of any dwelling on the development, the highway infrastructure works detailed in part A of this condition above shall be fully implemented in accordance with the approved details and to the satisfaction of the Local Highway Authority and remain thereafter.

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

6A. Prior to the commencement of the development, a construction methodology statement shall be submitted to and approved by the Local Planning Authority in conjunction with the Highway Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

6B. The approved details shall be fully implemented and shall be retained during construction period in accordance with the approved construction methodology.

Reason: In order to minimise potential disruption to the free flow of traffic on Beacon Road and in the interests of highway safety during the period of construction.

7A. Notwithstanding the details provided and before any part of the development is brought into use a 5 year management plan shall be submitted to the Local Planning Authority and approved in writing that includes the land outside the planning application outline and defined by the planning application blue line titled 'Foxhills Farm, Beacon Road, Aldridge. Walsall. WS9 0QP. 4090.88 Location Plan: Scale 1.5000 @ A4: January 2016'. The management plan shall be carried out to an accepted methodology and provide full details of:

- How the ecological planting will be maintained through the establishment period and managed thereafter.
- How any ornamental landscape schemes will be maintained through the establishment period and managed thereafter.
- Provision for the replacement of any plant which dies, becomes diseased or damaged.
- Details of routine maintenance such as pruning/ litter picking/ cutting/ watering in dry period/ weeding.
- Full details of all management operations will be set out together with a timetable for each operation.
- Monitoring and reviewing the effects of management and incorporating any remedial works required to implement the approved landscape scheme.

7B. The landscape scheme shall be managed for no less than a period of 5 years in accordance with the approved management plan.

Reason: to ensure the establishment of the approved landscaping scheme to create an attractive and functional setting for the proposed development and contribute to the ecological diversity of the wider site providing green infrastructure for a range of species of animals and plants within the wildlife corridor.

8A. No development shall take place until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority.

8B. The development shall not be brought into use until the approved scheme has been implemented in accordance with the approved details.

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

9A. Prior to the development first coming into use, all access ways, parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain. The access road shall be constructed to a specification capable of accommodating a 26 tonne refuse wagon, full details of which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

9B. The approved details shall be fully implemented and these areas shall thereafter be retained and used for no other purpose.

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

10A. Bat survey work has found a relatively low risk that bats may be present in the buildings within the site (as identified in the bat report by Ecolocation dated 31 July 2014) and the following precaution shall be taken when implementing the planning permission:

1. Contractors undertaking demolition works shall be made aware that bats may be present and undertake demolition works in the expectation that bats may be found.
2. Contractors undertaking demolition works work carefully with hand tools when demolishing parts of the buildings where there is a risk that bats may be found.

If no bats or evidence of bats are found during these operations, the approved works can continue.

10B. If bats or evidence of bats are found during these operations:

1. bats should not be handled or touched and the vicinity of the roost shall be immediately reinstated.
2. no further destructive works shall be carried out to the building until the need for Natural England licence has been established.
3. within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation
4. work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

Reason: To conserve local bat populations.

11. Tree protection measures as detailed in British Standard 5837:2012 and as indicated on drawing no. 2199TP, shall be fully implemented around the oak tree and hedgerow root protection area prior to the commencement of any works on site and shall be retained until

the completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times.

Reason: To safeguard the tree/hedgerows to be retained on the site.

12. The detailed design of the development shall fully meet Secure By Design specifications - see informative.

REASON: To ensure the development is safe and secure in accordance with Secured By Design standards.

13. The 2.4m x 120m visibility splay at the new access point shown drawing no. David Tucker drawing no. 14322-04 dated May 2015, shall at all times be kept free of any structures or planting between 600mm and 2000mm in height above carriageway level.

Reason: In the interests of highway safety.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders;

-no additional side facing windows or doors other than those approved by this permission,
-no conversion of the garages to preclude the use of parking a motor vehicle within
-no enlargements, additions or other alterations, as defined by Classes A to E of Part 1 of Schedule 2 of the Order, shall be constructed.

Reason: To ensure the Local Planning Authority has control over the development in the interests of retaining sufficient levels of amenity and parking provision for occupiers of bungalows hereby approved, and to consider the impact on the openness of the green belt and consider the harm to the conservation area, in accordance with UDP Policy GP2, ENV2, ENV3, ENV29, T7 and T13.

NOTES TO APPLICANT

Ecology notes

To avoid the risk to nesting birds, site clearance and dismantling works should be undertaken outside the bird nesting season. The bird nesting season extends between mid-February and September inclusive but is weather dependant and nesting may take place outside this period. If this is not possible no site clearance works should be undertaken until the site has been surveyed for nesting birds by a qualified and experienced ecologist. If nesting birds are discovered, clearance works should be delayed until the young have fledged.

(Please note that feral pigeons are protected and destruction of nests could only take place on the grounds of public health or public safety.)

Secure by Design (Police Notes)

Secure By Design specifications will significantly increase the security of the building (doors and windows). Information can be found at http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf

All external door sets should comply to PAS 24 2012 standards.

All ground floor and accessible windows should comply to BS7950 or WCL4 standards. This should improve the standard of security to the more vulnerable ground floor windows.

All ground floor, accessible windows and doors should contain at least one pane of 6.8mm laminated glass, this includes French and Patio doors.

All ground floor front windows should have an area of defensible space across their width. This should be made up of densely planted shrubs, selected to be suitable for the environment they are to be planted in. This will provide a buffer area between the windows and other public or private space, making it more difficult for offenders to access such windows. Where plants / shrubs are to be used in front of windows or around parking spaces the plants should be such that they grow to no more than 1m in height when mature. Plants and shrubs should also suit the environment they are to be located in terms of soil and light.

Perimeter and Boundary fencing should be at least 2.1m in height. The fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping in order to offer protection of the vulnerable rear of the properties. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.

All side gates should be as close to the building line as possible to improve natural surveillance by removing or limiting the depth and number of recesses.

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

Each dwelling should be fitted with a suitable intruder alarm.

Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or WCL 2 BR 1.

Highway Authority Notes

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

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report

Petition

27/11/14

14-1552-FC

Royster Paul

From: Councillor Adrian Andrew [redacted]
Sent: 21 November 2014 17:54
To: Planning Services (PlanningServices@walsall.gov.uk)
Subject: 100 new people signed: Cancel plans to build houses on foxhills farm riding school
Categories: Attachments, SF

100 People Recently Add Their Names To %{Petition Creator}'S Petition "%{Petition Title}" That Means More Than 500 People Have Signed On

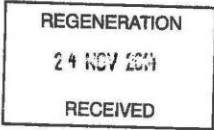
There are now 300 signatures on this petition. Read reasons why people are signing, and respond to [redacted] by clicking here:
<http://www.change.org/p/kingscliff-property-cancel-plans-to-build-houses-on-foxhills-farm-riding-school/responses/new?response=b2f02ae98274>

Dear Walsall Council,

Cancel plans to build houses on foxhills farm riding school Foxhills farm riding centre is a huge part of the local community. Foxhills brings happiness to hundreds of children every year, some children that are severely disabled get to spend time around the animals in a safe environment. Foxhills has been a riding school for 40+ years and is the centre of the community. It being activities for children to do in the holidays as well as being one of the closest riding school outside north Birmingham offering country life to inner city children. It employs 6 full time staff and without Foxhills and having houses in it's place will be a huge loss the wide area. Save foxhills from the property giants

Sincerely,

- 300. [redacted] Walsall, United Kingdom
- 299. [redacted] Sutton Coldfield, United Kingdom
- 298. [redacted] Lichfield, United Kingdom
- 297. [redacted] Hunnington, United Kingdom
- 296. [redacted] Birmingham, United Kingdom
- 295. [redacted] Northamptonshire, United Kingdom
- 294. [redacted] Cannock, United Kingdom
- 293. [redacted] Birmingham, United Kingdom
- 292. [redacted] Birmingham, United Kingdom
- 291. [redacted] Sutton Coldfield, United Kingdom
- 290. [redacted] Bromsgrove, United Kingdom
- 289. [redacted] Birmingham, United Kingdom
- 288. [redacted] Birmingham, United Kingdom
- 287. [redacted] Birmingham, United Kingdom
- 285. [redacted] weston super mare, United Kingdom
- 284. [redacted] Birmingham, United Kingdom
- 283. [redacted] walsall, United Kingdom
- 282. [redacted] Nuneaton, United Kingdom
- 281. [redacted] Newtownabbey, United Kingdom
- 280. [redacted] Tamworth, United Kingdom
- 279. [redacted] Preston, United Kingdom
- 278. [redacted] Walsall, United Kingdom
- 277. [redacted] LONDON, United Kingdom
- 276. [redacted] London, United Kingdom
- 274. [redacted] West Bromwich, United Kingdom



Walsall Council, Economy and Environment, Development Management , The Civic Centre, Darwall Street, Walsall, WS1 1DG
Telephone: 01922 652677, Textphone: 0845 111 2910, Fax: (01922) 652670 Website: www.walsall.gov.uk/planning
Email:planningservices@walsall.gov.uk

Petitions



[West midlands, United Kingdom](#)

609

Supporters

On the 04/02/2016 Walsall council are hearing at their planning committee application number 14/1552/FL. A property company want to build 4 very large bungalows on the Beacon Road which the site is surrounded in green belt land and The Forset Of Mercia would run right behind where the houses would be build. There is a vast amount of wildlife around there, pairing falcons regaulary are spotted along with other animals which wouldn't return if homes are built. The famous Barr Beacon is just up the road, we need to do all we can to stop homes being built on our lovely countryside. Barr Beacon is a lovely place If you fancy getting away from it all, Barr Beacon might be just the nature reserve for you. Its only 3 miles from Walsall town centre, and its one of the highest points in the West Midlands. It offers spectacular panoramic views, and from the top you can see surrounding landmarks including the Wrekin, Cannock Chase, Lichfield Cathedral, Birmingham City Centre, and the Lickey Hills. Its the high-point of the Beacon Way and a favourite walking spot for locals. Building not far from here is going to open up a huge issue for local residents and the nature around. Please help us stop it

Letter to
planningservices@walsall.gov.uk

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[Redacted line] 15/02/2016



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 7.

Reason for bringing to committee: Significant community interest

Location: SPRINGSIDE, 2 SPRING LANE, PELSALL, WALSALL, WS4 1AZ

Proposal: PART CHANGE OF USE OF EXISTING CARE HOME (CLASS C2 RESIDENTIAL INSTITUTION) TO CREATE 9 X 1 BED SELF-CONTAINED FLATS FOR PEOPLE WITH LEARNING DISABILITIES (CLASS C3 DWELLING HOUSES) RETAINING 8 BEDROOMS WITHIN THE CARE HOME WITH MANAGER'S ACCOMMODATION AND ANCILLARY SHARED FACILITIES PLUS MINOR ELEVATION CHANGES TO DOORWAYS.

Application Number: 16/0148

Applicant: Arkid Developments Ltd

Agent:

Application Type: Full Application

Recommendation Summary: Grant permission subject to conditions and a Section 106 Agreement to secure the tenure of the properties as affordable housing and for urban open space contributions.

Case Officer: Alison Ives

Ward: Pelsall, Rushall-Shelfield

Expired Date: 16-Jun-2016

Time Extension Expiry:



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Officers Report

Application and Site Details

The proposal is for part change of use of the existing care home (Class C2 residential institution) to create 9 x 1 bed self-contained flats for occupation by persons with learning disabilities (Class C3 dwellings) retaining 8 bedrooms within the care home plus manager's accommodation and ancillary shared facilities and minor elevation changes to doorways.

The premises are located at the junction of Spring Lane and Coronation Road and comprise a largely single storey building in a landscaped setting with parking at the front and side with a barrier access off Spring Road. The plant room is a higher section in the centre of the building. There is a garden beyond the car parking area surrounded by gardens in Church Way, Coronation Road and Field Lane. There is a mix of house types surrounding the premises. The building is currently vacant but was previously used for a care home for young adults with 23 bedrooms.

The proposal is to convert the premises and create 6 self-contained flats within the two wings on the northern part of the building facing Coronation Road and three further flats in the southern wing facing the car park. The 9 units will have bathrooms and kitchens installed and minor elevation changes to create new door openings to form self-contained flats.

The remaining 8 bedroom care home includes communal lounges, kitchen and dining areas plus a manager's office.

The care home and self contained units will be operated by Inclusion Housing CIC a Registered Provider with care provided by Lifeways Community Care Ltd.

The Design & Access Statement – Explains the previous use as a care facility for young adults and the proposal to change the use to housing for residents with learning difficulties. It describes the proposed changes and car parking and access.

Relevant Planning History

15/0747/FL - Change of use from Class C2 (residential institution) to Class C3 (dwellings) converting premises to 17 x 1 bed self contained flats for persons with learning disabilities, with ancillary office accommodation and minor elevation changes to doorways – Planning Committee resolution to grant subject to conditions and a S106 Agreement to secure the tenure as affordable housing and for urban open space contributions (£14,790). The S106 Agreement has not yet been completed so the permission has not been issued.

BC14141P – Erection of a community unit for the mentally handicapped – Granted subject to conditions 21/06/85.

BC60711P - Certificate of Lawful Proposed Use: Proposed alterations to existing bungalow – Certificate Granted 06/03/2000 (Walsall Community Healthcare).

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

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

Paragraph 32 states all developments should have safe and suitable access to the site for all people.

Paragraph 34 advises decision should ensure developments that generate significant movement are located where the need to travel will be minimised and use of sustainable transport can be maximised.

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

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

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

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

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials
- Are visually attractive as a result of good architecture and appropriate landscaping

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

Paragraph 70 states to deliver services the community needs and advises planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

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

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

Paragraph 118 states planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats...and the loss of aged or veteran trees...unless the benefits of the development clearly outweigh the loss.

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

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

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided.

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

CSP4: A high quality of design of the built and natural environment is required.

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

HOU2: Advises on housing density, type and accessibility and the need to achieve high quality design and minimise amenity impacts. All developments should aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined

HOU5: Supports new health and education facilities well related to neighbourhood services and amenities.

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

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

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

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

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance aspects of the historic environment together with their settings.

ENV3: Refers to design quality requirements.

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

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

GP3: Planning obligations will be used to secure any on or off-site mitigating measures made necessary by a development.

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

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

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

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

ENV40: The quality of all water resources will be protected.

H3: Encourages provision of housing through re-use of previously developed sites provided a satisfactory residential environment can be achieved, the site is not required to be retained for employment, there is good accessibility and residential development does not constrain the development of adjacent sites .

H5: Promotes housing for people with special needs including groups requiring specialist accommodation.

LC1: Residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

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

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

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

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

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

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

Flats with communal provision: 1.5 spaces per unit

Supplementary Planning Documents (SPD)

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

DW1: Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

DW4: Continuity - Well defined streets with a continuity of built form are important.

DW5: Ease of Movement – connections to existing routes

DW6: Legibility - new development should contribute to creating a place that has a clear identity

DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.

DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

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

Conserving Walsall's Natural Environment SPD

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

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

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

It is considered in this case that the relevant provisions of SPD Conserving Walsall's Natural Environment are consistent with the NPPF.

Consultations

Environmental Health – No objections. Adequate provision should be made for the storage and removal of waste produced by the self contained flats.

Police – No objections.

Pollution Control – No objections.

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

Transportation – No objections subject to conditions to secure parking, cycle storage and modification of the car park access from a bellmouth to a vehicle footway crossing. There are 17 parking spaces at the site which should be more than adequate to meet the needs of the development and is around the maximum parking requirement advised by saved UDP policy T13. The existing access/egress are currently bellmouths which are to be modified to a fully Inclusive footway crossing type design to improve not only access to the site but also to the general public passing by.

Public Participation Response

Three letters of objection have been received from one household. These are summarised as follows:

- Query why application changed to 6 units and who occupies the other 11 bedrooms
- Are the 11 rooms for people with learning disability or respite care live in accommodation?
- Query the type of residents, whether they have a criminal background and whether permanent or temporary (*not a material planning consideration*)
- If the building changes from C2 to C3 will residents be notified of changes if the building is no longer needed for people with learning disabilities
- Unsuitability of the company limited capital of £100 according to Companies House (*not a material planning consideration*)
- A scheme of this nature needs responsible, experienced members behind it with some sort of health authority regulation.
- Will the facility be staffed 24/7?

- Concern about an existing HMO for people with learning disabilities nearby
- Already a residential facility for people with learning disabilities in Coronation Road which residents weren't consulted on
- Concern about anti-social behaviour
- More suitable for affordable housing for young adults leaving the family home
- Loss of property value (*not a material planning consideration*)
- There is a public footpath alongside adjacent homes
- We are being hemmed in with negatives (*not sure what negatives are*)
- Potential noise and disturbance

Should there be the same disruption and upset that was experienced for years by my mother and her visitors, we will gather evidence with a view to seeking legal advice regarding distress suffered and devaluation of property.

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

Determining Issues

- Principle of residential development
- Layout and Design
- Relationship to surrounding properties
- Access and parking
- Local Finance Considerations

Observations

Principle of development

Redevelopment of the existing premises for a residential use is acceptable as it is a previously developed site in a sustainable urban location and is in accordance with the NPPF and BCCS and local development plan policies.

The proposal for self-contained flats for occupation by people with learning disabilities is welcomed as it provides for people with special needs requiring specialist accommodation in accordance with UDP policy H5. The retention of the remainder of the care home is also supported.

In response to objections querying the type of future residents stating the site is more suitable for affordable housing for young adults leaving the family home and already living in the area it is noted that the premises were previously occupied as a care home with 23 rooms. Also the Planning Committee have already resolved to grant permission for a scheme of 17 x 1 bedroom flats for people with learning disabilities so the principle of this type of residential use is already established and is acceptable.

A condition is recommended to ensure the flats are only occupied by people with learning disabilities so a new planning application will be required for any proposed change. This addresses the neighbour concern.

Layout and Design

The layout of the site remains unaltered as the proposal is to convert the existing building. Some minor alterations are proposed including provision of doorways to a couple of flats by replacing window positions. The design remains in keeping with the original building. No changes to parking and access are proposed.

There is a small office included for staff members who will provide support and supervision to occupiers. This is an ancillary facility given the intended future occupation of the building by Inclusion Housing CIC for residents with learning disabilities.

As there are numerous trees throughout the site a condition is recommended to ensure their protection throughout the development process.

Unlike the earlier application this proposal is for 9 units which doesn't trigger the requirement for a S106 Agreement to secure urban open space and affordable housing.

The provision of bins for the 9 flats can easily be accommodated on site to address the environmental health officer comments.

The proposals show that 9 x 1 bed flats will be created and the remaining 8 rooms will form part of the care home to be managed by Inclusion Housing CIC with Lifeways Community Care Limited as care providers in the care home. The care home will also provide for people with learning disabilities. In response to the neighbour objection regarding regulation of the facility this will be the Quality Care Commission and not the local planning authority.

The layout and design of the proposals are considered acceptable.

Relationship to surrounding properties

The building is not being extended so the relationship between facing habitable room windows and surrounding properties remains unaltered. The proposed doorways to the self contained flats are positioned in existing elevations replacing existing openings. There are no first floor extensions proposed or extensions on the car park so the neighbour concern about potential overlooking is not changed from the existing situation and is acceptable.

Neighbouring residents are concerned about problems with a nearby alleged HMO that provides for people with learning disabilities. There is no planning record of this or of any complaints in regard to the property mentioned. The application proposal is for a managed care home and self contained flats rather than an HMO.

The potential for increased noise and disturbance is no different to that between existing neighbours. Potential for anti-social behaviour is managed by the care home and the police who raise no objections to the proposals.

A condition is recommended to restrict the hours of construction for the conversion works in order to protect neighbour's amenity.

The relationship between dwellings and to surrounding properties is considered acceptable.

Access and parking

The means of access and car parking at the site is to remain as existing. There is a barrier across the access and exit to prevent unauthorised parking. The existing bellmouth at the access is to be altered to a footway crossing to improve access for pedestrians and this is to be secured by a recommended condition.

There are 17 car parking spaces provided which should be more than adequate to cater for the proposed use and is around the maximum requirement by policy T13. On this basis the Transportation officer does not object to the proposals. The Design & Access Statement highlights that the residents with learning disabilities are not able to hold a driving license so parking demand from residents is nil. The main provision will be for staff and visitors. Also that there are bus stops in the immediate vicinity that benefit residents.

One resident has highlighted that there is a public footpath alongside adjacent homes but it is unclear what point they are making in this statement.

The access and parking arrangements are considered acceptable.

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 9 new homes.

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

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

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant supporting information and plans have been submitted. In light of the submitted details officers are able to support the scheme.

Conditions and Reasons

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

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

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

- Location Plan received 17/02/16
- Promap Location received 03/02/16
- Site Plan (1749-04) received 03/02/16
- Existing Floor Plan (1749-02) received 03/02/16
- Existing Elevations (1749-05) received 01/03/16
- Proposed Floor Plan (1749-03C) received 03/02/16
- Proposed Elevations (1749-06A) received 03/02/16
- Design & Access Statement received 03/02/16

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

3. Notwithstanding the provisions of the Town & Country Planning Act 1990 (or any subsequent amendments) and Town & Country Planning (General Permitted Development)(England) Order 2015 (or any subsequent amendments) the development hereby permitted shall be used for provision of 8 x bedrooms as a Class C2 residential institution and 9 x 1 bed residential flats for people with learning disabilities only (Class C3) as shown on the proposed floor plan 1749-03C and for no other purposes.

Reason: To allow for assessment of parking levels for any future changes of use of the premises to ensure adequate off-street parking is available to prevent any severe impacts on the highway network.

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

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

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution. Drainage is below ground infrastructure that needs to be resolved before construction of any new dwellings is commenced.

5a. Prior to the development first coming into use, two parking spaces shall be allocated for disabled users located in a convenient position as near as possible to an accessible building entrance and the spaces shall be clearly demarcated accordingly.

5b. All parking spaces shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate parking for disabled users In accordance with UDP Policy GP2, T7 and T13.

6a. Prior to the development first coming into use, full details of a secure, covered and illuminated cycle shelter for the use of staff, residents and visitors, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

6b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

7. Prior to the development first coming into use, the two existing bellmouth access/egress points on Spring Lane shall be modified to take the form of vehicle footway crossings rather than kerbed radii accesses. The works shall be carried out in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

Reason: To improve accessibility to the site and for the general public for disabled people and the visually impaired in accordance with UDP Policy GP2 and T1 and in accordance with DfT Inclusive Mobility guidance and NPPF Para 32 and 35.

8. All external facing materials for the proposed alterations shall match those of the existing building.

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

9. None of the existing trees on the site shall be lopped, felled or root pruned and the development shall be implemented in accordance with tree protection measures that comply with the recommendations of BS5837:2012. The tree protection measures shall be maintained throughout the development.

Reason: To safeguard the trees on the site.

10. During site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

Reason: To safeguard the trees on the site.

11. No digging of trenches or changes in ground level shall be undertaken within the canopy of any tree to be retained on the site without the written approval of the Local Planning Authority.

Reason: To safeguard the trees on the site.

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

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

Reason: To protect the amenities of surrounding occupiers.

Note for applicant – Severn Trent Water

There may be a public sewer located within the application site and the developer is encouraged to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the developer is advised to contact Severn Trent Water to discuss the proposals who will seek to assist with obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Notes for applicant - Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654663.

Recommendation

Grant permission subject to conditions and a Section 106 Agreement to secure the tenure of the properties as affordable housing and for urban open space contributions.

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 8.

Reason for bringing to committee: Significant community interest

Location: 481, BLOXWICH ROAD, WALSALL, WS3 2XA

Proposal: CONVERSION OF EXISTING 5 BEDROOM HOUSE TO 4 NO. 1 BED FLATS.

Application Number: 16/0037

Case Officer: Devinder Matharu

Applicant: Mr. Amrik Gill

Ward: Birchills Leamore

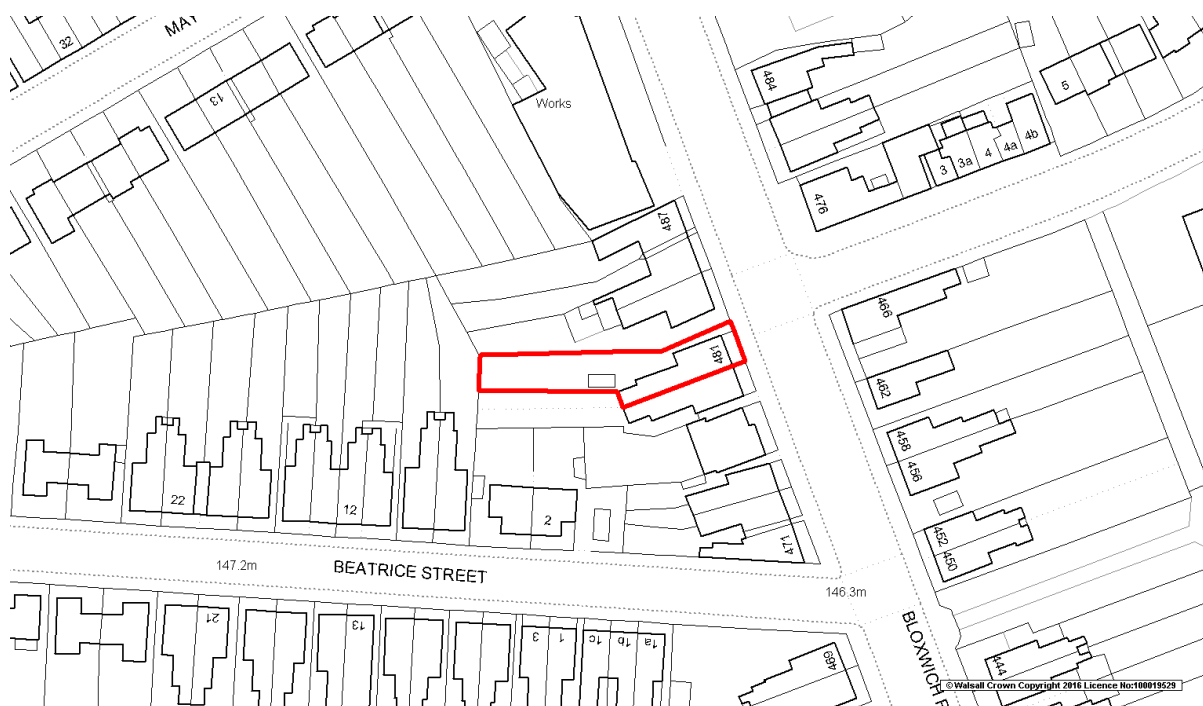
Agent:

Expired Date: 21-Apr-2016

Application Type: Full Application

Time Extension Expiry: 13-Jun-2016

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

Application and Site Details

Number 481 Bloxwich Road is a large semi detached property located on the western side of Bloxwich Road. Numbers 481 and 479 are mirror images; the front elevation has a flat roof bay window at ground floor and mock timber framing at first floor with a projecting gable feature above the main first floor window. Number 479 is rendered at first floor and number 481 is rendered on both the ground and first floor. Both houses have chimneys.

