



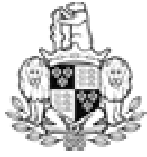
Development Management - Planning Committee
Report of Head of Planning, Engineering and Transportation, Economy and
Environment Directorate on 3rd November 2016

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1	1	16/0806	PLAYING FIELDS, GREAT BRIDGE ROAD, BILSTON	196 space car park to support the existing Bradley Lane Metro stop	Grant Permission Subject to Conditions
2	19	16/1000	LAND C/O BILSTON STREET AND CHURCH STREET, DARLASTON	Demolish existing apartment building and construct new 9 x 1 bed and 9 x 2 bed apartments.	Grant permission subject to conditions and subject to a S106 Agreement to secure provision of affordable housing.
3	49	15/1266	FORMER ABBERLEY HOTEL, 27-31, BESCOT ROAD, WALSALL, WS2 9AD	Change of use from hotel (Use Class C1) to 32-bedrooms for more than 6 unrelated people living in a property sharing basic facilities (sui generis use) including associated works to car park and landscaping.	Grant Permission Subject to Conditions
4	63	15/0759	ROAPP HALL, DORSETT ROAD TERRACE, DARLASTON, WEDNESBURY, WS10 8TP	Construction of 6 no two bedroom flats and 5 no. one bedroom flats in a three storey building with associated parking, bin store	Grant Subject to Conditions and Delegate to the Head of Planning, Engineering and Transportation to complete a section

				and cycle store.	106 agreement for open space contribution.
5	83	16/1145	9-11, PARK STREET, WALSALL, WS1 1LY	Change of use to Mecca electronic bingo centre with ancillary food and drink operation; alterations to entrance doors; and erection of air conditioning compressors.	Grant Permission Subject to Conditions
6	97	16/0546	664A, BLOXWICH ROAD, WALSALL, WS3 2BB	Replacement single storey building to provide Burger King drive-thru.	Grant Permission Subject to Conditions
7	111	16/1192	10, GILLITY AVENUE, WALSALL, WS5 3PH	Change of use to hot food takeaway (A5 use class)	Grant Permission Subject to Conditions
8	123	16/0645	DARLASTON POST OFFICE, VICTORIA ROAD, DARLASTON, WEDNESBURY, WS10 8AB	Installation of 2 fascia signs, 2 projecting signs and various window graphics.	Approve Advert Consent for 5 Years
9	129	16/1152	LAND REAR OF 15, GREEN LANE, PELSALL, WALSALL, WS3 4PA	Erection of two storey detached house fronting Canterbury Close	Grant Permission Subject to Conditions
10	143	16/0285	GARAGES ADJ. 2 SUNNYSIDE, WALSALL WOOD	Demolition of existing garages and erection of a two storey 2 bed detached house and reconfiguration of amenity and parking for existing flats at 26-32 Northgate.	Grant Permission Subject to Conditions
11	151	16/1131	251, BIRMINGHAM ROAD, WALSALL, WS5 3AA	Erection of studio unit at ground floor level adjacent to public footpath	Grant Permission Subject to Conditions

				WAL102 (re-submission of 16/0248).	
12	163	16/0706	36,KNIGHTS HILL, ALDRIDGE, WS9 0TG	Single storey extension to front of property and garage conversion	Grant Permission Subject to Conditions
13	169	16/0661	30, SKIP LANE, WALSALL, WS5 3LL	Detached garden shed/storeroom in rear garden	Grant Permission Subject to Conditions
14	187	16/1168	23, RESERVOIR CLOSE, WALSALL, WS2 9TH	Two storey side extension and loft conversion.	Grant Permission Subject to Conditions
15	193	16/0783	20, ATHLONE ROAD, WALSALL, WS5 3QX	Single and two storey rear extensions (amendment to application no. 15/0321/FL to increase the size of the proposed first floor extension)	Grant Permission Subject to Conditions



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 1.

Reason for bringing to committee: Major application

Location: PLAYING FIELDS, GREAT BRIDGE ROAD, BILSTON

Proposal: 196 SPACE CAR PARK TO SUPPORT THE EXISTING BRADLEY LANE METRO STOP

Application Number: 16/0806

Applicant: Philip Lines

Agent:

Application Type: Full Application (Major)