The property has a small front garden with a dwarf wall approximately 0.5m high and a side access to the rear adjacent number 483. The highway in front of the property has white hatched markings to delineate that the carriageway widens in front of 481. Part way across the front of 481 there is a yellow road marking indicating no parking. There is a disabled parking bay in front of number 477 and 479.

The rear of the house has a two storey and single storey wings. The side elevation facing number 483 has principal windows.

The property to the north is an end terrace property, number 483 that is set off the boundary with number 481 by approximately 2.8m. This property has a rear two storey wing with habitable room windows that face number 481.

Opposite the site is the junction of Beeches Road and Bloxwich Road. At this junction there are road build outs and on street parking bays along Bloxwich Road. Part way in front of 481 there are white road markings to delineate that the carriage way widens and double yellow lines.

The area is mixed in nature with residential and commercial properties along the street frontage on Bloxwich Road.

The application proposes the conversion of existing 5 bedroom house to 4 no. 1 bed flats. The flats would be located two at the front and two at the rear at ground and first floor with access from the front door and rear.

A rear shared amenity area of 180 square metres would be provided for the flats. Flat 2 to the rear of the site at ground floor would have a 1.5m high fence that would define a small rear garden of 10.5 square metres.

The existing openings in the form of doors and windows will be retained with an additional side window to the kitchen for flat 1.

A cycle store to accommodate six cycles would be located in the rear garden set off the southern boundary by 0.8m. The structure would be 2.1m high, 1.9m in width and 4.5m in length.

A bin store would be located on the northern boundary to accommodate six bins and would be 1.4m in width, 5.8m in length and 1.2m high.

The site is located 327m from the edge of Leamore Local Centre.

A Design and Access Statement has been submitted which states:

- The building is a short distance away from Walsall Town Centre
- The location is well served by local bus network
- The building is vacant
- Work is needed to bring the building up to modern standards

- No extensions are proposed to the building
- The flats are accessed from a single point of entry
- The dwelling is secured by unauthorised access by the use of window locks, burglar alarms, security lighting
- Front and rear door fitted with secure locks
- There is no off street parking
- Very likely that future occupiers will not be car owners

Relevant Planning History

None

Relevant Planning Policy Summary

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

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

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

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

Key provisions of the NPPF relevant in this case:

1. Building a strong, Competitive economy

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

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

4. Promoting sustainable transport.

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

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

6. Delivering a wide choice of high quality homes.

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

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

7. Requiring good design

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

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

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.

Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

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

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

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

On **planning conditions** the NPPF says:

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

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

Local Policy Black Country Core Strategy

CSP4: Place Making

HOU2: Housing Density, Type and Accessibility

States that the density and type of new housing provided on each site will be informed by, amongst other factors, the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics in the area where the proposal is located. All developments will aim to achieve a minimum net density of 35 dph except where higher densities would prejudice historic character and local distinctiveness.

Development should not undermine the viability and viability of the local centre.

TRAN1: Priorities for the Development of the Transport Network

Improving sustainable transport facilities.

ENV3: Design Quality

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

Unitary Development Plan

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

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

ENV14: encourages the development of previously developed land.

Encourage the development of previously land.

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings

Encourages the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

T4 - The Highway Network

District distributors are important routes connecting the main residential and employment areas of the Borough. Street parking and direct frontage access will be strictly regulated.

T7 - Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T10: Accessibility Standards – General

(b) Standards will apply to all development proposals with the exception of:

i small residential developments within existing residential areas including infill plots

7.51: Easy walking/cycling distance will depend on local circumstances but the maximum will normally be regarded as 1000m.

T13: Parking Provision for Cars, Cycles and Taxis

T13: Parking Provision

2 bedroom houses and above, 2 spaces per unit

Supplementary Planning Document

Designing Walsall (2013)

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

DW3 – Character -design to respect and enhance local identity;

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

Annexe D: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

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

Consultations

Transportation –No objection. The cycle shelter details provided are acceptable, however details of the illumination of the cycle shelter are required and can be secured by condition.

Pollution Control Contaminated Land Team – No objection

Environmental Health – No objection

Public Participation Responses

Eleven letters of objection from six residents have been received objecting to the proposal on the following grounds:

- Neighbours not received letters
- Lack of consultation- houses on same side of road and those in Beatrice St only consulted.
- Application to be decided tomorrow so no one else can object
- No details whether flats to be social rented or sold
- Two houses already used for hostel type social housing with problems of unruly behaviour
- Enough problems with singles/single families in the area

- Parking issues including lack of parking which causes residents stress, yellow lines along Bloxwich Road restricts on street parking for residents and no need for them, remove yellow lines to allow residents to park, yellow lines don't stop accidents and are pointless, yellow lines have been increased due to pedestrian crossing, residents park outside other residents properties, already flats which has increased parking requirements, increase in parking premium, altercations due to obstruction of residents access/drives, frontages removed due to alterations to the kerb side at the junction of Beatrice Street and Beeches Road, no guarantee future occupiers not own car, disabled resident unable to access disabled parking space, inappropriate to state in supporting statement 'future occupiers will not be car users' and presumption residents have no cars.
- Not everyone will have a bicycle
- Cars pull out from Beeches Road
- Beeches Road should be made one way

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

Determining Issues

- Principle of development
- Design and layout
- Impact upon adjoining residential occupiers
- Access and parking

Observations

Principle of development

The house is within a residential area and within easy walking distance of Leamore local centre. This local centre is within the maximum 1000m walking distance as defined in paragraph 7.51 of the UDP for small residential development and therefore not too dissimilar to the surrounding houses and considered to be consistent with guidance in the NPPF, BCCS and UDP in terms of sustainability.

Policy ENV14 of the UDP seeks to support the reuse of previously developed sites and policy H3 of the UDP supports windfall sites coming forward. The building is currently vacant. It is considered that the proposal to convert the house into flats would not harm the local area and would not adversely impact on the character and identity of the vicinity.

The site is located on the main Bloxwich Road where there are regular bus serves to and from Walsall. The site is within a sustainable location with easy access to Walsall and Bloxwich.

In principle the re-use of the building for residential purposes is considered acceptable.

Neighbouring occupiers have objected to the proposal on the grounds that there are no details whether flats are to be social rented or sold. The future occupiers of the proposed flats are not a material planning consideration. As the applicant is a private developer the issue regarding whether the flats are rented or sold is a matter for the applicant.

Design and layout

The existing house is a five bedroom house with a further three large rooms on the ground floor, a kitchen and WC. The proposal to convert it into four one bedroom flats is considered appropriate. The flats would be accessed from the existing front door and will also be accessible from the side entrance to the north of the site adjacent 483.

The existing openings in the form of doors and windows will be retained with an additional side window to the kitchen for flat 1 being added. Flat 1 would have direct access to the rear amenity area from the rear kitchen door. A rear shared amenity area of 180 square metres would be provided for the flats.

Flat 2 would have a 1.5m high timber fence set 0.5m out from the ground floor bedroom window along the length of the flat extending out to a maximum of 3m to provide a small private area for this flat. The boundary treatment would protect the occupiers of this ground floor flat from the goings and goings of other occupiers of the other flats in close proximity to the habitable room windows of this ground floor flat. This fence and small amenity area would protect the amenities of the occupiers of flat 2.

There is potential for overlooking from the kitchen window of flat 3 to the bathroom window of flat 4 and vice versa. However, to overcome this, a condition can be attached to ensure the bathroom window to flat 4 is obscurely glazed to protect the amenities of both of these flats.

The proposed bin store to accommodate six bins will be positioned along the northern boundary of the site, set off the boundary by 0.8m by a paved path. The structure would be 1.4m in width, 5.8m in length and 1.2m high. The design of the proposed structure is considered simple and acceptable.

The proposed cycle store to accommodate six bins will be positioned along the southern boundary of the site and would be 2.1m high, 1.9m in width and 4.5m in length. The design of the proposed structure is considered simple and acceptable.

Impact upon amenities of adjoining neighbouring occupiers

Neighbouring occupiers have stated that they did not receive neighbour letters and there was lack of consultation. They also state that the application is to be decided tomorrow so no one else can object. The neighbouring occupiers that form the boundary with the application site and those adjoining those houses including the properties opposite were notified of the application on both the submission of the original plans and amended plans in accordance with normal practice. Any other third parties are able to make comments on the application should they wish to do so. All written correspondence has been taken into account in this report.

The proposed bin store would not unduly impact upon the amenities of the neighbouring residential occupiers to the north of the site, as the structure would not be seen above the existing 2m high boundary fence.

The conversion of the proposed house into four flats would not unduly impact upon the amenities of the neighbouring occupiers. The use of the premises as four flats would be similar to a family of 5 residing in the existing premises with constant comings and goings. The proposal will seek to retain existing windows with the inclusion of a side window on the ground floor kitchen. This would not result in any overlooking or loss of privacy to neighbouring occupiers as the existing boundary fence will protect the amenities of the existing occupiers to the north, 483 and the proposed occupiers at 481.

The proposed cycle store would not unduly impact upon the amenities of the neighbouring residential occupiers to the north of the site, as the structure would only be seen 0.1m above the existing 2m high boundary fence. Furthermore, this structure would be smaller than what that which could be constructed under permitted development for an existing householder.

Residents have stated that there are already two houses used for hostel type social housing and they experience unruly behaviour and due to this they have had enough of singles and single parent families. Policies within the UDP seek to support a mixture of housing tenures within residential areas and to avoid social segregation of residential areas.

There are no policies that restrict where certain housing tenures should be located, residential areas should create mixed communities. Whilst residents experience social issues with residents in social housing, this is a matter that can be further investigated by Environmental Health with regards to noise and the Police for any anti social behaviour. There is no evidence to suggest that the occupiers of the proposed flats would cause issues with regards to anti social behaviour.

To protect resident's amenity a planning condition can be attached to ensure the proposed flats are not converted into houses in multiple occupation and a condition to ensure any works to the premises are carried out during normal day hours to allow residents some form of amenity during the evening and weekends.

Access and parking

Parking policy T13 of the UDP requires 3 parking spaces for a 5 bedroom dwelling. For four flats the parking requirement is six parking spaces.

The site has no parking at present and none is proposed. There are on street parking bays within close proximity of the site and the site is within reasonable walking distance to Leamore Local Centre and other community facilities. Bloxwich Road is also a major bus route with frequent services to main town and district centres. In addition, looking at 2011 census data, car ownership levels are modest in this locality with 60% of households having no car and only 26% having one car.

Opposite the site is the junction of Beeches Road and Bloxwich Road. At this junction there are road build outs to ensure adequate visibility at the junction and provide protection for the street parking bays. There are on street parking bays along Bloxwich Road. Part way in front of 481 there are white road markings to delineate that the carriage way widens and double yellow lines.

Objectors have raised a number of concerns regarding the existing yellow lines along Bloxwich Road restricting on street parking for residents and they should be removed to allow residents to park. They also point out the yellow lines have been increased due to the pedestrian crossing and they don't stop accidents as cars pull out from Beeches Road and frontages have been removed due to alterations to the kerb side at the junction of Beatrice Street and Beeches Road. Residents consider Beeches Road should be made one way. This is a matter for traffic management to consider and not a material planning issue.

They also state that resident's park outside other resident's properties and there are already flats which has increased parking requirements in an area where parking is a premium and due to this altercations due to obstruction of residents access/drives have occurred. This lack of parking causes residents stress.

The supporting documents in the application states 'future occupiers will not be car users' and residents have stated that there are no guarantees future occupiers not own car and that not everyone will have a bicycle. However, for the reasons specified above the location of the site is considered to be sustainable and there are alternative parking options available.

There is a disabled parking space outside 479, the resident states that they are unable to access disabled parking space. This is a matter for parking enforcement.

The Traffic Management and Coordination Team have advised the yellow lines were part of a local safety scheme (route action scheme) where 21 accidents were recorded along Bloxwich Road in a 5 year period. The build outs work to prevent cars from parking directly adjacent to junctions where they reduce visibility. They also advise waiting has been prohibited on the corners of Bloxwich Road / Beeches Road junction on a 24-hour basis since 2008 and prior to that, a restriction covering the whole of Bloxwich Road at peak hours was in place from 1998.

The existing restriction along Bloxwich Road was introduced and remains in place on safety and traffic flow grounds. Beeches Road is the main access road linking Bloxwich Road to the Hawbush Road area. Due to this, the junction sees a substantial and steady flow of turning movements in and out of Beeches Road.

Given the high number of right-turn movements from Bloxwich Road into Beeches Road, it is considered reasonable to retain the waiting prohibition on the corners of the junction as well as along the kerb line opposite it. The latter restriction allows through traffic to pass to the left of stationary right-turn traffic, consequently this measure is instrumental in preserving a satisfactory northbound traffic flow through the junction.

Additionally, in 2014, a scheme was implemented whereby the corners of the junction were realigned to extend approximately 1.8 metres into the main road carriageway. This scheme was introduced again in response to safety concerns and sought to improve driver visibility on emerging from Beeches Road as well as improving safety for pedestrians crossing the side road.

In view of the existing issues, it is not appropriate to make any alterations to the existing waiting and loading restrictions at the Beeches Road junction. The existing restrictions serve an important purpose in keeping the junction as safe and as free-flowing as is practicable; any change is likely to compromise one or both of these variables.

There is a great demand for on-street parking space in this area, however it is neither the Council's responsibility nor its duty to make or keep road space available for parking, particularly where doing so would impinge on the safety of road users or adversely affect the flow of traffic.

Residents are reminded that the public highway is available for use by all road users. A householder does not have any greater claim to the highway directly outside their property over any other road user.

On balance therefore the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32.

Positive and proactive working with the applicant

The agent has provided details sought as part of the application which are acceptable and the proposals will not have any significant impact upon neighbour's amenity or access and parking and the layout is acceptable.

Conditions and Reasons

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

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

2. The development shall be completed in accordance with the following approved plans only:

- Drawing number 02B entitled proposed floor plans submitted on 26 February 2016.
- Drawing number 03A entitled proposed site layout submitted on 26 April 2016.
- Drawing number 04 entitled existing and proposed elevations submitted on 29 February 2016.
- Drawing number 05 entitled proposed bin store plans and elevations submitted on 26 April 2016.

- Drawing number 06 entitled proposed bike store plans and elevations submitted on 26 April 2016.

Reason: To define the permission

3. Notwithstanding the Drawing number 06 entitled proposed bike store plans and elevations submitted on 26 April 2016 and prior to the occupation of the flats hereby approved, details showing how the proposed cycle store is to be illuminated shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the bike store is suitable for use by the occupiers of the proposed flats.

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, or succeeding orders, no change of use within the provisions of Schedule 2, Part 3, Class L shall take place to change the flats hereby approved from Class C3 (dwellinghouses) to Class C4 (houses in multi occupation).

Reason: To safeguard the amenities of the occupiers of adjoining premises and to allow the LPA to retain control of the site.

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

Reason: To protect the amenities of potential occupiers.

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 9.

Reason for bringing to committee: Significant community interest

Location: 2 SPRINGFIELDS, WALSALL, WS4 1JT

Proposal: FIRST FLOOR EXTENSION TO PROVIDE THREE ONE BEDROOM FLATS.

Application Number: 14/1629/FL

Case Officer: Paul Hinton

Applicant: Mr Singh

Ward: Rushall-Sheffield

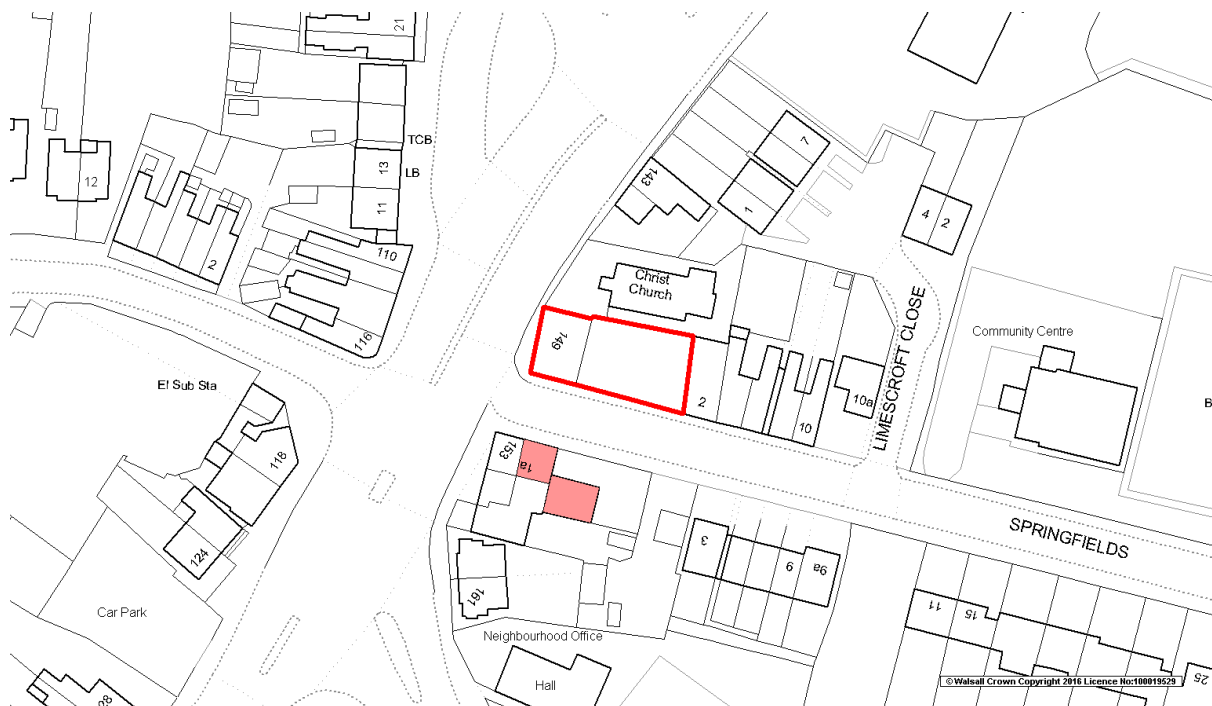
Agent: GT Designz LTD

Expired Date: 02-Mar-2015

Application Type: Full Application

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

Application and Site Details

This application seeks planning permission for a first floor extension above this flat roof single storey storage building at the rear of a convenience shop in Rushall Local Centre. The pitched roof extension would form three no. 1 bedroom flats. The extension would have a ridge height of 8.2m, with an eaves height of 6.1m linking into the rear of the two storey shop and having a length of 13.7m from the rear of the shop. A gap of 4.6m would be retained at first floor between the proposed flats and the end terrace property 2A

At ground floor facing Springfields two further access doors are proposed serving the stock room and access to the flats. There is an existing flat above the shop where new flats would be extended from. Currently there are rear facing windows to this flat, including the kitchen extension which would be removed and the dining room become a kitchen/dining which is already served by side facing windows. The bathroom would no longer have a window and for bedroom 2 a side facing window is proposed on the northern elevation. The existing stairs serving the current flat would also serve one of the new flats. A new ground floor access door in the centre of the side elevation is proposed to access the two other flats. Each flat would be dual aspect with a bedroom window to the northern elevation and the lounge/kitchen window to the southern elevation facing Springfields. Each flat would have an ensuite bathroom. At ground floor part of the stockroom is divided to provide a cycle store and bin store.

The flats would have external render finish and tiles to the roof to match the existing building.

The application drawings have been amended from original submission to those explained above following officer's advice.

This is a two storey building fronting Lichfield Road with its side elevation to Springfields where most of the building is single storey and is used as a stockroom for the shop. The site is within Rushall Local Centre which includes a number of shops, takeaways, dental practice and Library. To the north boundary is Church of Christ the King, to the east is a line of terraced properties at the back of pavement, across the road to the south is a plumbers shop with flats above and a row of houses. Springfields is one way from the Strategic Highway of Lichfield Road for a short distance until the edge of the application site. The nearest bus stop is 110m walking distance away on Lichfield Road and Winterley Lane Playing Fields open space is 360m walking distance from the application site.

Air Quality Assessment

- Predicted concentrations find there are no air quality grounds for refusal
- Air quality is a low priority consideration

Noise Impact Assessment

- Ambient noise levels are such that it is necessary to select a suitable glazing configuration to ensure recommended internal noise levels are met.

Parking Statement

- On street parking is available
- The application provides secure cycle stands for each flat
- There are many bus route/stands near the site that can take you to most destinations in the West Midlands
- There is a local car park on Daw End Lane.

Relevant Planning History

06/0941/OL/E6, OUTLINE : Erection of 4 No. Flats and 4 No. Car Parking Spaces, refused 27-07-06 on grounds of lack of amenity space.

07/2206/FL/E6 - Erection of 3no. dwellings. Refused 26/11/07 on the grounds of lack of amenity space, loss of privacy to 149 Lichfield Road and absence of off-street parking.

14/0475/FL - Installation of dormer window to rear elevation to create 1 bed residential unit within the loft space 8/7/14.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

1. Delivering sustainable development

19 Planning should encourage sustainable growth.

4: Promoting Sustainable Transport

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

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

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

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

6: Delivering a Wide Choice of High Quality Homes

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

55. Avoid new isolated homes in the countryside unless there are special circumstances.

7: Requiring Good Design

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

58. Decisions should aim to ensure that developments:

- Will function well and add to the overall quality of an area
- Establish a strong sense of place
- Optimise the potential of the site to accommodate development

- Respond to local character and history and reflect the identity of local surroundings and materials
 - Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion
 - Are visually attractive as a result of good architecture and appropriate landscaping
60. It is proper to seek to promote or reinforce local distinctiveness.
61. Decisions should address the integration of new development into the natural, built and historic environment.
64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
11. Conserving and enhancing the natural environment
109. The planning system should prevent new and existing development from contributing or being put at unacceptable risk from, or being adversely affected by unacceptable levels of...air...or noise pollution.
111. Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided it is not of high environmental value.
123. Planning decisions should aim to:
- Avoid noise from giving rise to significant adverse impacts

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

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

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

The key planning policies include:

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously development land is prioritised over greenfield sites and encourages a comprehensive approach to development.

CSP1: A network of Regeneration Corridors linking the Strategic Centres will provide: high quality employment land, new homes in sustainable communities built on redundant employment land and other brownfield sites close to existing public transport routes and canal networks and locations with the best access to residential services, at moderate densities that allow for a range of house types.

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided. Green Belt boundaries will be maintained and protected from inappropriate development.

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

CSP4: The design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers.

HOU2: Density and form of new housing should be informed by the need for a range of types and sizes of accommodation, level of accessibility and need to achieve a high quality design and minimise amenity impacts. All developments will aim to achieve a minimum net density of 35 dph except where higher densities would prejudice historic character and local distinctiveness as defined in Policy ENV2.

ENV2: Historic Character and Local Distinctiveness

States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness. Proposal should aim to sustain and reinforce locally distinctive elements.

ENV3: Design Quality

Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits. Implementation of the principles of "By Design" to ensure the provision of a high quality networks of streets, buildings and spaces. Meeting Code for Sustainable Homes Level 3 or above.

ENV5: Flood Risk

Proposals for development must demonstrate that the level of flood risk associated with the site is acceptable in terms of the Black Country Strategic Flood Risk Assessment.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport. Residential development will be expected to meet the accessibility standards set out in Policy HOU2.

TRAN2: Planning permission will not be granted for development likely to have significant transport implications.

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

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

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

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

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

3.6 Development and redevelopment schemes should as far as possible, help to improve the environment of the Borough.

3.7 Seek to protect people from unacceptable noise, pollution and other environmental problems.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution.

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

ENV32: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime through design, layout, landscaping and boundary treatments is encouraged.

ENV40: Adequate foul and surface water drainage infrastructure should be provided.

S3: Integration of Developments into Centres. Developments should be of scale and nature appropriate to the size and function of the centre concerned. All developments within centres should make best use of land and buildings.

S4: The Town and District Centres: General Principles. A mix of uses including housing will be encouraged.

S8: Housing in Town Centres. Investment in housing development within Centres will be encouraged subject to achieving a satisfactory residential development and supporting but not prejudicing a centre's retail, commercial and leisure functions.

H3: Windfall Sites and Conversion of Existing Buildings

(a) The Council will encourage the provision of additional housing through the re-use of brownfield windfall sites, provided that:-

- I. A satisfactory residential environment can be achieved, taking into account the considerations set out in Policy ENV10.
- II. There is no overriding need for the land or buildings to be retained for employment or any other use.
- III. The proposal would have good accessibility by a choice of means of transport and be well related to schools, shops and other social and community facilities.
- IV. Residential development would not unacceptably constrain the development of any adjacent site for its allocated or identified use.
- V. The proposal is acceptable in terms of other policies of the Plan.

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13. This will involve providing an adequate level of parking to meet operational needs while not exceeding any maximum parking standards that are specified.

T8: Encourages greater use of walking as a healthy and sustainable form of travel.

T9: New developments should meet the accessibility standards for cyclists. The design of cycling infrastructure should be safe and secure for all users.

T10 (a): Refers to accessibility standards. The standards for disabled car parking are minimal ones. The standards for residential car parking should be seen as neither maximum nor minimum but the typical requirement. Certain site specific and locational circumstances will justify a reduction.

T12: Residential development should be within 400m walking distance to a bus stop which has a service frequency of at least 1 bus every 30mins during the day (12.00 and 19.00), 1 bus every hour on Sundays between 12.00 and 19.00.

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

10% of all parking spaces should be reserved for disabled people.

Flats with Communal Parking 1.5 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

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

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

DW4- Well defined streets with a continuity of built form are important.

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

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

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

Annexe D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing.

Consultations

Transportation – no objection subject to the use of recommended condition in regard to the provision and retention of the cycle and bin store.

Pollution Control – no objection subject to use of recommended condition in regard to acoustic glazing.

Environmental Health – no objection.

Police Crime Reduction – no objections subject to use of recommended security measures including, window and door standards and access control measures.

Severn Trent Water – no objection subject to the use of recommended condition in regard to drainage and note for applicant.

Fire Services – no objection.

Public Participation Responses

Site notice displayed and surrounding occupiers notified by letter.

Three letters have been received objecting to the application on the following grounds:

- Existing parking problem, customers to shops parking on double yellow lines, on residents drive or on street preventing access for residents
- Not enough parking
- Existing residents sit on the flat roof of the shop playing loud music and drinking resulting in loss of privacy.
- Additional residents and parking and privacy will add to the nightmare already suffered.

Re-consultation was undertaken following receipt of amended plans in regard to changes from single to dual aspect flats. Two further letters have been received from original objectors raising the original concerns and in addition:

- Would overlook property
- One bedroom flats raise concerns as to the type of tenants, noise, anti-social behaviour.

Following further amendments to reduce the amount of flats from four to three, another round of consultation was undertaken. One objector has written in for a third time raising the original concerns and in addition:

- Customers to the off-licence ignore the no entry signs and block existing drives.
- Access to flat roof would cause noise, loud music and views over garden

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

Determining Issues

- Principle of residential development
- Layout and design
- Impact upon residential amenity
- Access and Parking
- Local finance considerations

Observations

Principle of residential development

The site is in a Local Centre which is dominated by A1 and A5 uses at ground floor with flats at first floor. At present this part of the site is a single storey flat roof stockroom serving the off-licence that fronts Lichfield Road. Housing development in local centres will be encouraged where a satisfactory residential environment can be achieved, and the function of the centre is not prejudiced. The function of the local centre is to meet the day-to-day convenience shopping and local service needs of their community. The proposal would result in a marginal loss of parts of the stockroom but would have no impact upon the active retail floorspace or servicing of the building.

The NPPF recognises that residential development can play an important role in ensuring vitality of centres. The proposal would not impact upon the vitality and viability of the Local Centre. This is a sustainable development where the principle of the use is acceptable, subject to achieving a satisfactory residential environment.

Layout and Design

The flat roof building sits behind the two storey pitched roof off-licence and next to the two storey terraced houses, therefore creating an uncharacteristic gap at first floor. The proposal would look to continue the townscape by largely filling in the gap. The proposed roof would be low pitch with a ridge height matching the adjoining terrace number 2. The eaves while 0.3m higher than those at number 2 would match those of the off-licence and would be similar to the higher eaves to the rest of the neighbouring terraced properties. It is proposed to render finish the side elevation of the existing building and proposed flats where they face Springfields in white. There are examples of rendered finished properties in the area with the side elevation currently white painted bricks. This use of material would not cause visual harm. It is proposed to use matching roof tiles.

The proportions of three windows at first floor would match those already used within the building and would assist with providing symmetry. A window is proposed within the north blank elevation facing Lichfield Road; this is considered not to have any visual impact.

The northern elevation facing the church is proposed to have a brick finish matching the existing northern elevation of the building which would ensure the extension integrates into the character of the area.

On balance it is considered the proposal would not have an adverse impact upon the visual amenities of the area.

Impact upon residential amenity

Lichfield Road is a very busy road (a District Distributor), which is both a bus route and has a medium level of footfall that runs through the middle of this Local Centre. The area therefore has a relatively high level of background noise. A noise survey has been undertaken which concludes potential occupiers would have a satisfactory environment subject to provision of suitable glazing.

Due to heavy traffic in the vicinity of the Nitrogen Dioxide levels exceed national air quality objectives. An air quality assessment has been undertaken which concludes that predicted particles and Nitrogen Dioxide concentrations do not exceed the relevant air quality objectives at any of the modelled locations. It concludes that the proposals are considered acceptable in terms of potential air quality impacts.

Pollution Control raise no objection to the application subject to the use of acoustic glazing with specification to be first submitted for approval. This can be secured by condition.

There is no private amenity areas provided as part of the application. Previous planning applications in 2006 and 2007 have been refused for lack of amenity space. Since that time the NPPF has been issued which explains that housing applications should be considered in the context of the presumption in favour of sustainable development. Residential units in centres often fail to achieve the required space per unit due to the higher density of the area. This is a sustainable location with local amenities within walking distance. Due to the existing flat roof the application poses an opportunity to make more efficient use of the land. Weight is given that these are one bedroom flats orientated towards single people or couples, they are dual aspect units, therefore offering alternative outlooks and maximising energy efficiency. In addition Winterley Lane Playing Fields open space is 360m walking distance from the application site.

Any small harm to potential occupiers by not having direct access to private amenity space is heavily outweighed by the benefit of providing a new unit of housing in a sustainable location and by making a more efficient use of the site.

For the existing flat above the shop the internal amendments, blocking up of the rear windows and the additional side window would not result in any loss of amenity.

Originally the application proposed four flats across the whole of the site, the end flat would have resulted in a loss of amenity to the neighbouring house 2a Springfields. The scheme has been amended to omit the fourth flat retaining a gap of 4.6m at first floor.

Concern has been raised about potential occupiers. There is no evidence to suggest that three one bedroom flats would give rise to anti-social behaviour. Planning policy is about a choice of housing to provide social inclusion; the proposal would seek to achieve this. For the existing flat there is a small area on top of the flat roof stockroom which neighbours' state has been used to play loud music. The proposal would remove most of the flat roof and it is recommended a condition is used to prevent the flat roof being used as an amenity area.

Concern has also been raised about the loss of privacy. Across the road is a ground floor flat and also flats within the first floor of the plumbers opposite. The proposal would not directly face the first floor flats. For the ground floor flat the proposal would be 15m away with Springfields between, due to the public realm and existing windows orientated towards the front of the flat it is not considered this would result in such a further loss of privacy to warrant refusal of the application.

At the rear is the church, due to the religious use the proposed bedroom windows would not result in a loss of amenity and would serve as additional surveillance to the side of the building.

In the interests of community safety and following the recommendations of the Police it is recommended that a high standard of locks to be used on all external doors and for communal doors access control measures are used, these can be secured by a recommended condition.

Access and parking

The site does not have any parking of its own and none is proposed. Part of the road is one way with parking restrictions. Residents advise that there is an existing parking problem due to customers visiting the off-licence and there is not enough existing parking with additional residents adding to this problem. There are existing flats and a number of terraced houses in the immediate vicinity that do not have any off-street parking provision. The site is located within the Rushall Local Centre which has access to a number of amenities and is close to local bus stops that are well served by frequent services. This is a highly sustainable location with public parking nearby. In addition these one bedroom flats are unlikely to attract families with multiple vehicles. An area for secure storage of bicycles is also proposed. The carriageway is about 7m wide; on-street parking should not have a detrimental impact on the flow of traffic along the street.

Concerns about users of the highway breaching existing highway restrictions would not be a reason to refuse the planning application.

Transportation raise no objection to the proposal subject to use of a condition in regard to provision and retention of the bin and cycle stores. The NPPF states development should only be refused on transport grounds where the residual cumulative impacts of development are severe. On balance, despite proposing no off-street parking, the sustainable location and nature of the proposal means that the impact on the local highway network would not be severe enough to warrant refusal of permission.

Local Finance Considerations

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

This application proposes three new flats.

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

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

Positive and proactive working with the applicant

Officers have liaised with the applicant during the application process resulting in the submission of air quality and noise surveys, justification for an absence of off-street parking and reduction in the amount of flats to enable full support to be given to the scheme.

Conditions and Reasons

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

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

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

- Location plan received 27/10/14
- Block plan received 27/10/14
- Existing first floor layout received 27/10/14
- Existing rear and side elevations received 27/10/14
- Proposed ground floor and first floor layout received 15/3/16
- Proposed rear and side elevations received 15/3/16
- Noise impact assessment received 19/5/15
- Air Quality Assessment received 15/5/15

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

3. Notwithstanding the details on the approved plans the front elevation facing Springfields and the side elevation facing 2a Springfields shall be finished in white render. The rear elevation facing towards Lichfield Road shall be finished in brickwork which matches, in size, colour and texture to that which is used in the existing building as it exists at the time of this application. The roof of the development shall comprise facing materials that match, in size, colour and texture as those which are used in the existing building as it exists at the time of this application.

Reason: To ensure the satisfactory appearance of the development

4a. Prior to development commencing details of the acoustic glazing system to be installed shall be first submitted for written approval of the Local Planning Authority.

4b. The approved measures shall be fully implemented prior to the development being brought into use and shall be retained.

Reason: To protect the residential amenities of future occupiers.

5a. Prior to the commencement of development details for the disposal of surface water and foul sewage shall have been submitted to and approved in writing by the Local Planning Authority.

5b. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

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

6. The cycle stand and bin store hereby approved shall be fully implemented in accordance with the approved details prior to the development first coming into use and shall be retained.

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

7. All doors should be PAS 24 door sets, with Euro profile cylinders to meet TS007-3. All ground floor window and doors should have at least one pane of 6.4mm laminated glass.

Reason: In the interests of community safety.

8. All communal entry doors should have audio access control measures linked to each flat.

Reason: In the interests of community safety.

9. At no time shall any door hereby approved open outwards across the public highway so as to cause an obstruction or hazard to the general public.

Reason: In the interests of highway safety.

10. The retained flat roof above the above the stock room shall at no time be used as part of any external amenity area.

Reason: To protect the amenity of nearby residential amenity.

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 10.

Reason for bringing to committee: Significant community interest

Location: 1, WOODSIDE ROAD, WALSALL, WS5 3LS

Proposal: PROPOSED BUNGALOW WITH ASSOCIATED ACCESS, LANDSCAPING, PARKING AND REMOVAL OF SINGLE STOREY EXTENSION TO 1 WOODSIDE ROAD.

Application Number: 15/1515

Case Officer: Paul Hinton

Applicant: Mr David Stone

Ward: Paddock

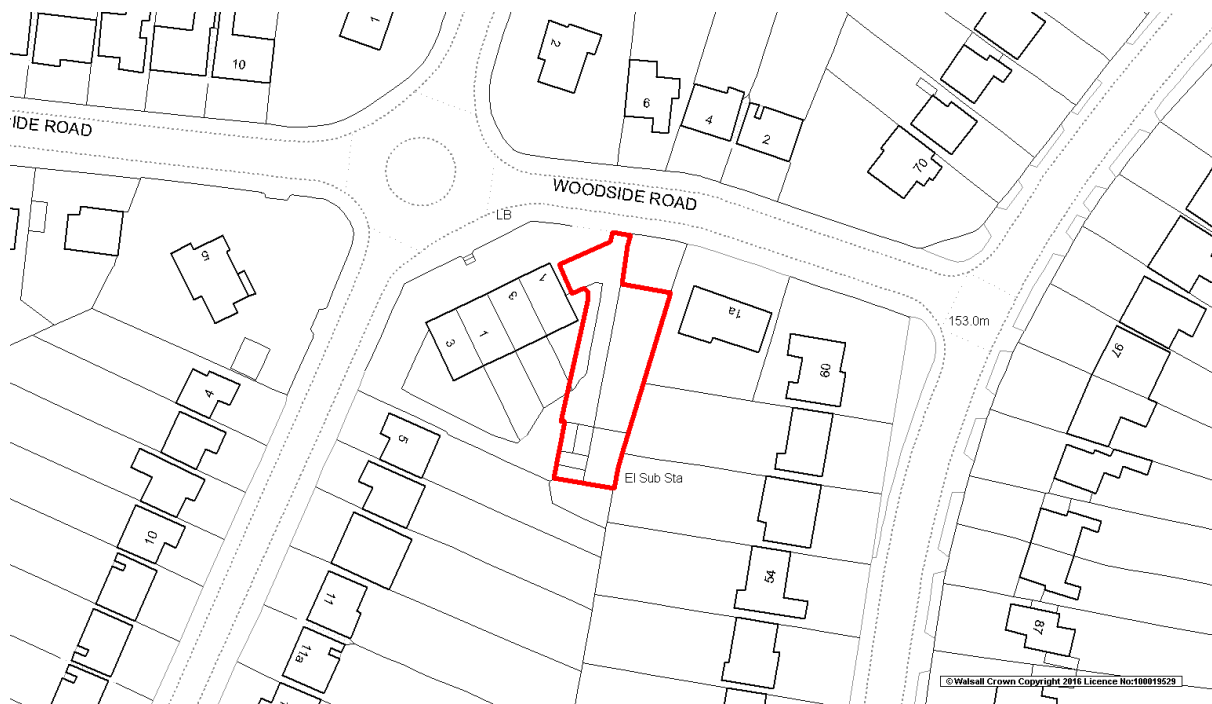
Agent: Miss Kerry Walker

Expired Date: 03-Dec-2015

Application Type: Full Application

Time Extension Expiry: 15-Jan-2016

Recommendation Summary: Grant permission subject to conditions



Officers Report

Application and Site Details

This application seeks planning permission for the erection of a two bedroom bungalow on land which forms part of existing residential curtilage. The bungalow would have a width of 7.8m, a depth of 10.6m and with eaves of 2.9m in height. The dual pitched hipped roof would have a height of 6m. The bungalow would be sited on a grassed area between the side of the detached house 1A Woodside Road and 1 Woodside Road. The ground level of the application site is 1m lower than 1A Woodside Road. To the side of number 1 is a single storey extension which is proposed to be removed to provide for a revised access from the road to the existing garages at the rear. The existing access would be moved 6.2m closer to the road traffic island. The bungalow would be positioned behind an existing electrical substation that fronts Woodside Road.

Dormer windows are proposed to the front and the rear with the front door positioned on the side of the building but angled to face the road. The bungalow would have a bedroom on the ground floor served by front and side facing windows, a bathroom with an open plan kitchen/lounge/dining room with principal rear facing window to the 155sqm garden. At first floor there would be the second bedroom served by a rear facing dormer window and served by the front facing dormer window a bathroom. The property would have facing bricks and concrete interlocking tiles. Two parking spaces are proposed.

This 0.04 hectare site is on the southern side at the corner of Woodside Road and Woodside Close and forms part of the curtilage of an existing pitched roof two-storey 1960's building set at an angle across the corner of the junction facing a small traffic island. The building was originally constructed as four retail shops with living accommodation above but has subsequently been converted to entirely residential purposes. There are 6 x 1 bed flats and a two-storey house in the block. The frontage of the site has an extensive tarmac surface used for parking. The site has planning permission for demolition of the existing buildings and their replacement with 14 apartments including the relocation of the substation.

There is a large beech tree within the rear garden of 56 Skip Lane to the side and rear of the site, which is protected by a Tree Preservation Order. An area of amenity for the existing residential accommodation is set to the rear of the building. The site is located in a residential area characterised by two-storey detached houses, set back from the road in relatively large plots. Overall the area has an open and spacious appearance, with the density of Woodside Close 20 dwellings per hectare (dph), Woodside Road 22dph, Calthorpe Close 17dph, Calthorpe Road 20dph, Burnside Gardens 37dph and the neighbouring part of Skip Lane 14dph. The density of the current proposal is 26 dph.

Relevant Planning History

07/0774/FL/E11 - Erection of 16 x one and two bedroom apartments – Refused 12/7/07.
Appeal dismissed 21/05/08.

07/1815/FL/E11 – Erection of 15 x 2 bed apartments – Refused 15-10-07. Appeal dismissed 21/05/08.

09/0617/FL – Demolition of existing shops/flats and construction of 13 new 2 bed flats and 1 flat for person with disabilities with associated carers accommodation – Refused 14/10/09.
Appeal dismissed 28/10/10.

10/0038/FL – Demolition of existing building and erection of 14 x 2 bed apartments. Appeal against non-determination dismissed 28/10/10

10/1650/FL – Demolition of existing building and erection of 14 x 2 bed apartments – Refused 4/511. Appeal dismissed 30/8/11

11/1217/FL - Demolition of existing building and erection of 14 x 2 bed apartments. Appeal against non-determination. Appeal dismissed 28/6/12.

12/1421/FL - Demolition of existing buildings and proposed erection of 14 two bedroom apartments, electricity substation, new access and associated parking. The electricity substation proposed to be relocated within a purpose built brick and tile building. On 10/1/13 the Planning Committee resolved to exercise its powers under 70A of the Town and Country Planning Act 1990 to decline to determine the application on the basis that the application did not address the issues raised by previous refused planning applications relating to the site and that the application is an attempt to wear down opposition to the development.

14/1014/FL- Demolition of existing buildings and the erection of 14 two-bedroom apartments and an electricity substation, together with a new access and parking facilities. Allowed at appeal 25/3/15.

15/1517 - Change of use of 1 Woodside Road to two apartments with associated access, including removal of single storey extension, erection of a detached house next to 3 Woodside Close, associated landscaping and car parking. Currently under consideration.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

4: Promoting sustainable transport

32. Decisions should take account of whether:

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

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

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

6. Delivering a wide choice of high quality homes

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

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

7: Requiring Good Design

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

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

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

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

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

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

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

11. Conserving and enhancing the natural environment

109. The planning system should prevent new and existing development from contributing to...unacceptable levels of...noise pollution.

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

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

120. To prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location.

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts

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

On planning conditions the NPPF says:

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

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

Pre-application engagement is encouraged.

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

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

The Vision consists of three major directions of change and underpins the approach to the whole strategy which includes the delivery of Sustainable Communities, Environmental Transformation and Economic Prosperity.

The relevant key policies are:

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously developed land is prioritised over greenfield sites and encourages a comprehensive approach to development.

CSP2: Outside strategic centres and regeneration corridors will provide a mix of good quality residential areas where people choose to live.

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context and organise the urban environment in ways that encourage people to act in a civil and responsible manner.

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

HOU2: Density and type of new housing will be informed by:

The need for a range of types and sizes of accommodation to meet sub regional and local needs.

- The level of accessibility by sustainable transport.
- The need to achieve high quality design and minimise amenity impacts.

- All developments will aim to achieve a minimum density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness.

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

TRAN2: Planning permission will not be granted for development proposals that are likely to have significant transport implications unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

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

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance aspects of the historic environment together with their settings. ENV3: Seeks to deliver urban renaissance through high quality design that stimulates economic, social and environmental benefits. Consideration of crime prevention measures and Secured By Design principles.

ENV5: Developments should incorporate sustainable drainage systems unless it would be impractical to do so in order to reduce surface run-off and improve water quality.

WM5: All new developments should address wastes as a resource, minimise waste as far as possible, manage unavoidable waste in a sustainable and responsible manner, and maximise use of materials with low environmental impacts.

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment.

3.6 Development and redevelopment schemes should as far as possible, help to improve the environment of the Borough.

3.7 The Council will seek to protect people from unacceptable noise, pollution and other environmental problems.

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

ENV13: To protect the general amenity of occupiers' development in close proximity to substations will not normally

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV32: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime through design, layout, landscaping and boundary treatments is encouraged.

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

ENV40: The quality of all water resources will be protected.

H3: Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

H5: Promotes housing for people with special needs including groups requiring specialist accommodation.

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13. This will involve providing an adequate level of parking to meet operational needs while not exceeding any maximum parking standards that are specified.

T8: Encourages greater use of walking as a healthy and sustainable form of travel.

T9: New developments should meet the accessibility standards for cyclists. The design of cycling infrastructure should be safe and secure for all users.

T10 (a): Refers to accessibility standards. The standards for disabled car parking are minimal ones. The standards for residential car parking should be seen as neither maximum nor minimum but the typical requirement. Certain site specific and locational circumstances will justify a reduction.

T12: Residential development should be within 400m walking distance to a bus stop which has a service frequency of at least 1 bus every 30mins during the day (12.00 and 19.00), 1 bus every hour on Sundays between 12.00 and 19.00.

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

10% of all parking spaces should be reserved for disabled people.

Flats with Communal Parking 1.5 spaces per unit

1, 2 and 3 bedroom house: 2 spaces per unit.

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

The following are the relevant policies;

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

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character – new development to be informed by the surrounding character and to respond in a positive way to it be reflecting local urban design characteristics, such as street patterns, building scale, topography and culture.

DW4 – Continuity – New development proposals must give consideration to common building lines and how the development will give definition to streets and spaces to reinforce the existing urban structure and give significance to important streets and spaces.

DW5 Ease of movement- create places that are easily connected, safe to move through;

DW6 – Legibility – New development must maximise its potential to enhance local distinctiveness by making positive visual connections with its surrounding environment.

DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses.

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

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

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

Local Character Guidance: East – Gillity Village, Park Hall and Pheasey:

The areas display a local vernacular of medium to large sized semi detached and detached housing. New development should reflect the quiet residential character of these areas and their communities in their design. Future development should respect the spacious and low density form of development.

Annexe D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

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

Conserving Walsall's Natural Environment SPD

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

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

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

Consultations

Transportation – no objection subject to the use of recommended conditions in regard to surfacing and retention of parking areas and drop crossing requirements.

Pollution Control – no objection subject to the use of recommended conditions requiring details of noise mitigation measures to protect internal areas from the noise of the substation, a site investigation to establish if any mitigation is required due to existing ground conditions and a control over construction times.

Ecology – no objection.

Environmental Health – no objections.

Police –no objection. Recommends security measures in regard to types of doors and windows, areas of defensible space, position and type of fencing and security alarm.

Public Participation Responses

Surrounding occupiers notified by letter, site notice displayed.

Four letters have been received objecting to the application on the following grounds:

- Too dense
- Insufficient parking
- Increased traffic
- Parking too tight, people will instead park on the road and verges
- Bungalow will take up land designated for parking for the new flats
- Out of character with surrounding properties

- The addition of a bungalow on top of 14 flats would exacerbate issues

Five letters making the following general comments have been received:

- 3 bedroom house shown on plans not on the site
- What considerations have been given to those already renting the row of shops/converted houses
- Why not plan for the whole site
- Possible future bungalow near to the demolished garages
- Address of the development is incorrect and misleading
- Method of viewing the application online is not user friendly, difficulty viewing plans.
- Combined with future application for detached house site would look overdeveloped, overcrowded and cramped.
- Parking for apartments will create an impression of a high density flatted scheme; the result will be out of character.
- Houses and bungalows should be done through a comprehensive application for removing the unsightly existing buildings.
- Residents have always favoured residential dwellings instead of high density apartments
- Dwelling appears to be in line with surrounding area
- No objection to the proposed bungalow

Following re-consultation on amended plans which confirmed the existing garages were to be retained and also advised of an amended description and clarification on the address, four letters of objection have been received making the following additional comments:

- No room for the 2 car parking spaces as there is currently a brick extension
- Would not blend in with the street scene as hidden behind the sub-station
- Area characterised by two storey development
- Is there sufficient amenity space for the remaining flats

Four letters making the following additional general comments have been received:

- Appear to be part of yet undisclosed larger picture
- Given history there will be more amendments and applications to wear down the resolve of local residents
- Site address of Woodside Close is misleading
- Description fails to include the demolition of the existing single storey extension
- Full ground contamination report is required.

Further re-consultation was undertaken in regard to an amended redline, amended site layout, elevations and description. Five letters have been received objecting to the application on the following additional grounds:

- Difference between the boundaries on existing site plan and proposed site place, implying taking land off 5 Woodside Close.
- Plans include the Council's pavement
- Would not object to the whole site to include 2 bed bungalow, 3 bed detached house of same height as surroundings and a cohesive facade to the existing block of apartments.
- Existing frontage parking is an eyesore
- Some current tenants rev boy racer cars late at night and driving at speed up and down the road.
- A block of flats will unbalance the status quo of the area
- Developer only interested in financial gain
- Difficult to visualise both applications together on separate plans, needs one drawing covering both sites.

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

Determining Issues

- Relationship with current planning permission
- Principle of residential development
- Impact on the character and appearance of the surrounding area
- Impact on residential amenity
- Access and parking
- Relationship with planning application 15/1517
- Local Finance Considerations

Observations

Relationship with current planning permission

Planning permission was secured at appeal in March 2015 for the demolition of existing buildings and the erection of 14 two-bedroom apartments and an electricity substation, together with a new access and parking facilities (14/1014/FL). The current proposal would be an alternative development of the site. If found acceptable the developer would have the option of either the redevelopment of the whole site (14/1014/FL) or the retention of the existing buildings and the erection of a bungalow. Any approval would not permit a hybrid of both developments.

Principle of residential development

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The application is wholly on garden land, which is not defined as brownfield land, in this context the proposal is considered not to be an effective use of land. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development. In Walsall, the five year requirement of housing supply is currently being met through the allocation of housing land and granting of planning permission (which is significantly brownfield land); therefore there is no requirement to release non-brownfield land at this time. The development of brownfield land, however, is encouraged and not the only way to support sustainable economic development to deliver the homes that the country needs.

Housing applications should be considered in the context of the presumption in favour of sustainable development. As agreed by the Inspectors findings on applications 10/0038/FL, 10/1650/FL and 11/1217/FL and in granting planning permission 14/1014/FL the application site is a sustainable location. Accordingly the principle of housing in this location is therefore acceptable, subject to impact upon the character of the area, residential amenity and parking.

Impact on the character and appearance of the surrounding area

Neighbours raise concern about the drawings, the development description and site address. As originally submitted the site plan drawing included elements of the proposal submitted under application 15/1517, proposed the demolition of the garages and referred to the site as 1 Woodside Close. The details of the proposal have been clarified through amended drawings and a change in the development description to correctly describe the proposal and correctly referring to the site as 1 Woodside Road. Neighbours have sought a comprehensive application rather than two. The Council has no power to force an applicant to submit one overarching application. Concern has been raised about the ease of accessing the drawings via the Council's website, while this is not a material planning consideration these concerns have been shared with those responsible for this area. Neighbours also comment about a possible future bungalow, such a proposal is not before the Council and would be considered on its merits should any application be submitted.

Policy HOU2 of the BCCS states that all developments should aim to achieve a minimum net density of 35 dwellings per hectare, the bungalow would have a density of 26dph. Policy

HOU2 also states density and type of new housing will be informed by the need for a range of types and sizes of accommodation to meet sub regional and local needs, the level of accessibility and the need to achieve high quality design and minimise amenity impacts. The NPPF says that decisions should optimise the potential of the site to accommodate development.

The NPPF says that developments should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the built environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character. Policies CPS4, HOU2, ENV2, ENV3 of the BCCS; GP2, 3,6 and ENV32 of the UDP and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements.

The area is characterised by two storey detached houses, with the existing block of flats and house, the gaps to the side, the substation and the garage block to the rear having their own unique appearance. As per previous Inspectors findings a development that is not a detached house would result, albeit it minimal, in an increase in the mix of housing provision in the area. The NPPF seeks to pursue sustainable development through widening the choice of high quality homes.

It is recognised that the bungalow would be materially different in appearance to the detached houses in the area. The area of land is hidden behind an enclosed substation and wooden fences with views of the detached garage at the rear and currently offers little quality to the character of the area. Properties in the area face the street. Due to the substation part of the building would be screened by the building and security fences, however the use of the small dormer window introduces activity and interaction. The removal of the existing side extension opens up further views into the site. The bungalow has been designed with its front door on the side of the building, but angled to ensure it faces the street in the same way as the neighbouring properties, with the use of a bay window a feature of the area. The use of materials compatible with the area would assist integration. From the road traffic island the property would have a street presence the same as its neighbours, from Woodside Road its presence would be provided through the front dormer window. The proposal provides a rear garden in the same way as the neighbouring houses and a front drive which is a characteristic feature. Three of the houses adjacent to the road traffic island have detached garages. While the proposal would have a taller roof, there are similarities, notably the roof design is similar to that at 2 Calthorpe Close. The smaller massing of the building ensures the bungalow would not dominate its surroundings with a density similar to its surroundings.

The bungalow would be set back 5m further from the road than 1A Woodside Road whose ground level is 1m higher and would be 1.8m behind the two storey block on Woodside Close; in addition it would be screened by the substation. This is a sustainable location and provides the opportunity for a further dwelling in the area. The NPPF explains that decisions should not attempt to impose architectural styles or tastes or conform to certain development forms or styles. While a bungalow will be viewed materially different to its surroundings, it would provide the opportunity to improve the character and appearance of this piece of land and for the above reasons it is not considered the proposed design would cause such visual harm to warrant refusal of the application.

Conditions in regard to materials and landscaping are considered necessary and are recommended.

The ground works would be sufficient distance away from the protected tree in 56 Skip Lane to ensure the development not give rise to any harm to this tree.

Impact on residential amenity

The bungalow would be built on ground 1m lower than 1A Woodside Close and the rear of the bungalow, positioned to the west, would project 7.4m further than the rear of the house. There is a hedge and fence that provides a screen along the boundary and a gap of 4.5m between the properties. The nearest ground floor window of number 1A serves the non-habitable laundry room with the mid-point of the kitchen window 7.6m from the boundary. The proposal would not breach the 45 degree code. Two windows are proposed to the side elevation of the bungalow facing the boundary. These windows are secondary windows to the bedroom and kitchen. Due to these factors the bungalow would not result in a loss of light, outlook, or privacy.

To the house at 1 Woodside Road (the end block of the former shops) a rear facing ground floor window that previously served the kitchen has been boarded up and is proposed to be blocked up, the remaining window serves the laundry room. The rear of the bungalow would not result in a loss of outlook to number 1. A condition is necessary to ensure the aperture is blocked up in accordance with the submitted drawings. The bungalow has the potential to cast an additional shadow over the shared amenity space to the rear of the house and flats during mid-morning however this would be relatively short in duration and would not result in a sustained loss of light. A 1.8m high fence would secure the side of the retained amenity area for the house and flats from the driveway to the retained garages. The size of the retained amenity area (225sqm) would be in accordance with the guidance of Designing Walsall SPD

For potential occupiers of the bungalow there is a principal outlook to the rear 155sqm amenity space, with the bay window to the side 1m from the shared access drive. While this is close to an access it is not dissimilar to the relationship of some traditional Victorian terraced houses, with the access road having less activity. The ground floor bedroom is served by two windows with an outlook of 3m to the boundary with the substation and 1.2m to the boundary with number 1A. While this is restricted in distance the room would have access to natural light by two windows, the limit in outlook for some potential occupiers could be outweighed by the offer of privacy and seclusion.

The relationship of the substation to potential occupiers has been considered by appeal Inspectors previously, concluding that the evidence provided demonstrated that the potential electromagnetic fields pose minimal risk to the occupiers. There is no evidence to reach a different conclusion. Substations tend to generate a low frequency tonal noise when they are working, mitigation measures to protect internal areas will be required. These can be secured by condition.

It is understood that part of the site was a pond or marsh that was filled in. To remediate any localised ground contamination, Pollution Control require a site investigation report including details of any remediation measures, if required, will need to be submitted under the terms of a recommended planning condition. A condition is also recommended in regard to demolition and construction hours.

The police do not object to the planning application but make recommendations in regard security measures to be used throughout the development. It is considered that appropriate boundary treatment and doors and window sets can be achieved through the use of planning conditions. A landscape scheme to be required by condition may also assist with providing deterrents. The requirement of a security alarm would not be necessary in planning terms.

Neighbours have asked what consideration has been given to those already occupying the existing flats and house. This report considers the amenity impact of the proposal on adjoining occupiers. Neighbours also comment about existing occupiers revving vehicle and speeding down the road. This would not be a material consideration of the planning application.

Access and parking

Under UDP policy T13 a two bedroom property is required to provide two off-street parking spaces which are provided at the front of the site through the removal of the existing side extension and the relocation of the access to the garages. The proposal would not result in the loss of any existing parking spaces. The relocated access to the garages to the rear and the proposed bungalow would provide sufficient visibility. Transportation raise no objection to the application subject to recommended conditions in regard to surfacing of and retention of parking areas and drop crossing requirement. The additional traffic generated would be minimal and would not adversely impact upon the road network. Therefore the proposal would not give rise to conditions prejudicial to highway safety.

Neighbours have raised concern that the plans include the drive of the house extending across the neighbours land and/or Council's pavement. This refers to an area next to 5 Woodside Close on the site plan, an area of land outside of the boundary for this application. This issue is relevant to application 15/1517 which is considered as part of that report.

Relationship with planning application 15/1517

The Council has before it a separate planning application for a change of use of 1 Woodside Road to two apartments with associated access, including removal of single storey extension, erection of a detached house next to 3 Woodside Close, associated landscaping and car parking. This application is also presented at this committee. Both applications must be treated on their individual merits as either one or both, if approved, could be implemented.

In the case of both developments being implemented, the impacts of both should also be considered. Key concerns about density, character and appearance and parking have been considered individually and combined are also acceptable.

Neighbours have commented that parking for apartments will create an impression of a high density flatted scheme and the result will be out of character. Most of the frontage is hardsurfaced, the combined parking layout would not have any further material harm than the existing.

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 one new home.

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

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

Positive and proactive working with the applicant

Officers have liaised with the applicant's agent resulting in amended drawings to enabled support to be given to the scheme.

Conditions and Reasons

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

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

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

- Site location plan received 18/4/16
- Existing site plan received 9/10/15
- Proposed site plan received 18/4/16
- Existing floor plans received 26/5/16
- Proposed floor plans received 22/2/16
- Existing site elevations received 31/3/16
- Proposed elevations received 22/2/16
- Proposed section received 22/2/16

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

3a. Prior to built development commencing noise mitigation measures to ensure future residents will not be exposed to noise levels that exceed a Noise Rating of 35 one metre from a habitable room due to noise emanating from the substation shall be submitted for written approval of the Local Planning Authority.

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

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

4a. 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)

4b. 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)

4c. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

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

4e. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part a) of this condition is encountered development shall cease until the

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

4f. 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.

5a. Prior to built development commencing a schedule of facing materials to be used in the external walls, roofs, windows, doors, rainwater goods and surfacing shall have been submitted to and approved in writing by the Local Planning Authority.

5b. The approved scheme shall be fully implemented in accordance with the submitted and agreed details and retained thereafter.

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

6a. Prior to built development commencing drainage plans for the disposal of surface water and foul sewage shall have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include where possible sustainable drainage methods and a demonstration that surface runoff would not increase beyond the current surface water runoff rates of the site.

6b. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use and retained thereafter.

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

7a. Prior to built development commencing details of boundary treatment shall have been submitted to and approved in writing by the Local Planning Authority. All gates should have access control measures, be self closing with hinges mounted to the rear of the public side.

7b. The approved details shall be fully implemented prior to first occupation of the premises and shall be retained thereafter.

Reason: In the interests of visual amenity and securing the development.

8a. Prior to built development commencing full details of existing and proposed levels of the site, access way and floor levels for the dwelling, shall have first been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site.

8b. The development shall be carried out in accordance with the approved details.

Reason: Level details are required to be resolved prior to any work commencing to in the interests of the amenity of the area and to ensure satisfactory development of the site.

9. Prior to built development commencing the boarded up kitchen window to 1 Woodside Road shall be permanently blocked up with facing bricks that matches in colour, texture and size to those which are used in the existing building as it exists at the time of this application.

Reason: To define the permission in accordance with the submitted documents.

10a. No development above damp proof course shall take place until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- correct botanical names
- numbers/planting densities for each block of planting proposed
- size supplied of all proposed tree and shrubs at time of planting
- details of proposed turf/seeded areas
- topsoil and mulching depths and specifications
- staking details for proposed trees
- details of landscape establishment / maintenance proposals to be undertaken during the standard conditioned maintenance period

10b. The approved scheme shall be fully implemented within 12 months of the development being brought into use and retained for 5 years. Any trees or plants, which die, are removed, or become seriously damaged or diseased, shall be replaced as soon as practicable with others of similar size and species.

Reason: To ensure the satisfactory appearance of the development.

11a. Prior to the first occupation of the new dwelling, access way and parking spaces shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

11b. These areas shall thereafter be retained and used for no other purpose.

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

12. Prior to the development first coming into use, the existing dropped kerb access point on Woodside Road shall be adjusted to align with the new access road and any redundant dropped kerbs shall be reinstated back to full kerb height.

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

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

Reason: To protect the amenity of occupiers

14. All doors should be PAS 24 door sets, with Euro profile cylinders to meet TS007-3. All window and doors should have at least one pane of 6.4mm laminated glass.

Reason: In the interests of community safety.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no side facing windows or doors other than those approved by this permission, and no enlargements or additions as defined by Classes A to D of Part 1 of Schedule 2 of the Order, shall be constructed.

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

Note for applicant

Pollution Control

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

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

CL 3- 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 the previous unknown filled ground and “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.

Highways

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

2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the realignment works of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654663.

West Midlands Police

Attention is drawn to Secure By Design specifications and guidelines that can help secure this development from future crimes. Such information can be found at

http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf

Recommendation Summary: Grant permission subject to conditions.

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 11.

Reason for bringing to committee: Significant community interest

Location: 1, WOODSIDE ROAD, WALSALL, WS5 3LS

Proposal: CHANGE OF USE OF 1 WOODSIDE ROAD TO TWO APARTMENTS WITH ASSOCIATED ACCESS, INCLUDING REMOVAL OF SINGLE STOREY EXTENSION, ERECTION OF A DETACHED HOUSE NEXT TO 3 WOODSIDE CLOSE, ASSOCIATED LANDSCAPING AND CAR PARKING.

Application Number: 15/1517

Applicant: Mr David Stone

Agent: Miss Kerry Walker

Application Type: Full Application

Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Paul Hinton

Ward: Paddock

Expired Date: 27-Dec-2015

Time Extension Expiry:



Officers Report

Application and Site Details

This application seeks planning permission for the change of use of 1 Woodside Road an existing 3 bedroom house into two apartments, including the removal of an existing single storey extension to the side. The application also proposes the erection of a 3 bedroom detached house on land between 3 and 5 Woodside Close.

The existing end house is accessed through the extension to the side, the proposed ground floor apartment would be accessed from the front and would include kitchen/dining/lounge, one bedroom and a bathroom. The first floor apartment would be accessed via an existing internal staircase at the rear which currently serves an adjacent apartment. This apartment would have two bedrooms, kitchen/dining/lounge and bathroom. Externally the existing front canopy and bay windows would be removed, with a new door opening created and new window inserted. The application also proposes moving the access that serves the garages to the rear a further 6.2m towards the road traffic island and amending the parking arrangements. Eleven parking spaces are proposed to serve the two new apartments and the existing six apartments. To the rear shared amenity space of 258sqm is provided. The parking area would be served by two access points. There is an existing garage block within the rear of the site which is contained within the redline of the application site.

The proposed detached house would have a width of 6.1m, a depth of 9.7m, eaves height of 5.2m and roof height of 8.8m. The 3 bedroom house would include two dormer windows to the rear with a front projecting gable and two roof lights to the front. The design of the main roof includes side gable ends. A double bay is proposed to the front with a dual pitched canopy above the front door. The house would have a brick finish with a tile roof. Two parking spaces are proposed within a drive to the front. The house would have a kitchen/dining and lounge at ground floor, two bedrooms and a bathroom at first floor, and within the roof space a third bedroom. Rear private amenity space of 84sqm is proposed. No side facing windows or doors are proposed.

This 0.12 hectare site is on the southern side at the corner of Woodside Road and Woodside Close and is part of an existing pitched roof two-storey 1960's building set at an angle across the corner of the junction facing a small traffic island. The building was originally constructed as four retail shops with living accommodation above but has subsequently been converted to entirely residential purposes. There are 6 x 1 bed flats and a two-storey house in the block. The frontage of the site has an extensive tarmac surface used for parking. The land where the house is proposed is mainly hard surfaced and forms one of the two accesses to the garages, the other area is part of the amenity space for the existing apartments. The site has planning permission for demolition of the existing buildings and their replacement with 14 apartments including the relocation of the substation.

There is a large beech tree within the rear garden of 56 Skip Lane to the side and rear of the site, which is protected by a Tree Preservation Order. An area of amenity for the existing residential accommodation is set to the rear of the building. The site is located in a residential area characterised by two-storey detached houses, set back from the road in relatively large plots. Overall the area has an open and spacious appearance, with the density of Woodside Close 20 dwellings per hectare (dph), Woodside Road 22dph, Calthorpe Close 17dph, Calthorpe Road 20dph, Burnside Gardens 37dph and the neighbouring part of Skip Lane 14dph. The density of the resultant eight apartments would be 72dph and the proposed house 50dph.

The drawings have been amended during the application process to that described above.

Relevant Planning History

07/0774/FL/E11 - Erection of 16 x one and two bedroom apartments – Refused 12/7/07. Appeal dismissed 21/05/08.

07/1815/FL/E11 – Erection of 15 x 2 bed apartments – Refused 15-10-07. Appeal dismissed 21/05/08.

09/0617/FL – Demolition of existing shops/flats and construction of 13 new 2 bed flats and 1 flat for person with disabilities with associated carers accommodation – Refused 14/10/09. Appeal dismissed 28/10/10.

10/0038/FL – Demolition of existing building and erection of 14 x 2 bed apartments. Appeal against non-determination dismissed 28/10/10

10/1650/FL – Demolition of existing building and erection of 14 x 2 bed apartments – Refused 4/511. Appeal dismissed 30/8/11

11/1217/FL - Demolition of existing building and erection of 14 x 2 bed apartments. Appeal against non-determination. Appeal dismissed 28/6/12.

12/1421/FL - Demolition of existing buildings and proposed erection of 14 two bedroom apartments, electricity substation, new access and associated parking. The electricity substation proposed to be relocated within a purpose built brick and tile building. On 10/1/13 the Planning Committee resolved to exercise its powers under 70A of the Town and Country Planning Act 1990 to decline to determine the application on the basis that the application did not address the issues raised by previous refused planning applications relating to the site and that the application is an attempt to wear down opposition to the development.

14/1014/FL- Demolition of existing buildings and the erection of 14 two-bedroom apartments and an electricity substation, together with a new access and parking facilities. Allowed at appeal 25/3/15.

15/1515 – Proposed bungalow with associated access, landscaping, parking and removal of single storey extension to 1 Woodside Road. Currently under consideration.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed.

- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Key provisions of the NPPF relevant in this case:

4: Promoting sustainable transport

32. Decisions should take account of whether:

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

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

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

6. Delivering a wide choice of high quality homes

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

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

7: Requiring Good Design

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

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

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

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

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

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

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

11. Conserving and enhancing the natural environment

109. The planning system should prevent new and existing development from contributing to...unacceptable levels of...noise pollution.

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

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

120. To prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location.

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts

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

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

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

The Vision consists of three major directions of change and underpins the approach to the whole strategy which includes the delivery of Sustainable Communities, Environmental Transformation and Economic Prosperity.

The relevant key policies are:

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously developed land is prioritised over greenfield sites and encourages a comprehensive approach to development.

CSP2: Outside strategic centres and regeneration corridors will provide a mix of good quality residential areas where people choose to live.

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context and organise the urban environment in ways that encourage people to act in a civil and responsible manner.

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

HOU2: Density and type of new housing will be informed by:

The need for a range of types and sizes of accommodation to meet sub regional and local needs.

- The level of accessibility by sustainable transport.
- The need to achieve high quality design and minimise amenity impacts.
- All developments will aim to achieve a minimum density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness.

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

TRAN2: Planning permission will not be granted for development proposals that are likely to have significant transport implications unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

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

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance aspects of the historic environment together with their settings. ENV3: Seeks to deliver urban renaissance through high quality design that stimulates economic, social and environmental benefits. Consideration of crime prevention measures and Secured By Design principles.

ENV5: Developments should incorporate sustainable drainage systems unless it would be impractical to do so in order to reduce surface run-off and improve water quality.

WM5: All new developments should address wastes as a resource, minimise waste as far as possible, manage unavoidable waste in a sustainable and responsible manner, and maximise use of materials with low environmental impacts.

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment.

3.6 Development and redevelopment schemes should as far as possible, help to improve the environment of the Borough.

3.7 The Council will seek to protect people from unacceptable noise, pollution and other environmental problems.

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

ENV13: To protect the general amenity of occupiers' development in close proximity to substations will not normally

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV32: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime through design, layout, landscaping and boundary treatments is encouraged.

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

ENV40: The quality of all water resources will be protected.

H3: Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

H5: Promotes housing for people with special needs including groups requiring specialist accommodation.

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13. This will involve providing an adequate level of parking to meet operational needs while not exceeding any maximum parking standards that are specified.

T8: Encourages greater use of walking as a healthy and sustainable form of travel.

T9: New developments should meet the accessibility standards for cyclists. The design of cycling infrastructure should be safe and secure for all users.

T10 (a): Refers to accessibility standards. The standards for disabled car parking are minimal ones. The standards for residential car parking should be seen as neither maximum nor minimum but the typical requirement. Certain site specific and locational circumstances will justify a reduction.

T12: Residential development should be within 400m walking distance to a bus stop which has a service frequency of at least 1 bus every 30mins during the day (12.00 and 19.00), 1 bus every hour on Sundays between 12.00 and 19.00.

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

10% of all parking spaces should be reserved for disabled people.

Flats with Communal Parking 1.5 spaces per unit

1, 2 and 3 bedroom house: 2 spaces per unit.

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

The following are the relevant policies;

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

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character – new development to be informed by the surrounding character and to respond in a positive way to it be reflecting local urban design characteristics, such as street patterns, building scale, topography and culture.

DW4 – Continuity – New development proposals must give consideration to common building lines and how the development will give definition to streets and spaces to reinforce the existing urban structure and give significance to important streets and spaces.

DW5 Ease of movement- create places that are easily connected, safe to move through;

DW6 – Legibility – New development must maximise its potential to enhance local distinctiveness by making positive visual connections with its surrounding environment.
DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses.
DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.
DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;
DW10 – new development should make a positive contribution to creating a sustainable environment.

Local Character Guidance: East – Gillity Village, Park Hall and Pheasey:

The areas display a local vernacular of medium to large sized semi detached and detached housing. New development should reflect the quiet residential character of these areas and their communities in their design. Future development should respect the spacious and low density form of development.

Annexe D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

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

Conserving Walsall's Natural Environment SPD

NE1: All relevant applications to be supported by an adequate impact assessment.
NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.
N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees

Consultations

Transportation – no objection subject to use of recommended conditions in regard to surfacing and provision of parking spaces including providing one disabled parking space and provision of a cycle shelter.

Pollution Control – no objection subject to use of recommended conditions in regard to requirement of a site investigation and mitigation measures and control over construction times.

Ecology – no objection subject to use of recommended condition in regard to the installation of a bat box.

Police – no objection. The perimeter fencing around the site should be at least 2.1m in height, there should be no accessible areas down the sides of the building, the fencing should be as close to the front of the building line as possible, gates should have access control, be self closing with hinges mounted behind the attack face. All doors to the building should incorporate access control and self-closing mechanisms. Intercom systems should be in place to each flat. All ground floor windows should have an area of defensible planting. Suggested doors and window sets. Car park should be overlooked and lit. Parking bays should not be marked as to identify the user.

Environmental Health – no objection.
Public Participation Responses

Surrounding occupiers notified by letter, site notice displayed

Five letters have been received objecting to the application on the following grounds

- Concerned with vehicle access and parking
- Existing parking problem
- Over development
- Confusion over the drawings shown
- Should be comprehensive application instead of two applications.
- Object to the remaining apartments being left as indicated still looking like shop front
- Would not object to the whole site to include 2 bed bungalow, 3 bed detached house of same height as surroundings and a cohesive facade to the existing block of apartments.
- Concerned at repeated amendment and additional planning permissions being submitted.

One letter has been received making general comments:

- No objection to the change of use
- Would like to see the shop windows in the other apartments change to the same as in the apartment application

Following re-consultation on amended plans, 5 letters have been received raising the comments above and making the following additional comments:

- Difference between the boundaries on existing site plan and proposed site place, implying taking land off 5 Woodside Close.
- Plans include the Council's pavement
- Plans show possible barrier to prevent in and out access
- House is higher than 5 Woodside Close, if same height would match
- Number of parked vehicles would be detrimental to the streetscene.
- There is room at the rear of the buildings to provide parking spaces.

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

Determining Issues

- Relationship with current planning permission
- Principle of residential development
- Impact on the character and appearance of the surrounding area
- Impact on residential amenity
- Access and parking
- Relationship with planning application 15/1515
- Local Finance Considerations

Observations

Relationship with current planning permission

Planning permission was secured at appeal in March 2015 for the demolition of existing buildings and the erection of 14 two-bedroom apartments and an electricity substation, together with a new access and parking facilities (14/1014/FL).

The current proposal would be an alternative development of the site. If found acceptable the developer would have the option of either the redevelopment of the whole site (14/1014/FL) or the retention of the existing buildings, converting the end house to two flats and the erection of a detached house. Any approval would not permit a hybrid of both developments.

Principle of residential development

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The conversion to two flats would be an effective use of the land.

For the proposed house this is part of the existing residential curtilage, which is not defined as brownfield land, in this context the proposal is considered not to be an effective use of land. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development. In Walsall, the five year requirement of housing supply is currently being met through the allocation of housing land and granting of planning permission (which is significantly brownfield land); therefore there is no requirement to release non-brownfield land at this time. The development of brownfield land, however, is encouraged and not the only way to support sustainable economic development to deliver the homes that the country needs.

Housing applications should be considered in the context of the presumption in favour of sustainable development. As agreed by the Inspectors findings on applications 10/0038/FL, 10/1650/FL and 11/1217/FL and in granting planning permission 14/1014/FL the application site is a sustainable location. Accordingly the principle of housing in this location is therefore acceptable, subject to impact upon the character of the area, residential amenity and parking.

Neighbours have raised concerns at repeated amendment and additional planning permissions being submitted at the site. The Council must consider any valid planning application on its merits and can only decline to determine a valid application if it is a repeat submission, which is not the case here.

Impact on the character and appearance of the surrounding area

Neighbours raise concern about the drawings. As originally submitted the site plan drawing included elements of the proposal submitted under application 15/1515. This has been addressed through amended drawings that independently show the proposal. Neighbours have sought a comprehensive application rather than two. The Council has no power to force an applicant to submit one overarching application.

Policy HOU2 of the BCCS states that all developments should aim to achieve a minimum net density of 35 dwellings per hectare: the proposal accords with this aim. It also states density and type of new housing will be informed by the need for a range of types and sizes of accommodation to meet sub regional and local needs, the level of accessibility and the need to achieve high quality design and minimise amenity impacts. The NPPF says that decisions should optimise the potential of the site to accommodate development.

The NPPF says that developments should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the built environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character. Policies CPS4, HOU2, ENV2, ENV3 of the BCCS; GP2, 3,6 and ENV32 of the UDP and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements.

The proposed apartments would be viewed in the context of the adjoining six apartments, with proposed front and rear access points the same as the neighbours.

The removal of the canopy and bay windows and the insertion of a front door and window would cause no visual harm. In the area where the canopy is attached it would be made good with smooth render to match the front of the neighbouring apartments. The removal of the extension to the side and the re-location of the access to the garage would have no impact. Neighbours have objected to the remaining apartments being left looking like shop fronts. While a uniform replacement of the whole frontage would bring visual improvements, this is not part of the planning submission and cannot be insisted upon.

The proposed development would be at a higher density than the average for the area; this is a direct result of the proposed development being for two apartments and the comparable smaller rear garden of the proposed house. More intensive development may not always be appropriate, however when it is well designed and built in the right location it can lead to a more efficient use of land without compromising the quality of the local environment. The NPPF says that decisions should optimise the potential of the site to accommodate development. Over-development results in designs which impact unduly on the character and amenity of the locality. The design approach in this instance, addresses these concerns and demonstrates that overdevelopment of the site would not occur.

The existing frontage is hard surfaced with narrow planting area providing a boundary between the existing house and the apartments; this would be removed to assist with vehicle circulation. Additional parking is proposed to the side of the substation on an area of existing hard surface. Areas for planting at the front are proposed. On balance the appearance of the proposed parking layout would not have any further impact than the existing.

Accordingly the change of use would have no impact upon the character or appearance of the area.

The area is characterised by two storey detached houses, with the existing block of flats and house, the gaps to the side, the substation and the garage block to the rear having their own unique appearance. The current planning permission is for three blocks of apartments that resemble detached houses, with block 3 in the same position as the proposed detached house albeit it narrower and shallower. The planning permission included double bay to the front, projecting front gable with a hipped roof to one side and a gable to the other. The proposed house also includes the bay and gable feature but instead of the side hip includes gables either side.

There would be a gap of 1.2m between the side of the existing flats and the proposed house and a gap of 2.7m to 5 Woodside Close. The gaps between properties in Woodside Close are between 0.9m and 1.2m. There would be a relationship of a proposed side gable roof next to the hipped roof at 5 Woodside Close. To the other side of number 5 the roof is a gable end, which is next to the hipped roof of number 7. Therefore the relationship of the proposed roof is a design feature in the area. Taking account of ground level changes, the roof height of the proposed house would be 0.3m higher than 5 Woodside Close, with the existing apartments 0.3m higher than the proposed house. The roof height would have a balanced step between the adjoining properties.

While the width of the house would be slightly narrower than the neighbouring houses the size, scale and appearance would be consistent with the design of existing dwellings in the area and would sit comfortably within the existing pattern of development and would not create dominant features or look out of place.

Impact on residential amenity

The conversion of a family home into apartments may well result in more people occupying the property. The occupation of the property by two separate households, even single people, is likely to result in increased levels of activity.

Under Building Regulations Part E, sound insulation would be required to an appropriate standard that would protect the amenity of the adjoining occupiers. The additional activity in the street would be minimal. Neither Environmental Health nor Pollution Control raise any objections on noise.

The change of use to two apartments would not result in any further issues of overlooking. Sufficient level of amenity space would be provided at the rear for eight apartments.

The proposed house would not project any further to the front or rear than number 5 Woodside Close and therefore would not result in any loss of light or outlook. Rear dormer windows to the approved apartment block were previously found acceptable; the proposed dormer windows to the house would have no further impact.

A blank gable end wall would replace the relatively open aspect from the window in the side elevation of 5 Woodside. In the 10/0038/FL appeal decision the Inspector considered: *"Whilst there would be a reduction in light levels entering the window it does not serve a main habitable room and on this basis I do not consider that the reduction in light and the consequent effect on living conditions of the occupiers of the property would be sufficient to warrant dismissing the appeal."* The proposal would have the same relationship to the side facing window to that which already has planning permission.

There is sufficient separation between the rear of the proposal and properties in Skip Lane to ensure outlook and privacy would not be unduly affected. Private rear amenity space of 84 sqm would be provided for future occupiers which is in accordance with the guidance of Designing Walsall SPD.

It is understood that part of the site was a pond or marsh that was filled in. To remediate any localised ground contamination, Pollution Control require a site investigation report including details of any remediation measures, if required, will need to be submitted under the terms of a recommended planning condition. A condition is also recommended in regard to demolition and construction hours.

The police do not object to the planning application but make recommendations in regard to security measures to be used throughout the development. It is considered that appropriate boundary treatment and doors and window sets can be achieved through the use of planning conditions. The parking areas are overlooked by active rooms of the proposed and existing apartments which benefit from the existing street lighting. There are minimal shared accesses to the apartments, therefore an intercom is not necessary.

Access and parking

For the eight apartments, 11 parking spaces are proposed; this is a parking ratio of 1.37 spaces per apartment. The planning approval for the 14 apartments was allowed at appeal with a lower parking ratio of 1.29 spaces per apartment. In reaching his decision the Inspector commented that he saw no problem with regard to cars parked in the road and large passing vehicles. He noted that the roads are relatively quiet suburban roads, rather than busy through roads and so the free flow of traffic would not be adversely affected. Furthermore, he felt the slowing down of traffic would be to the benefit of highway safety. The Inspector made reference to 2011 Census data showing that in relation to flats, maisonettes and apartments in the area, only 7% have two or more vehicles. He concluded that the provision of one parking space per apartment with spaces left over would be sufficient to meet the parking needs of the scheme and gave weight to an hourly bus service within easy walking distance.

The current proposal would have a slightly higher parking ratio than the approved scheme.

Neighbours raise concern about the drawings showing a barrier within the middle of the parking area. This notation on the drawing is depicting the removal of the existing raised

planting bed to provide one open parking area to ensure the proposed parking layout would function appropriately. Neighbours suggest additional parking at the rear of the site. The garages at the rear are within the redline of the application site. The Council can only assess the proposal on the parking provision as submitted.

Under UDP policy T13 a three bedroom property is required to provide two off-street parking spaces which are provided at the front of the site to sufficiently meet the needs of the development.

Transportation make reference to the planning history of the site and raise no objection subject to the use of recommended conditions in regard to surfacing and retention of parking areas and the provision of a secure, covered cycle shelter. Accordingly it is considered that the proposal would not give rise to conditions prejudicial to highway safety.

Neighbours have raised concern that the plans include the drive of the house extending across the neighbours land and/or Council's pavement. This was a drafting error on the drawing which has been revised to show the proposed drive contained within the ownership boundary of the applicant, utilising the existing dropped crossing.

Relationship with planning application 15/1515

The Council has before it a separate planning application for a proposed bungalow with associated access, landscaping, parking and removal of single storey extension to 1 Woodside Road. This application is also presented at this committee. Both applications must be treated on their individual merits as either one or both, if approved, could be implemented.

In the case of both developments being implemented, the impacts of both should also be considered. Key concerns about density, character and appearance and parking have been considered individually and combined are also acceptable.

Neighbours have commented that parking for apartments will create an impression of a high density flatted scheme and the result will be out of character. Most of the frontage is hardsurfaced, the combined parking layout would not have any further material harm than the existing.

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 three new homes.

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

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

Positive and proactive working with the applicant

Officers have liaised with the applicant's agent resulting in amended drawings to enable support to be given to the scheme.

Conditions and Reasons

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

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

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

- Site location plan received 22/2/16
- Existing site plan received 9/10/15
- Existing site sections received 9/10/15
- Proposed site plan received 26/5/16
- Existing floor plans received 26/5/16
- Proposed apartment floor plans received 26/5/16
- Existing site elevations received 31/3/16
- Proposed apartment block site elevations received 26/5/16
- Proposed house floor plans received 22/2/16
- Proposed house elevations received 22/2/16
- Proposed section received 22/2/16
- Proposed street elevation received 22/2/16

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

3a. Prior to 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)

3b. 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)

3c. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

3d. The remedial measures as set out in the "Remediation Statement" required by part c) of this condition shall be implemented in accordance with the agreed timetable.

3e. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part a) of this condition is encountered development shall cease until the "Remediation Statement" required by part c) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

3f. 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.

4a. Prior to built development commencing a schedule of facing materials to be used in the external walls, roofs, windows, doors, rainwater goods and surfacing shall have been submitted to and approved in writing by the Local Planning Authority.

4b. The approved scheme shall be fully implemented in accordance with the submitted and agreed details and retained thereafter.

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

5a. Prior to built development commencing drainage plans for the disposal of surface water and foul sewage shall have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include where possible sustainable drainage methods and a demonstration that surface runoff would not increase beyond the current surface water runoff rates of the site.

5b. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use and retained thereafter.

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

6a. Prior to built development commencing details of boundary treatment shall have been submitted to and approved in writing by the Local Planning Authority. All gates should have access control measures, be self closing with hinges mounted to the rear of the public side.

6b. The approved details shall be fully implemented prior to first occupation of the premises and shall be retained thereafter.

Reason: In the interests of visual amenity and securing the development.

7a. Prior to built development commencing full details of existing and proposed levels of the site, access way and floor levels for the dwelling, shall have first been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site.

7b. The development shall be carried out in accordance with the approved details.

Reason: Level details are required to be resolved prior to any work commencing to in the interests of the amenity of the area and to ensure satisfactory development of the site.

8a. No development above damp proof course shall take place until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- correct botanical names
- numbers/planting densities for each block of planting proposed
- size supplied of all proposed tree and shrubs at time of planting
- details of proposed turf/seeded areas
- topsoil and mulching depths and specifications
- staking details for proposed trees

- details of landscape establishment / maintenance proposals to be undertaken during the standard conditioned maintenance period

8b. The approved scheme shall be fully implemented within 12 months of the development being brought into use and retained for 5 years. Any trees or plants, which die, are removed, or become seriously damaged or diseased, shall be replaced as soon as practicable with others of similar size and species.

Reason: To ensure the satisfactory appearance of the development.

9a. Prior the first occupation of either new flat or the new dwelling on the development, all access ways, parking and vehicle manoeuvring spaces serving that premises shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or any highway drain and all parking bays shall clearly demarcated on the ground. At least one parking space shall be allocated for disabled users and demarcated accordingly.

9b. These areas shall thereafter be retained and used for no other purpose.

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

10a. Prior to the first occupation of either flat on the development, full details of a secure, covered cycle shelter facility for the use of residents of the development shall be submitted to and approved in writing by the Local Planning Authority.

10b. The facility shall be fully implemented in accordance with the approved details and thereafter retained and used for no other purpose.

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

11. Prior to the first occupation of the apartments two bat boxes shall be installed at the top of south-facing walls of the apartment block away from windows and other potential light sources (e.g. Schwegler models 1FR and 1WI) and subsequently retained with access openings maintained free of obstructions at all times. No external lighting scheme in the vicinity of these potential access points shall be installed other than in accordance with the requirements set out below. Namely:

- There shall be no direct illumination of the new bat roosts installed.
- Any lighting installed shall be low wattage down lights to provide security and safety lighting which will be set no higher than head height.
- Any security lighting shall use PIRs to ensure they turn off automatically once movement has ceased.

All external lighting shall be carried out in accordance with the above requirements unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve local bat populations

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

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

Reason: To protect the amenity of occupiers

13. All doors should be PAS 24 door sets, with Euro profile cylinders to meet TS007-3. All window and doors should have at least one pane of 6.4mm laminated glass.

Reason: In the interests of community safety.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no side facing windows or doors other than those approved by this permission, and no enlargements or additions as defined by Classes A to D of Part 1 of Schedule 2 of the Order, shall be constructed.

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

15. The revised parking area for the flats hereby approved shall remain free of any means of enclosures.

Reason: To ensure the satisfactory functioning of the parking area in the interests of highway safety.

Note for applicant

Pollution Control

CL1: Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in the National Planning Policy Framework (2012); British Standard BS10175: 2011 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665); or any relevant successors of such guidance.

You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same/

CL2: When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land Contamination", The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 "Updated technical background to the CLEA model" and Science Report – SC050021/SR2 "Human health toxicological assessment of contaminants in soil" or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3: Validation reports will need to contain details of the "as installed" remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported "clean cover" materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of

any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning

Highways

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.

West Midlands Police

Attention is drawn to Secure By Design specifications and guidelines that can help secure this development from future crimes. Such information can be found at http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf.

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 12.

Reason for bringing to committee: Significant community interest and called in by Councillor Andrew on the grounds of impact on amenity of neighbours, impact on surrounding area and detrimental to the area by virtue of its siting and appearance.

Location: PAVEMENT OF HILLINGFORD AVENUE (TO THE SIDE OF THE BEACON CHURCH), WALSALL, B43 7JU

Proposal: PROPOSED 17.5M HIGH TELECOMMUNICATION MAST WITH 1 NO. 300MM DISH AND TWO EQUIPMENT CABINETS AT HILLINGFORD AVENUE AND THE DECOMMISSIONING OF EXISTING 14.8M HIGH TELECOMMUNICATION MAST AND ASSOCIATED EQUIPMENT AT WAVERLEY AVENUE.

Application Number: 16/0263

Applicant: Vodafone Ltd

Agent: Mono Consultants Ltd

Application Type: Full Application

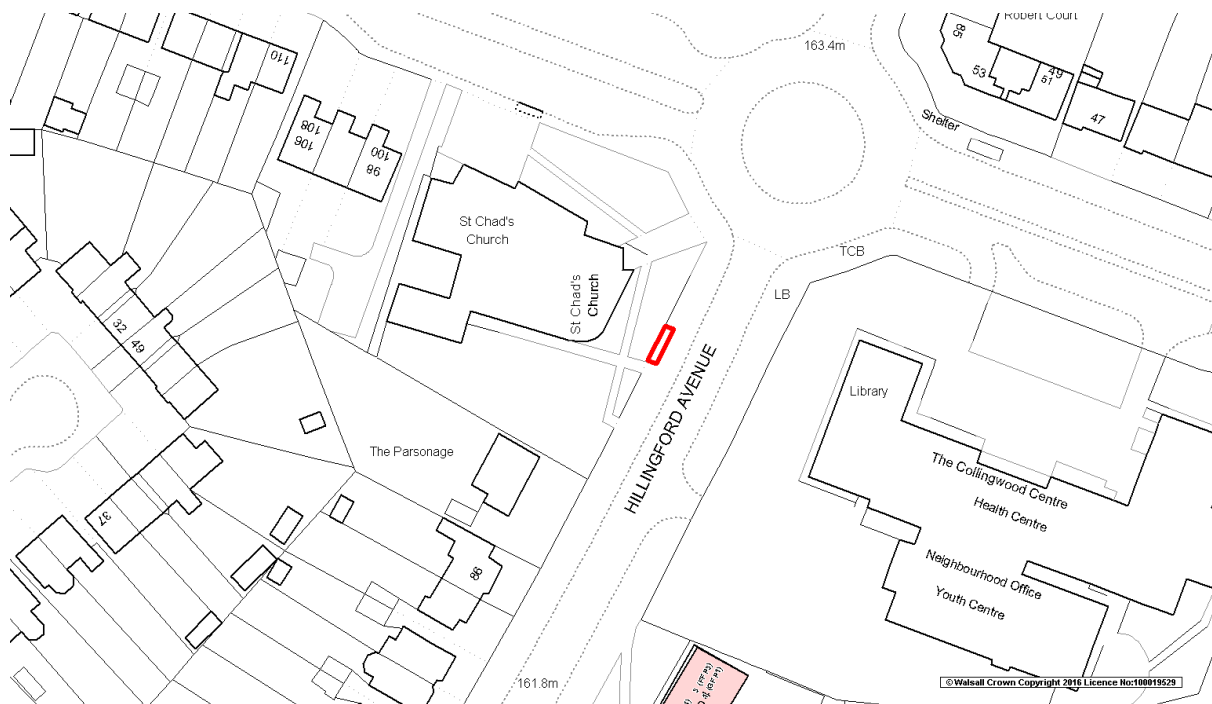
Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Paul Hinton

Ward: Pheasey Park Farm

Expired Date: 13-Apr-2016

Time Extension Expiry: 30-Jun-2016



Officers Report

Application and Site Details

This full planning application includes the erection of a 17.5m high telecommunication mast with 1 no. 300mm dish and two equipment cabinets at Hillingford Avenue plus the decommissioning of the existing 14.8m high telecommunication mast and associated equipment at Waverley Avenue.

The new 17.5 metre high mast would be located within the pavement, set back 4m from the road adjacent to Beacon Church. The key mast details are;

- 0.35m diameter from the base (ground level) to a height of 14m
- 0.5m diameter shroud (includes internal antennas) for the final 3.5m height of the mast.
- single 0.3m diameter antenna dish, would be positioned externally to the mast at a height of 13.5m.
- The mast would be finished in grey (RAL 7035) colour.
- Either side of the mast would be 1.9m x 0.75m x 0.75m equipment cabinets set back 4m from the road and finished in green (RAL 6009)
- plus one slim line cabinet 0.9m x 0.2m x 0.4m, also set back 4m from the back of the road and finished in green (RAL 6009).
- The mast would be operated by Vodafone and O2.

The application description and drawings include the decommissioning of the existing telecommunication mast and equipment at Waverley Avenue.

New mast in Hillingford Avenue, would be in the pavement next to the Beacon Church, 27m from the road traffic island of Hillingford Avenue and Collingwood Drive. The application site falls within Collingwood Drive Local Centre, which includes Pheasey Library across the road with the Collingwood Centre further behind. Along Collingwood Drive is a three storey building with shops at ground floor, residential above with on-road vehicle parking area in front of the building. Robert Court is on the opposite corner, which is a two storey set of flats. Street furniture in the immediate area includes lampposts (approximately 9m high), post box, bus shelters and bus stop, bollards, road traffic signs and boundary railings. There is a mature tree within the grounds of the church. Pheasey Park Farm School is 250m away to the north-west.

The applicant in support of the planning application has submitted the following information:

A Declaration of Conformity with International Commission on Non Ionising Radiation Protection (ICNIRP) Public Exposure guidelines.

- Site designed to be in full compliance

Radio planning and propagation

- Strength of radio signals reduces the further away it is from the transmitter.
- Reduction in signal power is affected by; frequency, distance from the transmitter, terrain, clutter (such as buildings and foliage)

General background information for telecommunications development

- 4G allows customers to use ultra fast speeds when browsing the internet, streaming videos or sending emails. It also enables faster downloads. To meet this demand and improve the quality of the service additional base stations or upgrades may be needed.
- Without base stations, mobile phones won't work
- Signals are transmitted from antennas and cover areas known as a "cell". The size of the cell is dependent on the height of the mast, the topography of the surrounding landscape, anticipated demand and population density in the area.

Health and Mobile Phone Base Stations

- Applicant ensures that masts are designed and operated so that the public are not exposed to radio frequency fields above the guidelines set by International Commission on Non Ionising Radiation Protection (ICNIRP).
- Reviews have concluded that there is no convincing evidence that mobile phone technologies cause adverse effects on human health.

Site specific supplementary information

- Pre-application was undertaken with the LPA
- Coverage plots are a visual tool and cannot show capacity requirements.
- Each base station can only handle a certain amount of users at any one time, with mobile devices now being able to access the internet and some apps need it to function, network capacity is extremely important.
- Being able to clear clutter and see the target audience is paramount in providing reliable capacity.
- Antennas need to be placed at height because they have to clear natural and built clutter.
- 17.5m is necessary to clear the immediate clutter and provide both the required coverage capacity to the target audience which is primarily residential customers.
- Height is kept to technical minimum given the structure types available to the operators.
- Dimensions of the structure are the thinnest available.
- The proposed height will accommodate, 2G and 3G technologies and cater for new 4G coverage demands which will enable network restructuring towards a single grid network that can serve both operators and the decommissioning of the existing mast on Waverley Avenue.
- 4G services are intended to improve mobile broadband services into the future. Latest figures from Ofcom show that consumers are spending less time using their landline, a reduction of 12.7% in one year.
- Sequential approach to site selection:
 - The search area is within the residential area and there is no flexibility to move this elsewhere.
 - No existing neighbouring installations operated by Vodafone or 02 that could be upgraded.
 - There is no other telecommunication infrastructure in the search area that can be shared or co-located alongside.
 - Given the predominately low-rise residential character of the target area there are no tall buildings or structures that would be feasible to accommodate an installation.
 - Non-residential land or buildings are few and far between within the search area.
 - Such is the necessity for a new mast the operators have had to explore streetworks style options.

Consideration of alternative sites

<i>No.</i>	<i>Site</i>	<i>Reason for not choosing</i>
1	Beacon Church	Too low to host a sensitively designed proposal of the technical height required. Potential public art installation (e.g. a cross) would require height of 17.5m; site provider approached but did not respond.
2	Collingwood Centre	Too low to host a sensitively designed proposal of the technical height required. Site provider approached but did not respond
3	Collingwood Drive Parade	No feasible nor sensitive rooftop design could be established.

4	Pheasey Park Farm School	Operator aware that there is public concern in relation to telecommunications development that is located on or very close to schools and as a result it is likely that should this site be advanced it would be contentious.
5	Beacon Road Allotments	Outside of the target area and would not provide the required level of coverage and capacity to the residential audience
6	Barr Beacon School	Operator aware that there is public concern in relation to telecommunications development that is located on or very close to schools and as a result it is likely that should this site be advanced it would be contentious.
7	Cat & Fiddle PH	Site provider has been approached on numerous occasions and is unwilling to accommodate a telecommunications installation.
8	Beacon Road Parade	Not feasible nor sensitive rooftop design could be established.
9	Pheasey Park Farm Community Centre	Outside of the target area and would not provide the required level of coverage and capacity to the residential audience
10	Beacon Road and Wimperis Way	Outside of the target area and would not provide the required level of coverage and capacity to the residential audience and would impact on the adjacent cell network
11	Central reservation of Collingwood Drive	A 17.5m if not taller mast would be required in order to clear the block of shops/flats
12	Collingwood Drive and Hillingford Avenue Roundabout	Suggested public art installation of 17.5m would be required. Power, maintenance and access issues were foreseen
13	Roundabout of Collingwood Drive and A4041	Outside of the target area and would not provide the required level of coverage and capacity to the residential audience and would impact on the adjacent cell network
14	Doe Bank Park, Doe Bank Lane	Outside of the target area and would not provide the required level of coverage and capacity to the residential audience and would impact on the adjacent cell network
15	Foxhills Riding School	Outside of the target area and would not provide the required level of coverage and capacity to the residential audience and would impact on the adjacent cell network
16	Beacon Farm	Outside of the target area and would not provide the required level of coverage and capacity to the residential audience and would impact on the adjacent cell network
17	Roundabout of Beacon Road and A4041	Outside of the target area and would not provide the required level of coverage and capacity to the residential audience and would impact on the adjacent cell network

Mechanism for the decommissioning of the mast at Waverley Avenue

- The existing mast on Waverley Avenue still provides 2G and 3G coverage to the customers in the area. Only once a replacement option has been secured, built and is fully operational will this facilitate its removal.
- Applicant's position is that a S106 agreement to secure the removal is not necessary as there are existing legal and planning mechanisms.
- If Waverley Avenue site continued to operate along with a replacement installation, it is likely to create interference as each cell completes to be the dominant site in the single grid network.
- The proposal is a direct replacement for Waverley Avenue and once fully operational would result in complete removal of the existing mast and equipment.

- There would be a period of time when two masts would be in-situ at each respective site to allow the seamless switch over. Once the new site is switched on and is optimised then the decommissioning of the old site can take place and this could take up to 3-4 months to be fully removed.
- It is highlighted that standard planning conditions are embedded within part 16 of the GPDO, which requires the removal of a telecommunication equipment and restoration of the land once it is no longer required for electronic communications. Therefore if not removed the applicant would be liable to a Breach of Condition Notice.
- In addition the proposal is subject to a full planning application and so the description of the development includes the removal of the existing development at Waverley Avenue and both sites are edged red. This gives the LPA an opportunity to attach additional enforceable conditions to any subsequent permission.
- Categorically confirms in writing that the existing site will be redundant for electronic communications purposes when the operators complete the new base station on Hillingford Avenue.

Coverage plots, panoramic views and photomontages have been submitted with the application.

Relevant Planning History

Junction of Waverley Avenue and Beacon Road

10/1647/PT - Prior notification for installation of 14.8 metre high streetpole supporting 3 x Vodafone antennas and 3 x 02 antennas, ground based equipment cabinet and ancillary development. Refused 27/1/2011.

E11/0289 – Enforcement Notice requiring the removal of the telecommunication mast and equipment. Appeal allowed and enforcement notice quashed 4/1/12 on the grounds that there was not a breach of planning control as the Council could not demonstrate the applicant had received notification of the Council's refusal.

13/1342/PT - Replacement of existing 14.8m monopole with a 15m monopole, the removal of 1no. existing equipment cabinet, the retention of 1no. meter pillar and the installation of 2no. new equipment cabinets. Refused 22/11/13. Appeal dismissed 26/8/14 on the grounds of

- Insufficient evidence to justify the siting of the proposal because the possibility of erecting antennas on an existing building or other structure has not been explored and evidence.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- proactively drive and support sustainable economic development
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- encourage the reuse of existing resources

Key provisions of the NPPF relevant in this case:

5. Supporting high quality communications infrastructure

42. Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.

43. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

45. Applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development.

This should include:

- the outcome of consultations with organisations with an interest in the proposed development.
- for an addition to an existing mast or base station, a statement that self certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guidelines; or
- for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

46. Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

7. Requiring good design

56. Good design is a key aspect of sustainable development.

58. Decisions should aim to ensure the developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- and are visually attractive as a result of good architecture and appropriate landscaping.

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

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

65. Not refuse permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape.

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

The Development Plan

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

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

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

The key planning policies include:

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

ENV3: Encourage high quality design that stimulates economic, social and environmental benefits.

TRAN2: Planning permission will not be granted for development likely to have significant transport implications.

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

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

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

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

The relevant policies are:

GP2: Environmental Protection

Development should be sustainable and contribute to environmental improvement

ENV32: Design and Development Proposals

Poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

ENV38: Telecommunications:

a) Equipment including cabinets can have significant visual impact and are unlikely to be acceptable: ii) within curtilage of a Listed Building, iv) other visually sensitive locations.

b) i) Use of existing high level buildings and structures ii) Mast and site sharing

c) Measures to reduce the impact of the equipment, such as screening and mast camouflage, will be required where necessary

d) All proposals should comply with ICNIRP requirements.

T1 and T8 states that the Council will have regard for disabled people ensuring that street furniture does not inhibit safe and convenient access and to protect pedestrian routes between the central cores, food stores and residential catchment areas.

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the National Planning Policy Framework.

Supplementary Planning Documents (SPD)

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

The relevant SPD's are;

Designing Walsall (Feb 2008)

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process.

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

It is considered in this case that the relevant provisions of Designing Walsall

The Code of Best Practice on Mobile Network Development in England 2013: (Published: 24/07/13)

This is also a material consideration establishing the procedures of consultation, notification and determination of telecommunication applications.

Fixing the foundations: Creating a more prosperous nation (2015)

15 point plan that the government will put into action to boost the UK's productivity growth.

Too many businesses hampered by slow connections and households who cannot play their full part in the digital economy. The government will support the market to deliver near universal 4G coverage.

Consultations

Transportation – no objection.

Pollution Control – no objection.

Public Participation Responses

Surrounding occupiers within 150m radius of both the existing installation at Waverley Avenue and the proposed installation at Hillingford Avenue have been notified by letter (204 addresses in total). In addition a site notice has been displayed.

Eight letters have been received objecting to the application on the following grounds:

- Should be located away from busy shops, households and schools
- It will be the focal point of the church
- Should be located in the middle of a field
- The mast at Waverley Avenue should be dismantled within a week of the new mast operating.
- Why move from a residential area to another residential area
- Why not erect it on Barr Beacon
- Detrimental impact on property values (*not a material planning consideration*)
- Concerned about the health implications, school children and people of all ages pass constantly
- Unsightly
- Would obstruct the view of the local church
- Would give the opportunity to add more equipment at a later date.
- Timing of sending out notification during a holiday period for family and short time to register objections
- What happens if they refuse to decommission the one at Waverley Avenue
- Plenty of other sites that could be used, e.g. the Collingwood Centre and Beacon Church.
- Lack of information has been circulated.

Determining Issues

- Impact upon character and appearance of area
- Highway safety
- Health risks and perception of health risks
- Removal of Waverley Avenue installation

Observations

Impact upon character and appearance of area

The NPPF explains that high quality communications infrastructure is essential for sustainable economic growth. Communication networks play a vital role in enhancing the provision of local community facilities and services. The Government's growth plan explains that too many businesses are hampered by slow connections and households who cannot play their full part in the digital economy. The government will support the market to deliver near universal 4G coverage. Coverage is defined to a cell area of customers which defines where an installation can be sited. Any installation is also dictated by local topography and any adjacent clutter, which can include buildings and trees. The application has been supported by coverage maps showing existing and proposed coverage.

The existing Waverley mast provides 2G and 3G coverage. To provide this neighbourhood with 4G coverage a new installation is required. The upgrade of the existing mast at Waverley Avenue to provide 4G was refused and resultant appeal was dismissed by the Planning Inspectorate for insufficient evidence to justify the siting of the proposal because the possibility of erecting antennas on an existing building or other structure had not been explored and evidenced.

With the current planning application the applicant has explored providing 4G installations at 16 sites in the cell area. All of which have been unable to be pursued either because of being outside of the required coverage area, unable to meet the technical requirements, not able to get agreement from the landowner or would be considered more contentious than the proposed site. This has limited the proposal to a street works installation.

The mobile phone industry is changing and taller masts are becoming more common across the country as the capacity requirements increase as customers move towards increased 4G provision.

The applicants explain that due to the surrounding buildings and clutter the 17.5m height and 0.35m diameter pole (with 0.5m diameter shroud) are the minimum sizes required to provide the technology to enable the necessary coverage.

Collingwood Drive Local Centre has a mix of commercial and community uses with residential streets in close proximity. The ground levels in the area drop from Barr Beacon to the north to the Queslett Road to the south. The application site is positioned in the middle of the area. Directly to the rear of the proposed mast is Beacon Church, a single storey building with a mono pitch roof rising to 6m. Within the grounds of the church is a 10m high tree. The Library and Collingwood Centre are single storey, Robert Court opposite is two storey with part of the parade of shops on Collingwood Drive three storey.

The 17.5m high mast including the shrouded antenna would be a prominent feature and has been considered in the context of the 10m high mature tree with a wide spread of branches. In addition, the local centre has an above average amount of street furniture that includes; bus stops, bus shelters, road traffic signs, street trees, telegraph poles, lampposts, bollards and boundary walls and railings. In addition the width of the pavement provides a wide outlook of these existing features. This proliferation of linear and vertical features reduces the potential prominence of the proposed mast.

It would, nonetheless, be prominent in the street with lampposts around 9m in height. Though prominent it would be of simple and relatively slim appearance. From most angles the adjacent tree would provide a distinctive green background, which would soften the appearance of the mast, providing a useful degree of mitigation, helping assimilate it into the street scene. Even in winter, the dense branches of the tree would have a lesser but positive effect in reducing the visual impact of the mast. The use of a grey finish, the same as the adjacent lampposts would also assist with reducing the visual impact. With the majority of the mast's height (14m) having a diameter of 0.35m, it is considered it would not obstruct the view of the church.

The applicants have reviewed 16 alternative sites, including a number of sites that the Council had asked to be investigated which have been discounted for a number of reasons set out above. In addition objectors have asked for the mast to be located within a field, on Barr Beacon and away from busy shops, households and schools, questioning why a move from one residential area to another. Due to the required cell area the search area is tightly defined, in addition permission for an upgrade at Waverley Avenue failed at appeal. The Council does not dispute the findings of these investigations and from the information available it demonstrates that no more suitable sites are available to deliver 4G coverage to this cell area.

UDP policy ENV38 states that installations are unlikely to be acceptable in low-rise residential areas or in other visually sensitive locations. While this is a local centre with a mix of building designs and uses it is next to a low rise residential area where the change in natural topography make it more visually sensitive.

This local policy is not designed to meet the particular requirements of the local mobile phone network expansion in the same way as the NPPF which explains that advance, high

quality communications infrastructure is essential for sustainable economic growth. The proposal would improve telecommunications services in line with the Government's aspiration to provide universal 4G coverage.

In the absence of any other locations and balancing this against the vital role high quality communications infrastructure plays in enhancing the provision of local community facilities and services the need to improve the coverage and capacity for the 2G, 3G and 4G service for this neighbourhood, together with the benefits of mast sharing is considered would be sufficient to outweigh the harm to the character and appearance of the surrounding area. Once operational, the proposal would benefit local businesses and local residents, amongst others, reducing the need to travel, facilitating home working and contributing to sustainable development.

The two proposed cabinets would be modest in their proportions and only slightly higher than the church railings, which are supplemented by a boundary hedge currently taller than the proposed cabinets. With the use of a green finish and combined with a retained pavement of 4m width, the cabinets would not appear as prominent or strident features or unacceptably add to the existing visual clutter of the location.

The mast would be 30m away from the side elevation windows of the nearest house, The Parsonage, Hillingford Avenue. From The Parsonage, the mast would be seen, against the background of the tree plus the separation distance would reduce its visual impact. Other dwellings that face the site would be further away. While the mast would be visible from a number of houses, it is considered the living conditions of the occupants of the houses would not be adversely affected.

Residents have asked about adding further equipment at a later date. Permitted development rights exist for future upgrades of the cabinets and some external antennas. It is also noted that the Government is considering expanding permitted development rights to increase mast heights, though these rights do not currently exist. The proposal has been designed to meet current technical requirements any future upgrades would need to be considered in accordance with the legislation at the time.

Residents were concerned about a lack of information being circulated. The application has been supported by a number of documents (summarised at the head of the report) which continue to be available on the Council's website. Legislation requires consultation with adjoining neighbours, in this case letters have been sent to all properties within 150m radius of the existing mast at Waverley Avenue and the proposed Hillingford Road mast site. A total of 204 addresses have been notified of the application, plus a site notice has been displayed. It is considered that sufficient notification and information has been circulated and is available to any interested parties to be able to understand the proposals.

Residents raise concern about consultation letters being sent out around the holiday period and a short time to register objections. The Council cannot withhold sending consultation letters for a valid planning application regardless of the time of year. Within that letter comments are sought within 21 days as per the legislation requirements. It is considered that the neighbour notification process has met the legal requirements of the legislation and provided sufficient time for residents to be able to comment.

Highway safety

There would be 4m between the proposed mast and cabinets to the edge of the pavement. The proposal would not impede the use of the highway. Transportation have no objection to the application.

Health risks and perception of health risks

Whilst health concerns can be a material consideration, they must be considered in the context of current government guidance. In this case the applicants have submitted an ICNIRP declaration, certifying the mast and associated equipment is fully compliant with ICNIRP requirements regarding health aspects.

Removal of Waverley Avenue installation

The proposed mast is a direct replacement for the Waverley Avenue mast. To maintain existing coverage the installation could not be removed until the proposed Hillingford mast is fully operational. The applicant advises the decommissioning could take up to 3-4 months to be fully removed. The applicant's agent confirms in writing that the existing site will be redundant for electronic communications purposes when the operators complete the new base station on Hillingford Avenue.

Both the development description and the proposed drawings refer to the removal of the Waverley Avenue mast. Resident concerns of regarding what happens if they refuse to decommission the existing installation have been considered. Notwithstanding the applicant's commitment, the Council can pursue enforcement action as the development would not have been completed in accordance with any approval, as the development description includes the removal of the existing mast. A planning condition is recommended that within five months of the development commencing the existing installation is removed and the land restored to its previous condition. Non-compliance means the Council could issue a Breach of Condition Notice.

The applicant explains that if the Waverley Avenue mast continued to operate along with a replacement installation, it is likely to create interference as each cell competes to be the dominant site in the network. Therefore the developer would not want the two installations to be operational at the same time.

It is considered, there are sufficient mechanisms in the unlikely event two masts were operational at the same time to ensure the removal of the Waverley Avenue mast.

Positive and proactive working with the applicant

Officers have liaised with the applicant's agent during the application process to ensure full information has been provided to enable full support to be given to the scheme.

Conditions and Reasons

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

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

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

- Site location map – Hillingford Avenue received 18/2/16
- Proposed site elevation received 18/2/16
- Proposed site plan received 18/2/16
- Site location maps – Hillingford Avenue and Waverley Avenue received 18/2/16

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

3. The telecommunication mast and external antenna hereby approved shall be finished in a grey (RAL 7035) colour. The equipment cabinets hereby approved shall be finished in a green (RAL 6009) colour.

Reason: In the interests of visual amenity.

4. Within five months from the date of the commencement of the installation of the telecommunication mast and associated equipment at Hillingford Avenue, the existing telecommunication mast and associated equipment at Waverley Avenue as shown on approved drawing site location maps (101 Rev A) received on 18th February 2016 shall be fully removed and the land restored to its condition before the development took place.

Reason: To define the permission and in the interests of visual amenity.

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 13.

Reason for bringing to committee: Called in by Councillor Sears for impact on amenity of neighbours.

Location: 99, WALSALL WOOD ROAD, ALDRIDGE, WALSALL, WS9 8RD

Proposal: RETROSPECTIVE: SINGLE STOREY SIDE EXTENSION AND AMENDMENTS TO APPROVAL 13/1367 - OMISSION OF REAR CONSERVATORY AND REDUCTION IN WIDTH OF REAR EXTENSION (NEAREST TO NO.101 WALSALL WOOD ROAD).

Application Number: 16/0438

Case Officer: Jenny Townsend

Applicant: Mrs Murphy

Ward: Aldridge North And Walsall Wood

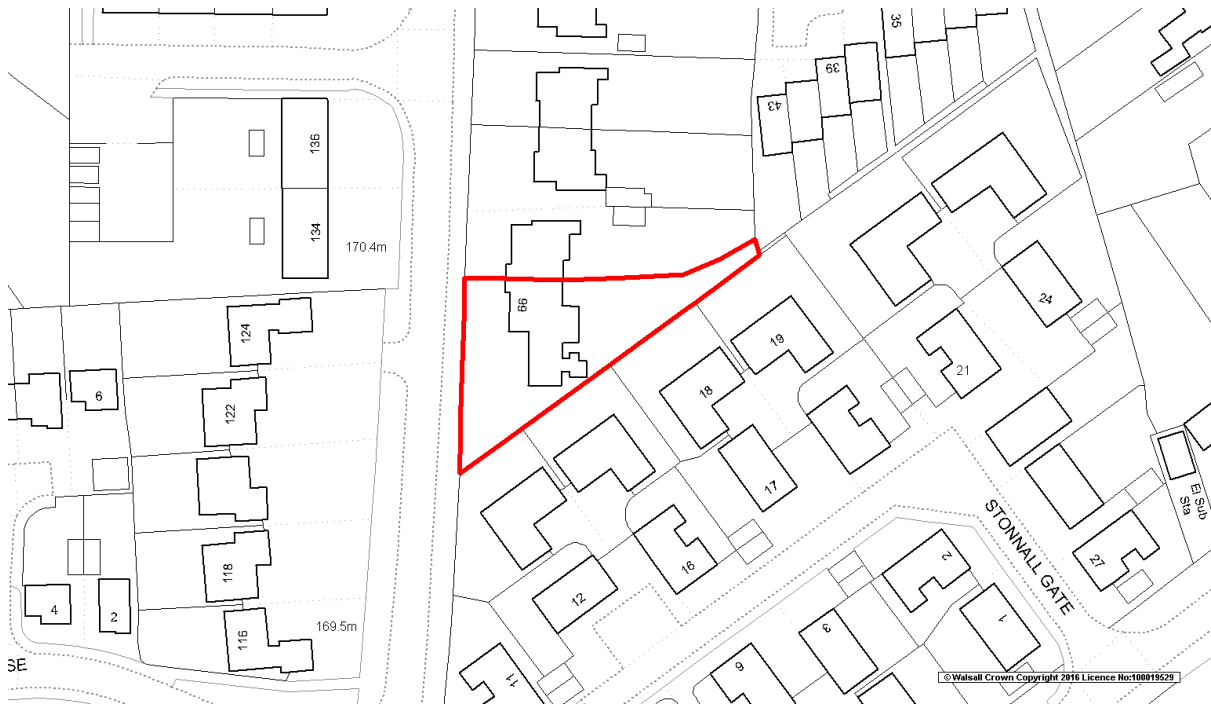
Agent: Paul Clifton Associates

Expired Date: 26-May-2016

Application Type: Full Application

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

This is a retrospective application for a single storey extension to the side of a semi detached bungalow that would provide an enlarged kitchen area. Planning permission for demolition of garage, carport, lounge and bathroom and construction of lounge, kitchen dining room, study and conservatory was granted under application reference 13/1367/FL. Work started on the approved extensions and the block work for the enlarged kitchen for which permission is now sought has been erected but following communication from officers, work has stopped on site except for the recent removal of the top course of blocks that had previously been erected in error.

The existing approved development was allowed on Appeal in February 2014 when the Inspector concluded that the proposal 'would not cause unacceptable harm to the living conditions of the occupiers of neighbouring dwellings or the character and appearance of the surrounding area'. With reference to the concerns regarding the potential use as a house of multiple occupation, he stated that 'the appeal has been determined upon the scheme before him rather than that which might occur at a later date'.

This proposal included a flat roofed side utility room which was in the same position in relation to the boundary with bungalows in Stonnall Gate as the rear corner of the existing garage and was to be 2.8 metres deep. The garage had a flat roof that was 2.6 metres high and a flat roof of the same height was proposed to the new utility room.

The extension that has been built is 6.1 metres deep and follows the footprint of the garage that existed at the time of the appeal. The plans show the flat roof that was approved over the rear section of the extension to be continued over the proposed new part to the front.

The current plans show the layout of the bungalow re-configured, the conservatory omitted and a small extension to the rear lounge nearest to number 101 Walsall Wood Road, the other half of the pair has also been omitted.

The boundary with the bungalows in Stonnall Gate is defined by a wooden fence with a hawthorn hedge alongside. BC09672P granted planning permission for the Stonnall Gate development in 1983 and condition 8 was to prevent the existing peripheral hedge being removed or reduced in height to less than 2 metres to ensure the satisfactory appearance of the development.

When the development began a section of the hedge approximately 6 metres long alongside the fence to the rear of number 15 Stonnall Gate was cut down to approximately 1.5 metres high and is now below the top of the fence. Apparently this was done by the scaffolding company in order to erect the scaffold.

The unauthorised part of the extension is set back 2.5 metres from the front corner of the approved extension and is 2.8 metres wide to be in line with the side wall of the approved rear part of the side extension closest to the boundary with the Stonnall Gate bungalows.

The rear gardens of numbers 14, 15, 18 and 19 Stonnall Gate back directly onto the boundary with the application site. The rear gardens of these bungalows are approximately 7 metres in length and number 15 has a 3 metre deep conservatory to the rear facing towards the boundary fence.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

- **NPPF 7 - Requiring good design**

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV3: Design Quality

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- Appendix D

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

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

Relevant Planning History

08/0686/FL Extension of the existing properties and convert into four lettable self contained units. Refused July 2008.

08/1848/FL Extension of the existing properties and convert into four lettable self contained units. Refused 16 Feb 2009.

10/1211/FL Alterations and extension to form a supported living unit for 4 adults. Refused December 2010. Subsequent appeal dismissed 4 May 2011.

11/0861/FL Revised scheme to provide alterations and extensions to form a supported living unit for 4 adults. Refused 13 October 2011.

12/0507/FL Replacement of flat roof over living room with a tiled pitched roof. Granted subject to conditions 08/08/12.

12/1282/FL Alterations and part demolition of no. 99 Walsall Wood Road and construction of new 2 bedroom bungalow. Refused 18/12/2012 on the grounds that the proposal would be incongruous and out of character with properties in the surrounding street scene and would reduce the amenities and be detrimental to the enjoyment of residents in Stonnall Gate due to the shallow depth of gardens and would have a cramped appearance by virtue of its size. Subsequent appeal dismissed 13 June 2013.

13/1367/FL Demolition of garage, carport, lounge and bathroom and construction of lounge, kitchen, dining room, study and conservatory. Refused 28/11/13 on the grounds that the design and size of the proposed extensions would appear incongruous and out of character with the existing properties in the street scene, appearing cramped and would reduce the amenities and be detrimental to the neighbours due to its close proximity. This application was granted on Appeal on 20/02/14.

Consultation Replies

Tree Officer – No objections provided the protective tree fencing as indicated on drawing no 1251.3 is erected and remains in place and clear of contractor materials throughout the construction phase.

Representations

Objections have been received from 7 neighbouring addresses, including 2 letters of objection from the daughters of neighbours to the site (the daughters live in a different borough). One neighbour has sent numerous letters, emails and extracts of Planning Guidance documents regarding retrospective planning applications. The objections to the proposal are summarised below;

- all of the previous 8 applications should be taken into account as there has been a consistent attempt of achieve the maximum habitable accommodation with the intent of enhancing the prospect of receivable rentals;
- the extended property would in effect constitute an undeclared and inadequate hostel intended for use or purpose inappropriate to its dwellinghouse house status and the current application should be treated as Sui Generis;
- the extended property may be used as ancillary accommodation for the Stonnall Road Bail Hostel as this is understood to be full to capacity and privately rented properties elsewhere in the UK have already been used as ancillary bail accommodation;
- the garage has been demolished to maximise residential accommodation – few potential owners would want a 4 to 6 bed bungalow without a garage;
- regardless of use of room shown on the plans (utility, study etc.) the rooms could all be used as bedrooms;
- multiple occupation of the bungalow would be to the detriment of the quiet amenity of the immediate neighbours;
- unauthorised extension breaches condition of the appeal decision;
- unjustifiable reduction of hedge to rear of 15 Stonnall Gate;
- proposal contravenes policy for 13m separation from conservatory at number 15 Stonnall Gate;
- consistent misleading failure of the applicants agent to recognise existence of conservatory at number 15 and that the small back garden and rear of number 15 is lower in level than number 99;

- roof design on new plans is as complicated as previous application and what happens if not built in accordance with approved plans;
- what input would approved inspector have in regard to the roofing;
- unlikely that the retrospective application would have been made if unauthorised works hadn't been reported;
- loss of amenity to immediate neighbouring properties, in particular 15 Stonnall Gate;
- despite numerous refused applications building works have gone ahead which is exploitation of loop holes in system;
- use should be for residential only, if not will contact local Councillor;
- proposal is not in keeping with surrounding residential properties;
- detracts from overall look of area;
- impacts on privacy and view of elderly neighbours in adjacent bungalows;
- manner of application seems underhand with disregard for planning rules and neighbours;
- do not want to set a precedent for disregard of planning process;
- proposal will bring building line much closer to 15 Stonnall Gate and roof is higher than the flat roof of the previous garage;
- date of report decision is 20 May 2014 – building work was not started until later than 3 years from this date so should not have been permitted and a new application should have been required;
- applicant does not live at the property;
- fears for safety as to the physical size and location of the building;
- outlook onto scaffold and rubble;
- who will be held accountable for hacking into the hedge;
- if there are numerous occupants this could lead to a potential highways issue as ingress and egress is opposite driveway serving 5 houses.

The neighbours request that a sui generis categorisation is applied to the current application as the proposals heighten the probability that the property would be used as accommodation for more than 6 residents and would fall into the category of 'larger house in multiple occupation' application which is dealt with under the Sui Generis categorisation. They understand that this categorisation does not convey the permitted development rights for a property dealt with under that heading to be used as a house in multiple occupation. They also request that an Article 4 is issued to remove permitted development rights of the property to prohibit the use as a house in multiple occupation, taking the compact design and limited garden dimensions of Stonnall Gate development, which is believed to be unique to the area as adequate justification for issuing the Article 4.

The neighbours quote policy H7 of Walsall's UDP re Hostels and Houses in Multiple Occupation which states that proposals will only be encouraged 'if it can be demonstrated that there would be no harm to the amenity of the occupants of neighbouring buildings' and 'no harm to the character and appearance of the building or the surrounding area'...

One neighbour has advised that one course of bricks and another course of blocks have been removed from the side extension and asks what will happen if the roofs are not constructed in accordance with the plans submitted for this retrospective application taking into account the guidance regarding retrospective applications which states that 'a person who has undertaken unauthorised development has only one opportunity to obtain planning permission after the event'.

The daughter of one of the neighbours has provided photographs from the garden of the neighbouring bungalow showing the scaffolding and blocks of the extension above the fence where the hedge has been removed. She has asked for these to be shown to the Committee to illustrate what her parents have had to contend with. This is a matter for committee to consider.

Determining Issues

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

Observations

Design of Extension and Character of Area

The retrospective part of the side extension is built on the footprint of the previous garage and the plans show the flat roof already approved is to be continued over the extension. It is considered that there is little difference in the appearance of the bungalow with the addition of the section to the front of that which has already been approved by the Inspector. In the circumstances this is considered insufficient to warrant a refusal of the application as the front of the extension is still set back from the main part of the extension and together with the flat roof keeps the side section subservient to the rest of the bungalow.

Amenity of Nearby Residents

The extension is shown to be the same height as the side extension allowed in the appeal decision and would be further from the boundary with the bungalows in Stonnall Gate.

There are some differences in the design of the pitched roofs of the extension as the conservatory has been omitted and the rear extension is to be narrower. The position and height of the pitched roof nearest to the boundary with the bungalows in Stonnall Gate and number 15 in particular has not changed and as such it is considered that there would be little additional impact on light, outlook or amenity to the occupiers of the bungalows in Stonnall Gate than that which was considered by the Inspector. The omission of the conservatory is considered would reduce any impact that the proposals allowed in the appeal may have had on the amenity of the occupiers of the bungalows in Stonnall Gate as the development would be smaller. Any future additions to the bungalow (except for roof alterations that could include loft conversions or dormers) would require planning permission as permitted development rights for extensions have now been lost. A condition to remove permitted development for roof alterations has been added to control any future development due to the limited separation to the rear of the bungalows in Stonnall Gate. If proposals came forward at a future date for changes to the roof then neighbours would be consulted as part of the application process.

The reduction in the height of the hedge next to the fence to the rear of number 15 has resulted in the uppermost part of the extension being visible from the rear of number 15. The Council's tree officer visited the site and inspected the hedge following a call from neighbours. He considers that no lasting damage has occurred and the hedge should grow back in time. This will then completely screen the nearest part (flat roof) of the extension from view from the rear of number 15 in line with the Inspectors conclusions.

With regard to the neighbours comments, there is no reason for the Council to determine the application as a Sui Generis use as it is a dwellinghouse; an Article 4 is considered not to be an appropriate measure to control the use of dwellinghouse and could not be imposed on a single dwelling as this would be discriminatory against the applicant as any of the dwellinghouses nearby could implement their permitted development rights without the need to apply for permission. Whilst it is unfortunate that the hedge has been reduced in height, this does not appear to have done any lasting damage and is not something that the Council can rectify immediately and it is considered that taking enforcement action in this instance would not be expedient as the reduction in the hedge does not affect the wider area and is not in the public interest. The use of an approved inspector for building regulations is allowed and covered by separate legislation; the works have begun within 3 years of the date of the appeal decision (20/02/14); the scaffolding and rubble are necessary and unavoidable parts of the development process but are only temporary; the application site has an in and out

driveway which aids the free flow of traffic along Walsall Wood Road as it removes the necessity to reverse onto the road.

With regard to the comments regarding potential multiple occupation of the bungalow, whilst it is recognised that this could happen, there is no indication from the agent in the proposal that the development is for this purpose and whilst it is understood that the most recent residents were renting the property, this was a single family. In line with the Inspector's comments, the proposal has to be considered on the submitted scheme rather than what might occur at a later date.

In light of the above the proposals do not have any significant impact on residential amenities.

Protected Trees

There is a Pine tree at the front of the site which is protected by TPO title no. 26/2008. Drawing no. 1251.3 shows the extent of protective fencing to be erected around the tree to ensure it will remain unaffected by the proposals. The tree protection is adequate and as long as this fencing is erected prior to the commencement of development and remains throughout the construction phase. The protective screening has been erected.

Parking

The extension is built over part of one of the approved parking spaces. However there is plenty of space on the remaining driveway for this space to be repositioned. It must be noted that notwithstanding the Inspector's condition for the 4 parking spaces shown on the previous plans to be retained, the Council's parking standards only require a maximum of 3 spaces to be provided for a house with 4 or more bedrooms and the submitted plans show this.

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. The proposals do not have any significant impact on the amenities of the area or residential amenity of surrounding occupiers.

Conditions and Reasons

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

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

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

Existing plan drawing 1251.1 deposited 31 March 2016;
Existing elevations drawing 1251.2 deposited 31 March 2016;
Proposed plan drawing 1251.3 deposited 31 March 2016;
Proposed elevations drawing 1251.4A deposited 31 March 2016;
Roof plans drawing 1251.5 deposited 31 March 2016;
Site plans drawing 1251.6 deposited 31 March 2016;
Planning Statement deposited 31 March 2016.

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

3: The tree protection fencing as detailed on proposed plan drawing no. 1251.3 shall be fully implemented prior to the commencement of any works on site and shall be retained until the

completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason: To safeguard the tree included in the Tree Preservation Order on the site.

4: The walls and roof of the extensions shall comprise facing materials that match in colour, texture and size those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

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

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

6: No development within Class B and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development Order 1995)(Amendment No. 2)(England) 2016 (alterations to the roof or existing dormers) shall take place without the prior submission and approval of a planning application.

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

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 14.

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

Location: 54, CARTBRIDGE CRESCENT, WALSALL, WS3 1TJ

Proposal: TWO STOREY SIDE EXTENSION

Application Number: 16/0326

Applicant: Mr Morn Sohal

Agent: Alexander Associates

Application Type: Full Application

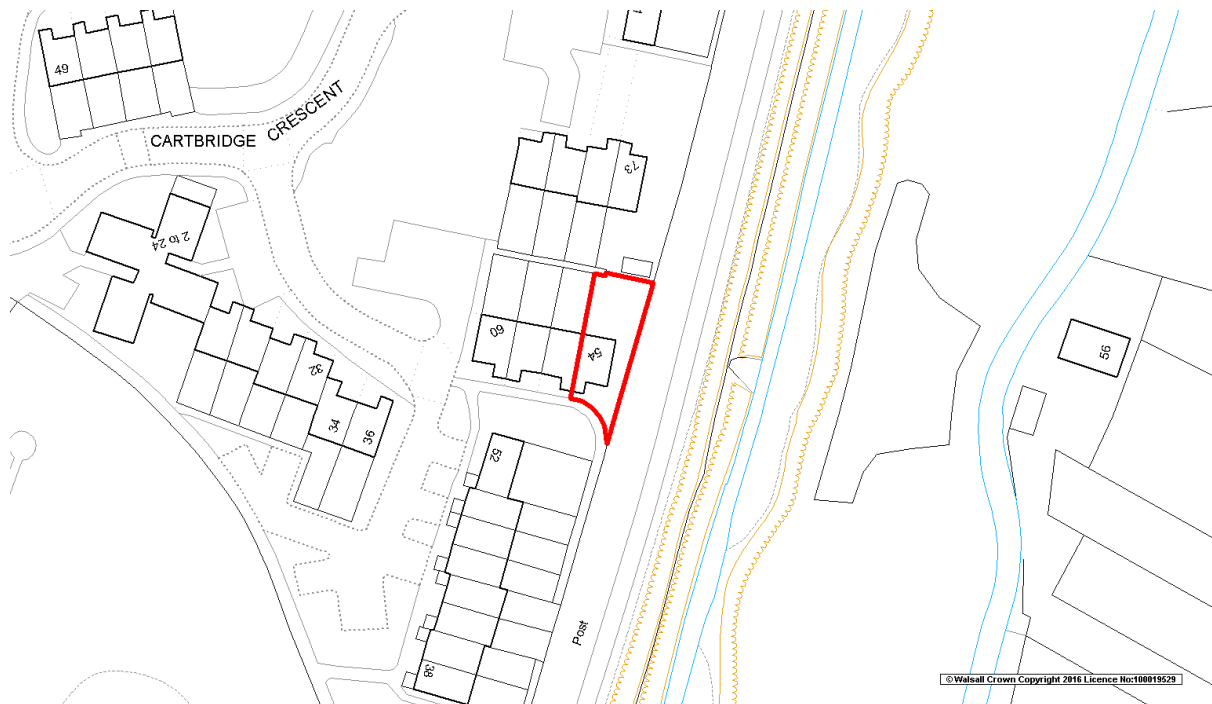
Recommendation Summary: **Grant Permission Subject to Conditions**

Case Officer: Jenny Townsend

Ward: Blakenall

Expired Date: 26-Apr-2016

Time Extension Expiry:



Officers Report

This application seeks to add a two storey extension to the side of an end of terrace house that would enlarge the existing lounge and dining room at ground floor and enlarge the existing front bedroom at first floor and add a new third bedroom.

The existing plans show a porch with a sloping roof across the front of the house however this had been removed at the time of the planning officer's site visit. The original plans included the rebuild of the porch continued across the full width of the existing house and also the extension but amended plans have been received which show the porch omitted to free up space on the frontage of the house for parking.

This is a residential area with a mix of terraced houses and flats. The application house is a plain design with a gable roof which lies at the end of a cul-de-sac serving the terrace of 4 houses. The former railway line which is now part of National Cycle Route 5 runs alongside the site to the east with metal palisade fencing to this side boundary. A number of nearby properties have hardsurfaced the front garden to provide off-street parking. The application house has a tarmaced drive for one vehicle and a gravelled area to the side of the house that can accommodate a further vehicle.

The proposed extension would be in line with the existing house at both the front and rear and would increase the width of the house from 5.9 to 8.5 metres at the front and 5.9 to 8.9 metres at the rear. The 0.4 metre step in the side of the extension would follow the angle of the side boundary. The existing gable roof is to be continued over the extension. Amended plans show high level eaves to the front of the wider rear section of the extension.

There are no windows or doors proposed in the side elevation adjacent the cycle track and on the front new windows serving the existing living room at ground floor and bedroom at first floor part proposed.

On the rear a secondary window to the enlarged kitchen diner is proposed at ground floor and a window to the new bedroom would be above. The rear of the application house faces the rear of number 73 Cartbridge Crescent which has habitable room windows at both ground and first floor level with a tall fence on the boundary between them. The separation between the rears of the houses is approximately 22 metres as originally were built.

The front of the house faces across the road towards the tall fence which is to the side boundary of the rear garden of number 52 Cartbridge Crescent.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

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

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- Appendix D

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

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

Relevant Planning History

15/0570/FL Proposed two bedroom house. Refused 17/06/15 on the grounds that the proposal by virtue of its scale, massing and appearance would represent a camped development of the site which would appear incongruous and unrelated to the surrounding development causing harm to the character and appearance of the area. The application fails to take account of the context that defines the character of the area, disrupting the street scene to the detriment of visual amenity and compromising the quality of the local environment. In addition the proposal does not provide sufficient or adequate amount of useable private amenity area for either the occupiers of 54 Cartbridge Crescent or the proposal. The proposal also fails to provide adequate off-street parking provision to meet the operational need of both the proposed house and the existing house; as a consequence the development is likely to lead to increased reliance for on-street parking and is likely to result in constrained vehicle movements and conflict to the detriment of highway safety.

Consultation Replies

Pollution Control – No objections.

Transportation – No objections subject to a condition relating to parking.

Representations

Three letters of objection from neighbours on the following grounds:

- there is already parking problems in street from vans of contractors carrying out work;
- rubbish and mess from skips on front driveway is blowing around the garden and estate and children are playing in this mess which is a health and safety issue;
- scrap men messing in skips;
- cars and properties are full of dust and dirt from the works, costing money to keep cleaning;
- current proposal will have the same visual impacts and parking limitations as the previously refused application;
- drawings conflict – one shows rear of extension in line whilst the other shows it projecting beyond rear of neighbour which would block view to the nature reserve trees and sun from the garden.
- encroaches on privacy and affects husbands health;
- already renovating house and have noise, bonfires and dust;
- noise and disruption to the neighbourhood from contractors lorries if approved;
- reduce light to garden and neighbouring properties;
- if railway alongside property reopens it will be too close to the extended house- the gap to the side is there for this reason;
- belief that this application is a 'back door' attempt to achieve a dwelling that could be for more than one family or maybe an HMO which would incur issues of its own ie. parking, noise, extra rubbish etc.- this is backed up by the fact that the rear garden has already been split by fencing;
- out of character with rest of estate as built right to edge of cycle track and any future maintenance/repairs would need to be done from this land;
- removal of metal fencing would lead to security and privacy issues for neighbours but would be only way of gaining a side access;

Determining Issues

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

Observations

Design of Extension and Character of Area

The design of the extension is compatible with the existing house. The first floor part of the houses are already all in line and the proposal is considered would be in keeping with this existing character.

The removal of the front porch is considered would not significantly harm the appearance of the house and when looking down the cul-de-sac, the porch to the front of number 56 partly screens the front of the existing house and it would not be immediately obvious that the application house had no porch. The house would be wider than the neighbours but this is considered would not harm the character of the area.

A condition removing permitted development rights for porches to the front of the house is recommended to prevent a porch being added at a later date that would prevent the frontage being available for parking.

The amended plan shows high level eaves to the wider rear part of the extension. This would be set back from the front of the house and whilst it is acknowledged that the eaves

would not match with the existing eaves of the house, this would not be visible when looking down the cul-de-sac towards the application house. From the cycle track the break would be seen against the brickwork of the front section and the modest depth of the wider section is considered would diminish the difference. The front of the house does not directly face towards the front of any neighbouring dwelling and on balance it is considered that the difference in eaves height to this narrow section would not significantly harm the visual appearance of the house or the area sufficient to refuse the application for this reason alone.

It is acknowledged that part of the reason for refusal of the previous application was harm to the visual amenity of the area however this application is for an extension rather than a completely new dwelling and on balance it is considered that given the shallow design of the existing roof, the set back to the section with the higher eaves and the modest width of this, they would be barely visible from the ground.

Amenity of Nearby Residents

The proposed extension would not project beyond the existing house at either the front or rear and would have little impact on the neighbouring house number 56 with regards to loss of light or outlook. The extension would be set away from the boundary with number 56 and this separation is considered would minimise any overlooking from the windows in the extension to the rear of number 56.

The separation distance between the new bedroom window proposed on the rear and the rear of number 73 would be the same as already exists between the habitable room windows on the rear of both of the houses, which is also the case for the rest of the houses in this terrace and the other houses in the block of which number 73 is the end house. It is acknowledged that there is a modest shortfall to the 24 metres required by policy, but in this context it is considered that maintaining current separation distances would provide an acceptable level of amenity for the occupiers of both properties in keeping with the existing character of the area.

The other new windows on the rear would be secondary windows to existing rooms that already face towards the rear of number 73. As such it is considered that there would be little change to the existing situation with regards to privacy of the occupiers of both houses.

The new windows to the front would also be secondary windows to existing rooms and do not directly face towards any other house. The first floor window faces towards the rear garden of number 52 but this is across the road and as the rear garden of number 52 is already adjacent the cycle track it is considered on balance that the addition of a secondary window to an existing bedroom would not significantly worsen the existing situation with regards to harm the amenity of the rear garden of number 52 sufficient to warrant refusal of the application on these grounds alone.

With regard to the neighbours comments, parking of contractors vans, dust and skips in connection with the development are temporary and whilst it is accepted that there would be some disturbance for neighbours during construction works it is considered that as most house extensions are small in scale they are normally completed in a relatively short time. The block plan appears to show the previous scheme and is not included in the list of approved plans. The amended plans do not show any projection beyond the rear of the house. The application does not include any side access or propose any change to the fencing along the side boundary. There are only two houses, the application house and number 73 Cartbridge Crescent that are parallel to the former railway line, all the other houses back onto it at right angles and it is up to the applicants if they wish to reduce their own amenity by being closer to the public track at the side of the house. The removal of the porch has provided an area for parking and a condition preventing the addition of a porch under permitted development rights is recommended to ensure that this area remains for parking only. Noise is covered by separate legislation and maintenance and access for maintenance are not material planning considerations.

With regard to sub-division of the house or utilising the property for an HMO, whilst there are conditions to be adhered to with regards to both options, it is permitted development which is outside of the control of the Local Planning Authority. The current proposal has to be considered on its own merits.

Parking

The development looks to add a two storey side extension including increasing the number of bedrooms from 2 to 3. Taking into account there is no policy requirement for an increase parking space provision over and above the existing provision and there is no evidence that the property ever had more than one parking space, on balance the Highway Authority considers that the proposed single parking space provision is acceptable and will not have severe transportation implications.

The plan submitted to show two parking spaces does not reflect the existing layout of the road because it shows a footpath in front of the houses that does not exist and for this reason has not been included in the list of approved plans.

Note: The parking area and access to the property off Cartbridge Crescent is not public highway but is under the control of Walsall Housing Group

Positive and Proactive working with the applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding the parking space on the frontage of the property, amended plans with the proposed porch omitted have been submitted which enable full support to be given to the scheme.

Conditions and Reasons

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

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

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

Location plan deposited 2 March 2016;
Amended existing and proposed plans drawing 30012015/A1/EPSE Rev 03
deposited 27 May 2016.

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

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

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

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

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

5: The single frontage parking space shall hereafter be retained and used for no other purpose.

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

6: No development within Class D Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or succeeding orders (porches) shall take place without the prior submission and approval of a planning application.

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

Notes for Applicant

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

This Standing Advice is valid from 1st January 2015 until 31st December 2016

Recommendation Summary:

Conditions – Delete if not needed

Reasons – Delete if not needed

Notes for Applicant – Delete if not needed

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 15.

Reason for bringing to committee: Consultee objection

Location: 2, THORNHILL PARK, STREETLY, SUTTON COLDFIELD, WALSTALL, B74 2LG

Proposal: TWO STOREY FRONT, SIDE AND REAR EXTENSIONS, PLUS SINGLE STOREY REAR EXTENSION.

Application Number: 16/0149

Applicant: Mr M Nazar

Agent: Mr Rob Duncan

Application Type: Full Application

Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Jenny Townsend

Ward: Streetly

Expired Date: 06-Apr-2016

Time Extension Expiry:



Officers Report

This application is for extensions to a detached house that would enlarge the existing porch and garage at the front, add a new ground floor room alongside the garage with a library, an enlarged bedroom and a new bedroom built above and to the rear a ground floor family room, enlarged utility and kitchen area with a extension to the existing rear bedroom above part of the family room and a new bathroom at first floor level nearest to the eastern boundary. The existing bathroom on the rear is to be converted to a bedroom meaning that the number of bedrooms would increase from 3 on the first floor and rooms in the roof (which are not shown on the plans as they are to remain unchanged) to potentially 6 on the first floor if the library were to be used as a bedroom and the loft rooms.

Construction has begun on an approved front two storey extension on the left-hand side of the house nearest to number 4 Thornhill Park and at the rear a single storey family room is also under construction. This is being built under permitted development allowances.

The application site is in a residential area where there is a mixture of houses and bungalows that are mainly detached and generally of a traditional design. The application site is the first plot on the right of Thornhill Park and there is a strip of land to the side containing protected trees which creates a buffer between the application house and a block of apartments on Thornhill Road. The root areas of some of the protected trees overlap into the application site.

The existing house has a gable roof with 2 two storey projections adjacent to each other on the right hand side of the front elevation. The application proposes a two storey extension alongside the larger one of these adjacent to the boundary with the garden land belonging to number 8 Manor Road which is to the right of the site. The extension would increase the width of this wing by 2.6 metres and increase the length at the front by 1.6 metres. The hipped roof is to be replaced by a gable roof over the whole wing.

The smaller original projection (positioned approximately in the middle of the front elevation) is to be increased in length by 2.5 metres and would be 0.3 metres wider. The gable roof would be lower than the current pitched roof.

There are already 3 roof lights in the front roofslope which serve loft rooms and are to remain.

The existing house has a brick finish with dark timber cladding to the smaller front wing. The plans show the some of the existing facing brickwork (mainly the side elevation facing towards number 4) to be retained but the majority of the extension is proposed to be white render.

At the rear a flat roofed dormer extension has been added across almost the full width of the roof with windows facing down the rear garden.

The proposed side extension would be in line with the rear of the original two storey part of the house nearest to the eastern boundary with a gable roof over that would have the same ridge height as the original main roof. The ground floor to the rear of the existing house and across the rear of the extension would be increased in length by 1.2 metres to be in line with the face of the original two storey rear projection. A sloping roof is proposed over this single storey section.

The ground floor rear extension would be 5.5 metres long, 5 metres wide and would have a flat roof over the end section with a lantern rooflight. The first floor part of the extension would be built over part of the ground floor family room extension and would increase the

length of the existing rear first floor projection by approximately 2.8 metres to be in line with the rear of the single storey extension that is under construction nearest to number 4.

A first floor window to a landing is proposed in the side elevation of the extension facing east and on the rear elevation a door and window combination to the utility at ground floor and at first floor there would be a bathroom window closest to the tall holly hedge and trees on the land belonging to number 8 Manor Road. The existing bathroom is to be converted to a bedroom but the window would remain in the same position.

Number 4 has a carport to the side built to the boundary and windows in the side and rear of the bungalow which face towards the application house. Most of the windows are non habitable rooms but there is a kitchen window which already faces the two storey side gable of the application house with a separation of approximately 5.5 metres. The extension being built under permitted development rights breaches the 45 degree code measured from the mid point of the kitchen window. The proposed first floor extension would be approximately 9 metres from the kitchen window.

Number 4 has a large detached garage alongside the boundary which screens the rear garden of number 4 from view from the application site.

A planning statement, Arboricultural Implication Assessment and an Arboricultural Method Statement have been submitted which state that the design and scale of the proposals are in keeping with the area and concludes that the proposed development has minimal impact upon the retained trees and whilst there is a small encroachment into the ROPA of one tree, this is of good tolerance to development impact.

Previous bat report for the site state that there was no evidence of bats using the building as a place of shelter and in relation to the application for the front two storey extension (15/1581) the Council's ecology officer considered that 'the development proposed will cause relatively minor disruption to the roof for the following reasons:

- The loft has already been converted so any works to the roof will be confined to the triangular footprint of the proposed bay window on the roof.
- There is already a dormer window which protrudes above the soffits level so there will be relatively little interference with the soffits and eaves.

Whilst bat surveys have been requested elsewhere in the immediate neighbourhood there is no reason to request a survey for this site for the reasons above. The residual risk of bats being present should be addressed through a note to the applicant advising of what to do should bats be discovered during development'.

The applicant has made comments in relation to the tree officer's observations and considers that there is a conflict of interest.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

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

Unitary Development Plan

- GP2: Environmental Protection
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

- Development with the potential to affect trees, woodlands and hedgerows
 - NE7
 - NE8
 - NE9
 - NE10

Designing Walsall

- DW3 Character
- Appendix D

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

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

Relevant Planning History

12/0677 Replacement dwelling. Grant Subject to Conditions 02/08/12.

15/0260/CLD Certificate of Lawfulness for the proposed erection of a single storey rear extension. Granted 30/04/15.

15/1581 Two storey front bay window extension. Granted Subject to Conditions 04/01/16.

Consultation Replies

Tree Officer – Objects to the proposal on the grounds that the two storey extension on the east side of the dwelling and recommends that the application is refused based on the impact it would have on both protected and non-protected trees. The comments remain in relation to the amended scheme which transposes the bedroom and bathroom on the rear elevation.

Representations

Two letters of objection from neighbours on the grounds that;

- The submitted drawings for the rear elevation do not show detail of the second floor (loft extension erected under permitted development);
- the drawings are short on dimensions;
- the ongoing health of the oak trees are of concern, particularly in the light of the report made by The Planning Inspectorate, Bristol (APP/TPO/V4630/3619) which supports the protection and preservation of the trees and the amenity they provide to neighbours and the neighbourhood;
- the holly trees were there before the applicants brought the house and if they need pruning back, it should be done at their expense;
- any window overlooking her garden should have frosted glass;
- damage to fence and plants adjacent the boundary as the proposal is to be built right to the boundary.

One neighbour has concerns relating to rain water and sewage drainage but comments that he understands that these should be raised with Severn Trent/South Staffs Water directly.

Determining Issues

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

Observations

Design of Extension and Character of Area

The proposed extensions are considered to be a more contemporary plain design than the design of the replacement dwelling previously approved which were in the Arts and Crafts style. Nevertheless the current design is considered in keeping with the design of the detached houses on the opposite side of the road at the lower end of Thornhill Park which have projecting front gables and are rendered. The mix of brickwork and white render is considered would be in keeping with the character of the area.

The footprint of the proposal on the right-hand side of the house is similar to that of the approved replacement dwelling and is considered would be in keeping with other properties nearby and the character of the detached houses in this part of Thornhill Park.

Amenity of Nearby Residents

The proposed extensions would be set away from the boundary with number 4 and this separation is considered would prevent any harm to the living conditions of the occupiers of number 4.

The rear two storey extensions would be screened at ground floor by the permitted development extension. Whilst it is acknowledged that the first floor part of the extension would be visible from the kitchen window of number 4 and would limit the existing view of the trees to the eastern boundary of the application site that is currently available from the

kitchen window, this is considered would not sustain a refusal of the application for this reason alone. It is considered there is sufficient separation between the window and the two storey part of the extension for light and outlook to the window and in planning terms, there is no right to a distant view.

The first floor window in the side elevation facing onto the land of number 8 Manor Road is to a non habitable room and as such it is considered that obscure glazing or limited opening is not required.

The long rear garden means that the rear facing windows would have no significant impact on the properties in Manor Road.

With regards to the neighbour's comments, the drawings are scaled and they have been amended to include the rear dormer extension. Other issues regarding pruning the hedge and damage to fence and plants are civil matters covered by separate legislation. The concerns regarding the trees have been addressed in the tree officer's comments. In this instance the planning officer considers that a refusal based on these reasons alone would not be sustained should the applicant appeal to the Planning Inspectorate especially for the amended scheme which has moved the habitable bedroom window further from the canopy of the tree.

Protected Trees

The Council's tree officer states that his comments must relate to the previously [consented] proposal considered under application reference 12/0677/FL as the footprint of the extensions on the east side of the dwelling are in a similar position to the scheme previously granted consent. At the time of assessing the impact of the previous proposal, the information used to determine the root protection areas for the trees was recently found to have been grossly underestimated. In addition, the trees have had 4 years worth of annual growth which will increase the difference in results. The latest tree officer comments take into account the re-arrangement of the rear first floor bedroom and bathroom.

There are 2 issues to address with this proposal; the direct and indirect impact of the proposal on the long-term health and condition of the protected and non-protected trees in third party land (8 Manor Road). Direct action relates to impacts that will physically affect the trees, whereas indirect impacts are related to the effects of the proposal e.g. layout.

The handing of bedroom 4 and the bathroom will help reduce the impact on the 'living conditions' of the bedroom and increase the view of the garden area. However, experience indicates that this may not be sufficient to reduce the potential for repeated applications to severely prune the overhanging branches of the protected Oak to allow more light into this room.

A significant row of Holly trees (H1 on the submitted Tree Report) are located in the garden of 8 Manor Road, and are situated immediately adjacent to the boundary fence between the properties. They are 0.5m from the boundary and their crowns extend some 0.3m into the applicant's site. They are approximately 150mm in diameter, giving a radial root protection distance of 1.8m. This means that the root protection area extends into the applicants site by 1.3m. Given that the proposed two storey side extension is proposed at 0.3m from the boundary, this indicates that it will remove >50% of the radial root protection area of these trees. This is likely to lead to premature decline or death and/or instability issues.

In addition to this, the trees are the subject of a recent high hedge complaint. The outcome of this complaint is that the trees must be reduced to a height of 5.05m and are not allowed to grow higher than 6.05m. This has an impact on the applicant's proposal as there is a planned landing window at first floor level that is located immediately adjacent to the row of trees. The [reduced] height of the trees will be in line with the top most part of the window,

effectively blocking any natural light entering this point. This will create a nuisance aspect which may lead to an unwelcome neighbourly dispute.

There is a large Oak tree in the neighbours property located to the south of the property that will cast the vast majority of shade onto the site in the morning hours although the deciduous nature of this tree will allow dappled light to enter in the winter months. Although, experience of dealing with a similar situation in the rear garden shows the potential for complaints regarding the lack of light will be high.

There is also an individual Holly (T3 situated on the edge of H1) and a semi mature [protected] Silver Birch (T5 on the submitted Tree Report) located adjacent to the east side of the dwelling. Whilst these trees are directly affected by the proposed extension through foundation construction, this is considered minimal and acceptable at the present time only.

T6 Oak on the Tree Report is a mature tree of good shape and form. It has a stem diameter of 910mm, giving it a radial root protection distance of 9.1m. The proposal will make a slight incursion into the RPA but this is considered insignificant and acceptable at the present time. However, this would have an indirect impact on the tree by indicating that the existing patio would be increased in size or relocated to an existing area of soft landscaping. That doesn't appear to be the case in this instance as the applicant has already constructed a significant retaining wall at the edge of the existing soft landscaped area. Whilst this was not necessary and as a result of the proposed extension, it contravenes the Tree Preservation Regulations and will be dealt with by other means. On its own, it is not sufficient to justify refusal of the application, or part of it.

To summarise:

- a. The proposed extension will have a direct impact on the row of Holly (H1) on the adjacent property through excavations for the foundations. This will have an effect the long-term health, condition and stability of the trees, potentially leading to premature decline, death or failure.
- b. The row of Holly (H1) will cast sufficient shade onto the landing window, and the window to 'Bed 5' to create unreasonable conditions for the occupiers of the property.
- c. The protected Oak towards the frontage of Thornhill Park, in the rear garden of 8 Manor Road, will help shade Bed 5 (and Bed 3) to place the Council under pressure to allow severe pruning.
- d. The Council will be placed under pressure to allow the severe pruning of the crown of T6 Oak to allow a reasonable amount of light into the newly created 'Bed 4'. This has previously been experience by the Council where the window was slightly further away from the tree (existing dormer window) and indicates the potential for this situation to occur again is high.
- e. Allowing traditional foundation construction for the 2 storey element on the east side of the dwelling that results in one or more of the Holly trees in the third party land adjacent failing/falling over, could lead to claims from the third party landowner for damages. However, further advice on the current situation with claims such as this would need to be sought from a planning solicitor.

The tree officer recommend that the proposal (or at least the two storey extension on the east side of the dwelling) should be refused based on the impact it would have on both protected and non-protected trees.

In this instance planning officers consider that that reconfiguration of the first floor layout so that the new bedroom window would be further from the boundary, and taking into account the similarity of the footprint of the current proposal to the previously approved application for the replacement dwelling (in relation to the protected trees in the garden of number 8 Manor Road), on balance and in this context cannot support the tree officers objections to refuse the application.

A condition is recommended to remove permitted development rights for alterations and extensions to the roof of the house in order to prevent the enlargement of the existing dormer across the rear slope of the roof of the extension as this is considered would be too close to the canopy of the protected tree and in this respect only, officers would share the concerns of the tree officer relating to harm to the trees and potential requests to prune back the tree/s.

Parking

There is sufficient space to the front of the dwelling to enlarge the existing driveway to provide 3 spaces to accord with UDP policy for a house with 4 or more bedrooms. A condition for this to be done before the development is brought into use has been added to prevent on street parking as a result of the extensions.

Positive and Proactive working with the applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding impact on light and outlook to rear first floor rooms, amended plans which show the rooms transposed have been submitted which enable full support to be given to the scheme. The amended drawings also show the existing rear dormer extension.

Conditions and Reasons

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

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

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

Location plan deposited 11 February 2016;
Block plan deposited 11 February 2016;
Existing elevations and floor layout plans drawing 1204/9/A deposited 4 April 2016;
Proposed floor layout plans drawing 1204/10/A deposited 21 April 2016;
Proposed elevations drawing 1204/1/A deposited 4 April 2016;
Proposed roof plan deposited 4 April 2016;
Planning Statement deposited 11 February 2016;
Arboricultural Report Implication Assessment by Braemar Arboriculture Limited dated 23 December 2015 deposited 11 February 2016;
Arboricultural Report Method Statement by Braemar Arboriculture Limited dated 23 December 2015 deposited 11 February 2016;

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

3: Before the development is brought into use, the driveway shall be enlarged to provide 3 parking spaces each measuring at least 2.4m wide by 4.8m long and once installed, the parking spaces shall hereafter be retained and used for no other purpose.

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

4: The walls and roof of the extension that are proposed to be brick (as per the approved plans) shall comprise facing materials that match, in size, colour and texture as those which are used in the existing building as it exists at the time of this application, and the rest of the extensions are to be rendered white and shall be retained as such after completion of the extension.

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

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

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

6: No development within Class B and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (alterations to the roof or existing dormers) shall take place without the prior submission and approval of a planning application.

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

Notes for Applicant

Although the application does not require a formal bat survey, there is still a risk that bats may be using your house for roosting. It is therefore important that you are satisfied that there are no bats using the buildings affected by the development 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 roof tiles and the flat roofed bay 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

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

This Standing Advice is valid from 1st January 2015 until 31st December 2016

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 16.

Reason for bringing to committee: Significant Community Interest

Location: 424, SUTTON ROAD, WALSALL, WS5 3BA

Proposal: TWO STOREY SIDE AND REAR EXTENSIONS, SINGLE STOREY FRONT AND REAR EXTENSIONS AND LOFT CONVERSION AND ENLARGEMENT.

Application Number: 15/1931

Case Officer: Helen Smith

Applicant: Mr Israr Khan

Ward: Pheasey Park Farm

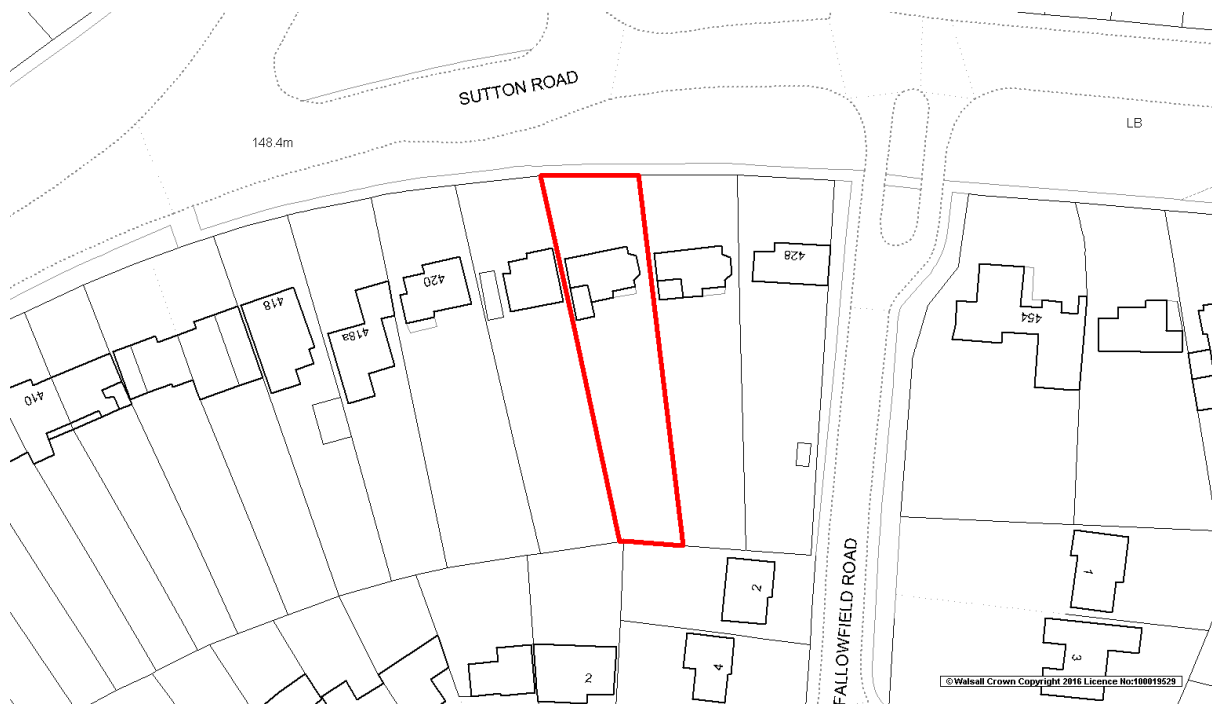
Agent: Nick Massey

Expired Date: 24-Feb-2016

Application Type: Full Application

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

Application and Site Details

The application house is detached in a row of individually designed detached houses between house no's 418 and 428 and is set back 13 metres from the footpath. Spaces around these dwellings vary and the sides of application house are separated by distances of 1 metre from no. 422 Sutton Road and 1.9 metres from no. 426 Sutton Road.

Sutton Road bends in front of the application house where the front building line is stepped. Plot sizes are generous between no's 418 and 428 whilst to the east and west of the application house Sutton Road is straight and the houses to either side are in line with many semi-detached. There are deep grass verges in front of these houses on Sutton Road separating the footpath from the road.

Sutton Road is a District Distributor and forms part of the Strategic Highway Network.

The front elevations of the application house and the neighbouring properties face north. The existing house has a hipped roof with a front to back ridge line and a two storey front hipped feature with a first floor bay window. There is a gap of 1.5 metres between the existing garage at the application house and the adjacent property, no. 422 whilst the existing gap at first floor is 4.7 metres wide.

The proposal would enlarge an existing kitchen and add a second lounge, dining room, conservatory and utility room at ground floor. At first floor the total number of bedrooms would increase from 3 to 5 with a sixth bedroom added within the roof space. In addition three new en-suites and a bathroom would be added.

The initial plans have been amended to remove a large area of flat roofing at ridge height and to reduce the depth of the proposed two and single storey rear extensions. This has reduced the total number of bedrooms from 7 to 6.

The proposed two storey side extension would be 4.2 metres wide and the first floor front elevation would be set back 0.7 metres from the existing front elevation of the application house. A feature window with a gable roof would be added to the front elevation at first floor. The extension roof would have a dual hipped design with a centre valley and the ridge height of the extension would be 0.9 metres lower than the ridge height of the existing house.

Side facing lounge, dining room and utility room windows would be installed at ground floor with a first floor en-suite

The proposal includes the addition of a new front porch which would extend 1.3 metres forward of the existing house with a 3.4 metres high gable roof. Either side of the porch would be a canopy roof and new bay window additions.

To the rear of the property the proposal includes the addition of a two storey extension across the full width of the house which would extend 1.7 metres from the existing two storey elevation. This proposal would have a hipped roof which incorporates two rear roof lights.

The revised roof design would include a flat roof element located between the dual hipped roofs of the proposed side extension and the side roof slope of the existing roof. This would be set below the height of the existing and proposed extension roofs to provide space for the loft staircase.

The single storey rear extensions, including the proposed conservatory would extend 3.3 metres further than the proposed two storey rear extension, giving a proposed combined depth of 5 metres for the two and single storey rear extensions. The single storey extensions would have three hipped roofs, 2.4 metres high to the eaves and 3.7 metres high to the ridges.

Three roof lights would be added in the central hipped roof along with a side facing window which would face the side boundary with no. 426 Sutton Road. No. 424 has an existing side extension with two porthole windows serving a lounge facing the side elevation of no. 426.

No. 422 Sutton Road has an existing 2 metres deep, single storey, rear extension with a rear facing habitable room window and a bedroom window above. The side elevation of no. 422 is blank and there is a 1.8 metres high boundary wall and fencing defining the shared side boundary between no. 422 and 424.

No. 426 Sutton Road is positioned 2.6 metres further back than no. 424 and has a 3 metres deep, single storey, rear extension with rear facing ground and first floor habitable room windows plus side facing, obscurely glazed, non-habitable room windows and a door which face the side boundary with no. 424. The shared side boundary between no's 424 and 426 is defined by 1.8 metres high timber fencing and mature planting.

The rear garden of no. 424 is 42 metres in length.

There would be a habitable room window to window separation distance of 52 metres between the proposed extensions and houses on Longmeadow Road.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

- Always seek to secure high quality design and good standards of amenity for all existing and future occupants

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

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

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

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

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

11: Conserving and Enhancing the Natural Environment

109. The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

On **planning conditions** the NPPF says:

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

On **decision-taking** the NPPF sets out the view that pre-application engagement is encouraged and

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

The relevant policies are:

ENV2 and ENV3 states that all development should aim to protect and promote nature conservation, the special qualities, design quality and local distinctiveness of the Black Country.

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV23: Nature Conservation and New Development.

The Council will require appropriate measures to encourage the conservation of wildlife. A supplementary planning document will provide more detailed advice on the implementation of this policy.

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

(b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-

- The appearance of the proposed development.
- The height, proportion, scale, and mass of proposed buildings / structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.

T7: Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix D (listed below) although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).

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

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

Relevant Planning History

15/0117/FL – Proposed first floor side extension, single and two storey rear extension – granted subject to conditions 20/03/15. This planning approval addressed the previous refusal reasons and as this is still within the 3 year time limit could be implemented.

14/1354/FL – Proposed first floor side extension, single and two storey rear extension – refused permission on the 13/11/14 on the following grounds;

1. *The combined impact of the reduction of the first floor gap between no. 422 and 424 Sutton Road and the height of the extension ridge level with the existing main roof ridge is considered would give rise to a cramped appearance with an over dominant and disproportionate extension which would be harmful to the appearance of the existing dwelling and street scene.*

Consultation Replies

Transportation – No objections subject to the inclusion of a planning condition in respect of parking and informative notes for the applicant regarding any damage to highway verges and mud on the road during construction.

Natural Environment Team, Ecology – No ecological objections

Representations

Objections have been received to the initial proposal from three neighbours' on the following grounds;

- Scale and mass of development resulting in overdevelopment which would have a detrimental impact on the surrounding area
- Level of parking required for the number of residents at the property would make further strain and damage to roadside grass verges outside the property
- Loss of natural light and privacy
- An initial dialogue of their intentions with neighbours would have been appreciated (*whilst this can be helpful it is not a requirement*)
- An increase from 3 bedrooms to 7 is believed to be opportunistic and without regard to existing neighbouring properties amenities (*comment noted*)
- Envisage the development would create a negative and noisy environmental impact upon existing neighbours if it is to accommodate the number of residents expected to then reside at the property with 7 bedrooms (*this is a residential property and there is no evidence to suggest that this will be the case. The number of bedrooms has been reduced to 6 on the amended plans*)

- 426 Sutton Road shares sewerage and wastewater services with no. 424 and there are concerns they may be inadequate and constantly overwhelmed because of the 7 sinks, 5 showers, 2 baths and 7 toilets not including the kitchen and utility room. Severn Trent Water Co may have an interest and view on this development (*drainage would form part of a Building Regulations application and is not a material planning consideration in this instance*)
- An additional door and windows to the ground floor and loft levels directly overlooking no. 426 and reducing their privacy and amenity
- Plans show a larger back first floor window which will provide an enhanced view over their property at no. 426 by directly overlooking and reducing privacy
- Integral garage will be lost and it is not considered there is enough space within the boundaries of the property to accommodate a reasonable number of motor vehicles and a turning circle. Additional parking arrangements on the property would cause increased localised noise, exhaust fumes and nuisance to neighbouring properties. This would be detrimental to family amenity and health and well-being.
- Available space to the front of the property is limited and the addition of two bay windows and a large enclosed porch with a canopy would make any reasonable parking development even more restrictive and possibly dangerous.
- Property is adjacent to a bus stop and the extra vehicles could potentially cause pedestrians danger, damage to the verges and inconvenience for residents

No responses have been received from neighbours following re-notification of the revised plans.

Determining Issues

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

Observations

Design of Extension and Character of Area

The proposed hipped roofs are considered would reflect the design of the existing dwelling and neighbouring houses. The lower ridge height of the first floor extension roof is considered would create a subservient relationship between the house and the extension and the addition of a first floor bay window is considered would add an attractive feature to the front elevation which balances the width of this proposal when viewed from the street.

The 1.5 metres wide gap between the proposed side extension and no. 422 Sutton Road is considered to be less than is characteristic for this part of Sutton Road between no's 418 and 428 Sutton Road. However, the reduction in the width of the first floor gap would meet the guidance included in Appendix D of Designing Walsall SPD and together with the reduced ridge height it is considered that the proportions of the first floor side extension are acceptable and satisfactorily address the refusal reason of planning application reference 14/1354/FL.

The application house occupies a generous sized plot, which is 41.2 metres wide and 62 metres long. It is considered that the proposed revised extensions to the existing dwelling would not constitute overdevelopment.

The removal of the first floor flat roof at ridge height is considered to be an improvement to the initial proposal which was considered to be poor design. The revised proposal includes a dormer extension concealed within the centre of the roof which would be positioned below the front and rear ridge heights. This addition would not be visible from the street or the rear

of the property when viewed from Fallowfield Road and whilst flat roofs at first floor are not a preferred design it is considered on balance that this proposal would be acceptable in these circumstances.

There are other similar examples of ground floor bay windows, central porches with gable roofs and canopies along Sutton Road including no. 461 Sutton Road. It is considered that this proposal would integrate with the existing street scene and would not harm the character of the area.

Amenity of Nearby Residents

The proposed extensions would be to the east and set back 0.8 metres from the front elevation of no. 422 Sutton Road which are considered would have little additional impact on neighbours' existing outlook and light from front habitable room windows.

No. 426 Sutton Road is positioned 2.6 metres further back than the application house and it is considered that as the proposed single storey extension would be positioned 3 metres from the front garden boundary with no. 426 this proposal would have little impact on neighbours' existing light and amenity particularly as the front elevations of these houses face north.

The rear elevations of no's 422, 424 and 426 Sutton Road face south. It is considered that this orientation would result in this proposal having a limited additional impact on neighbours' existing light and amenity. The proposal would meet the Council's 45 degree guidance, as referred to in Appendix D of Designing Walsall SPD, in respect of neighbours' habitable room windows in no's 422 and 426.

This design advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

The proposed side facing doors and windows, along with the glazed side elevation of the proposed conservatory, would be conditioned to be obscurely glazed and a condition would be included to ensure the retention of a 1.8 metres high fence opposite the proposed side facing rear glazed doors to protect neighbours' privacy at no. 426, if all other aspects of the proposal are considered acceptable.

The proposed loft windows are roof lights which fit into a sloping roof pitch which are considered unlikely to have a significant impact on neighbours' existing privacy. Side facing windows and doors would be conditioned to be obscurely glazed to protect neighbours' privacy if planning permission is granted.

There are existing rear facing windows in the application house and the installation of larger rear windows are considered would not result in any significantly greater overlooking of no. 426 Sutton Road than presently exists.

The habitable room window to window separation distance of 52 metres between the proposed extensions and houses on Longmeadow Road would exceed the Council's minimum recommended separation distance of 24 metres, as referred to in Appendix D of Designing Walsall SPD, by 28 metres.

Sutton Road is a District Distributor and is a busy stretch of the Strategic Highway Network. It is considered that any additional parking on the frontage of the application house is unlikely to generate any significant greater noise or pollution to affect residents' health in the immediate area.

Parking

The increase in the total number of bedrooms to 6 would require the provision of 3 off street parking spaces with access from the highway to meet the requirements of UDP Policy T13 Parking. Whilst the existing garage parking space would be lost it is considered that there is sufficient space to accommodate three vehicles on the frontage if the existing parking area is widened.

A parking layout plan has been provided which shows that the existing access will be retained. Neighbours' have commented that pedestrians would be in danger at the bus stop in front of no. 422. The existing access to and from the application house would be still be used, it is considered that this proposal would not have any greater impact on pedestrian safety or the highway than the existing situation.

Highway Officers have no objections to the proposal and require the inclusion of a planning condition for the surfacing, drainage and retention of the extended front drive.

There is no evidence to suggest that damage to verges would arise but a note for the applicant would be included if the proposal is approved to require the applicant to restore any damage at their own expense if this arises during construction. If the restoration doesn't take place, this would be a matter for the Highway Authority to pursue.

Conclusion

Revisions to this proposal are considered to have satisfactorily addressed Council's concerns regarding the impacts on neighbours' amenity and are now recommended for approval. The proposal is considered accords with the aims and objectives of relevant Council policy and guidance.

Positive and Proactive working with the Applicant

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

Conditions and Reasons

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

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

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

- Location Plan, deposited 31/12/15
- Block Plan, Revision A, deposited 06/05/16
- 3D Roof Plan showing Flat side Dormer, deposited 09/03/16
- Existing Floor Plans and Elevations, deposited 31/12/15
- Proposed Floor Plans and Elevations, Drawing no. 02A, deposited 09/03/16

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

3: a) Notwithstanding the information included on the deposited plans and the application form no development above damp proof course shall commence until a schedule of facing

materials to be used in the development has been submitted to and agreed in writing by the Local Planning Authority.

b) The development shall be fully implemented in accordance with the approved schedule of materials retained thereafter.

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

4: The proposed new side windows and glazed doors facing no's 422 and 426 Sutton Road, shall comprise obscure glazing of Pilkington Level 4 standard of privacy, or equivalent, and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. They shall be retained as such thereafter.

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.

5: The part glazed side elevation of the conservatory facing 426 Sutton Road shall comprise obscure glazing, of Pilkington Level 4 standard of privacy, or equivalent, at all times.

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

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

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

7: Prior to the development first coming into use, the frontage parking area as detailed on the Block Plan Revision A deposited on 6/5/16 to accommodate 3 off-street parking spaces, shall be fully consolidated, hard-surfaced and drained within the application site and implemented as approved. The parking spaces shall be retained and used for no other purpose.

Reason: In accordance with UDP Policy GP2, T7 and T13 and highway safety.

8: A solid fence at least 1.8 metres high shall be retained at all times along the side boundaries with no's 422 and 426 Sutton Road for the length of the rear extensions.

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.

Note for Applicant

Any damage caused to the public highway, including the highway verge areas, that can be attributed to construction works or otherwise appertaining to this development, shall be reinstated to the satisfaction of the Highway Authority and at the applicant's expense.

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.

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jun-2016

Plans List Item Number: 17.

Reason for bringing to committee: Call in by Councillor Hussain

Location: 54, SCARBOROUGH ROAD, WALSALL, WS2 9TS

Proposal: TWO STOREY REAR EXTENSION AND CONVERSION OF EXISTING GARAGE TO HABITABLE ROOMS.

Application Number: 16/0056

Applicant: Mrs Majeed Ahmed

Agent: Anthony Spruce

Application Type: Full Application

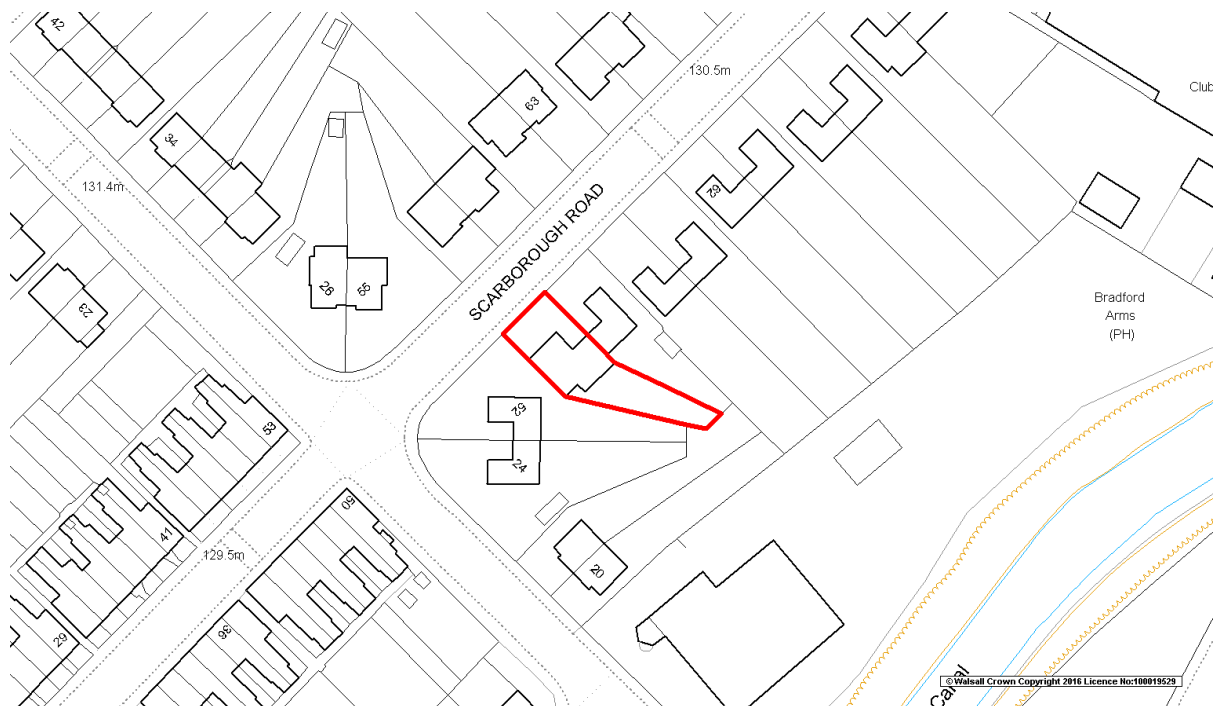
Recommendation Summary: Refuse

Case Officer: Helen Smith

Ward: Pleck

Expired Date: 10-Mar-2016

Time Extension Expiry:



Officers Report

Councillor Hussain has called this application before planning committee on 28th April 2016 because he and the applicant consider the proposal adequate and satisfactory and that the applicant has made considerable amendments from past applications which were refused, to meet the criteria. This proposal was subsequently deferred at the request of Councillor Hussain in order that other options could be explored but none have come forward.

Application and Site Details

The application house is a semi-detached property which has a two storey front gable feature with an attached garage to the side and an existing first floor side extension which is set back behind the garage. The adjoining semi, no. 56 Scarborough Road reflects the design of the application house.

There have been a number of previous planning applications for this site and this is a resubmission which includes a new proposal for a first floor rear extension.

The area has a residential character and the street consist of pairs of similar semi-detached and terraced houses.

This proposal includes;

- Convert the existing garage to provide a new lounge and ground floor bathroom.
- Replace the existing garage door with a window and matching brickwork.
- Add a first floor extension above the existing 2.4 metres deep single storey kitchen extension
- This first floor rear extension would enlarge an existing bedroom and provide a new bathroom
- This rear extension would be part hipped and part flat roof and built next to the rear garden boundary of no. 56 Scarborough Road
- The proposal adds a 2.7 metres deep, 3.3 metres high flat roof single storey new kitchen extension to the existing single storey rear extension.
- This rear extension would also be built up to the boundary with no. 56, replacing a timber canopy in a poor condition.

The remaining rear garden of no. 54 Scarborough Road would be 17.2 metres long and this has angled side boundaries in relation to the application house.

No. 56 Scarborough Road is to the north-east and is in line with the front and rear elevations of the original application house. This neighbouring house has a lounge window approximately 0.9 metres from the rear garden boundary with the application house and a toilet window at first floor. There is close boarded timber fencing along the shared boundary between no's 54 and 56.

No 52 Scarborough Road lies to the south-west of the application house which is angled towards the rear garden of no. 52. There are habitable room windows in the rear elevation of no. 52 which would face the proposed first floor extension at an oblique angle with a separation distance of 8 metres.

There would be a separation distance of 27 metres between proposed new rear habitable room windows of the application house and the boundary with the former Woodward's Road garage site. This site has a planning application (14/1462/FL) for residential re-development which is currently being negotiated. Walsall Canal lies to the south of this development site.

The submitted plans detail three off street parking spaces on the existing hard-surfaced frontage of the application house which would require the demolition of a low front boundary wall to provide a widened parking area.

Relevant Policies

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf
National Planning Policy Framework (NPPF) www.gov.uk

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

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

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

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

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

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

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

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

On **planning conditions** the NPPF says:

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

On **decision-taking** the NPPF sets out the view that pre-application engagement is encouraged and

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

This checklist has been published on the BCCS and Council websites. Cabinet on the 24 July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy policies should be given full weight in planning decisions.

The relevant policies are:

ENV2 and ENV3 states that all development should aim to protect and promote the special qualities, design quality and local distinctiveness of the Black Country.

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:-

- On a visually prominent site.
- (b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-
- The appearance of the proposed development.
 - The height, proportion, scale, and mass of proposed buildings / structures.
 - The materials proposed for buildings, external spaces and means of enclosure.
 - The integration and co-ordination of buildings and external space.
 - The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
 - The effect on the local character of the area.

T7: Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix D (listed below) although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 13 metre separation between habitable room windows and blank walls exceeding 3 metres in height.
- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).
- Garden dimensions: 12m in length or a minimum area of 68 sq m for houses and 20 sq. m of useable space per dwelling where communal provision is provided.

Relevant Planning History

54 Scarborough Road

BC20363P – Section 32 application; car-port and canopy – refused permission 5/1/88

BC27402P – Side and rear extensions – refused permission on 31/10/89 on the grounds of that the size, dominance, position and poor design would be detrimental to the visual amenities of the area.

BC28880P – Side and rear extensions – granted permission on 6/2/90. This proposal included a similar porch to the current proposal but this was not built.

10/1077/FL - First floor side extension above existing garage, rear conservatory, porch and canopy to front and garage conversion to lounge - refused permission on 21/4/11 on the following grounds;

- 1. The proposed first floor extension would have an overbearing and unacceptable impact on the side ground floor habitable room window at 52, because of its length, when added to the existing two storey extension, height and position in relation to this property.*
- 2. The length of the proposed canopy which disrupts the vertical design of the two storey front projecting gable and proposed wide columns to support the proposed front canopy, would be out of keeping with the design of the existing house, adjoining semi, and would appear over-prominent and incongruous in the street.*

11/1519/FL - Garage conversion with first floor extension over, front porch and conservatory to the rear- refused permission 27/01/2012 on the following grounds;

- 1. The proposed first floor extension would have an overbearing and unacceptable impact on the side ground floor habitable room window at 52, because of its length, when added to the existing two storey extension, height and position in relation to this property.*

14/0339/HPD – Prior approval erection of single-storey rear extension with pitched roof and dimensions of - extending to 5.5m rear of original rear wall, 4m overall maximum height, 2.5m high to the roof eaves. Prior approval required and refused because of the detrimental impact on neighbours amenity on 10/04/14 on the following grounds;

- 1. The 5.5m rear projection of the proposal beyond the original rear wall would adversely impact on the daylighting and outlook enjoyed from a rear living room window at number 56 Scarborough Road. It would also impact adversely on the daylight and sunlight reaching the rear patio area at this house. The proposal would also therefore have an overbearing impact, harmful to the amenity enjoyed at that house. The extension would also adversely impact on the daylighting and outlook enjoyed from rear windows at number 52 Scarborough Road, and would have an overbearing impact, harmful to amenity at that house.*

14/1184/PAHPD – Prior approval for a 6 metres long conservatory from original rear wall by 4 metres high (2.5 metres high to eaves) - prior approval required and refused because of the detrimental impact on neighbours amenity on 1/10/14 on the following grounds;

- 1. Due to the size of the proposed conservatory (when combined with the existing extension) and constraints of the site, in this case the proximity to the rear habitable living room window and rear patio area at No.56 Scarborough Road it is considered the additional loss of light and shadowing would be at an unacceptable level. Furthermore the full length of the proposed conservatory would breach the Council's 45 degree guidance to the rear habitable window at No.56*

The Former Garage, Woodwards Road

14/1462/FL - Proposed new build residential redevelopment of former garage site comprising 12 no. houses and 8 no. apartments, 20 no. new dwellings in total – this application has not been determined and revised details are awaited.

Consultation Replies

Transportation – No objections subject to the inclusion of a planning condition, if approved, in respect of extending the existing footway crossing to align with the proposed widened parking area and an informative note to the applicant to keep the highway free of debris during any construction works.

Canal and River Trust – No objections but require the inclusion of an informative note for the applicant to ensure the works comply with the Canal and River Trust “Code of Practice for Works affecting the Canal and River Trust”, if planning permission is granted.

Representations

Objections have been received from an adjoining neighbour on the following grounds;

- Reduction of natural light to lounge and rear garden
- Previous additional single storey extensions have been rejected and this is for a first floor extension
- No objections to the proposed garage conversion

Determining Issues

Whether the current proposal has overcome previous refusal reasons or raised any new issues in respect of:-

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

Observations

Whether the Current Proposal has Overcome Previous Refusal Reasons

The most recent refusal reason in 2014 states the following;

1. Due to the size of the proposed conservatory (when combined with the existing extension) and constraints of the site, in this case the proximity to the rear habitable living room window and rear patio area at No.56 Scarborough Road it is considered the additional loss of light and shadowing would be at an unacceptable level. Furthermore the full length of the proposed conservatory would breach the Council's 45 degree guidance to the rear habitable window at No.56

In this instance the proposed combination of two extensions would extend 5.1 metres beyond the adjacent ground floor lounge window serving no. 56 Scarborough Road.

It is considered that the excessive length of these extensions, when combined with the south-westerly orientation of no. 54 and the addition of a 2.4 metres deep, first floor rear extension, near to the shared boundary with no. 56 would have a harmful and detrimental impact on neighbours existing light and amenity particularly to their rear lounge window and patio area.

Furthermore the proposed rear extensions would fail to meet the Council's 45 Degree guidance, as referred to in Appendix D of Designing Walsall SPD, in relation to the lounge window at no. 56. The Council's 45 degree code is guidance which aims to limit the impact of proposal in relation to neighbour's light and outlook.

Whilst previous proposals vary in design and length it is considered that the current proposal has failed to address the Council's concerns regarding the unacceptable impact these additional extensions would have on neighbours' amenity at no. 56 and has not overcome previous refusal reasons.

Design of Extension and Character of Area

The proposed first floor flat roof is considered to represent poor design in terms of its detrimental appearance and would appear to be an incongruous addition, which would materially harm to the detriment of the character and appearance of the host dwelling and street scene, particularly as there are long views of the rear of this property from Woodward's Road.

The proposed replacement of the existing garage door with a window is considered would be a minor alteration to the appearance of the dwelling and would not harm the overall appearance of the application house or existing street scene, subject to the materials used and the window design match those used in the existing house.

Amenity of Nearby Residents

The proposed first floor rear extension is considered would have an unacceptable impact on the rear ground floor habitable room window and rear patio area at 56 Scarborough Road, because of its height and its orientation in relation to 56 Scarborough Road.

The rear elevation of no. 54 extends further back than no. 52 Scarborough Road and is angled towards the rear garden of no. 52. There would be a limited separation distance of 8 metres between no. 52's rear first floor bedroom window and the blank side elevation of the proposed first floor rear extension. Consequently it is considered that the proposed extension would result in an unacceptable loss of outlook to no. 52's first floor rear bedroom window, because of the angled relationship between these two houses and the extensions close proximity to no. 52.

The separation distance of 27 metres between proposed new rear habitable room windows of the application house and the boundary with the former Woodward's Road garage site, is considered would not restrict any future proposed development on the site to the south.

Parking

The frontage of the application house is already hard-surfaced with an existing dropped kerb access from the highway.

The total number of bedrooms would remain as four and there is sufficient space to accommodate three off street parking spaces to meet the requirements of UDP Policy T13 Parking. Highways Officers have no objections to the proposal subject to the inclusion of a planning condition, if approved, to extend the existing footway crossing to align with the proposed widened parking area and an informative note to the applicant to keep the highway free of debris during any construction works.

Conclusion

Whilst this current proposal differs to earlier planning and prior approval applications it is considered that the fundamental issue of unacceptable impacts of this proposal on the existing light and amenity experienced by the occupiers of no. 56 Scarborough Road have not been addressed and the additional space the extensions would create for the applicant do not outweigh the harm to the adjacent neighbours or the harm to the character and appearance of both the host dwelling and the area. The applicant's agent has been advised

to remove the proposed first floor extension and limit the depth of the single storey extension to a maximum of 3.5 metres next to the boundary with no. 56. The applicant has declined this suggestion. Therefore this application is recommended for refusal.

Positive and Proactive Working with the Applicant

Proposed amendments to the scheme to enable this to meet current planning policy and guidance have been discussed with the agent. These changes have been declined, consequently, in this instance the Council is unable to support the proposal as the benefit to the applicant does not outweigh the detrimental harm to the neighbour's amenity or the harm to the character and appearance of both the host dwelling and the area.

Recommendation: Refuse

1. The proposed first floor flat roof is considered to represent poor design in terms of its detrimental appearance and would appear to be an incongruous addition, which would materially harm to the detriment of the character and appearance of the host dwelling, area and street scene, particularly as there are long view of the rear of this property from Woodward's Road. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Designing Walsall SPD.
2. The proposed first floor rear extension would have an unacceptable impact on the rear ground floor habitable room window and rear patio area at 56 Scarborough Road, because of its height and its orientation in relation to 56 Scarborough Road. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Appendix D of Designing Walsall SPD.
3. The proposed first floor rear extension would result in an unacceptable loss of outlook to the first floor bedroom window in no. 52 Scarborough Road because of the angled relationship between the application house and no. 52 and the limited separation distance between the proposed extension and the first floor bedroom window in no. 52. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Appendix D of Designing Walsall SPD.
4. The proposed single storey rear extension would have an unacceptable impact on the rear ground floor habitable room window and rear patio area at 56 Scarborough Road, because of its additional length when added to the length of the existing rear extension and its orientation in relation to 56 Scarborough Road. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Appendix D of Designing Walsall SPD.

Recommendation Summary: Refuse

End of Officers Report