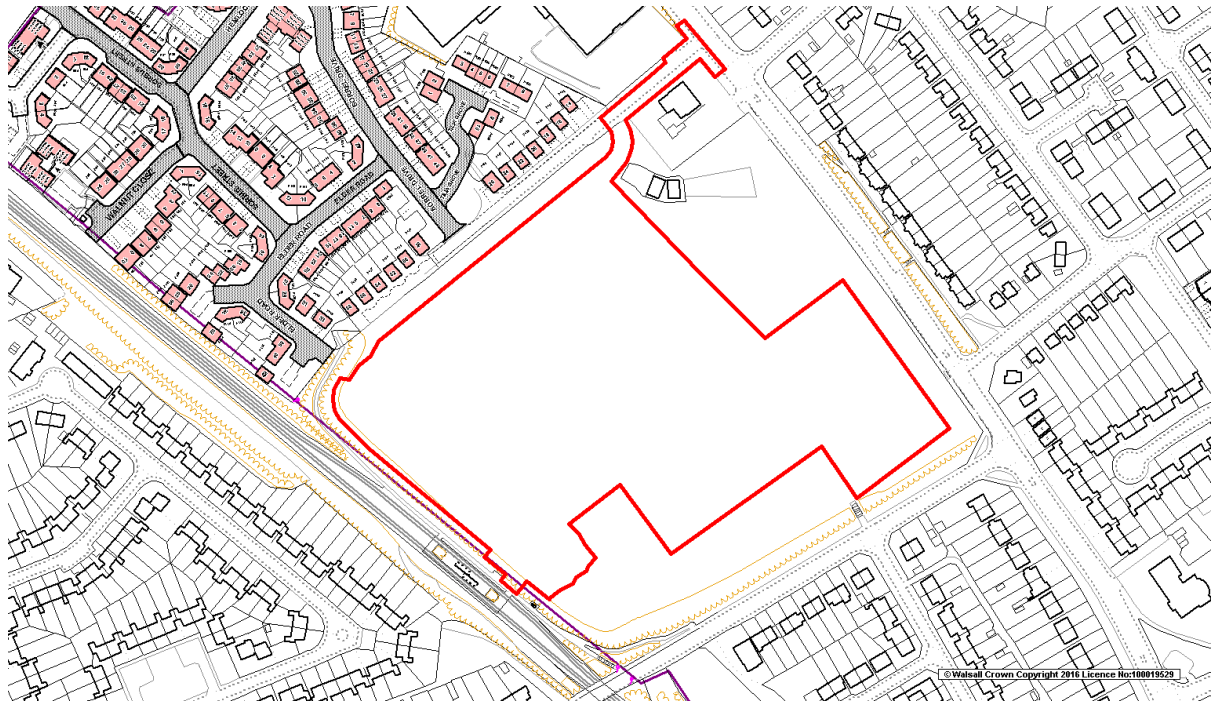
Case Officer: Paul Hinton

Ward: Darlaston South

Expired Date: 19-Oct-2016

Time Extension Expiry: 11-Nov-2016

Recommendation Summary: Grant permission subject to conditions



Application and Site Details

This application seeks planning permission for 196 space car park to support the existing Bradley Lane Metro stop. The car park is proposed within Lower Bradley Playing Fields and would occupy an area of 0.82 hectares. The playing fields have an area of 5.8 hectares. The playing fields are bounded by Belmont Street to the north, Great Bridge Road to the east, Bradley Lane to the south and the metro line and stop to the west. Belmont Street provides access to Leekes department store and a new housing development currently under construction. The metro line is on an embankment 4m higher than playing fields. The site is on the edge of the borough, with the metro line and station within Wolverhampton.

The application proposes:

- 182 parking spaces 12 disabled parking spaces across a car park measuring 140m by 35m. The car park would be free to use.
- A 200m long traffic calmed two way access road and footpath from Belmont Street. This access road would be double yellow lined.
- Widening of the Belmont Street/Great Bridge Road junction including provision of tactile crossing points.
- Relocation of four existing football pitches including replacement goal posts.
- Two electric charging parking spaces.
- Five ground anchor motorcycle parking spaces.
- One-way clockwise circulation around the parking area.
- Speed control features.
- Designated pedestrian walk-ways.
- Ramped (26m length) and stepped access from the car park to the Metro stop
- Landscaped areas.
- Paladin fencing along the boundary of the parking area.
- Lighting.
- CCTV coverage of car park, car park accesses, pedestrian entry/exit to the Metro stop which will be remotely monitored at Safer Travel Command Centre, Centro House.
- 2.1m high height barrier to prevent access by inappropriate vehicles.
- The base of the car park would be raised 1m above the adjoining playing field.

Bradley Lane Midland Metro site is part of Metro Line One that links Wolverhampton to Birmingham Snow Hill. The metro station is accessed by a pedestrian ramp located on the northern side of Bradley Lane and via a footway linking in to the residential estate currently under construction, accessed via Belmont Street. There is no vehicle parking facility at the metro stop. The metro runs from 04:55 until 00:17, at a typical frequency of 8 minutes through the day.

The applicant has provided the following documents in support of the application:

Design and Access Statement

- The three existing park and ride sites, Priestfield, Wednesbury Parkway and Black Lane providing a total of 368 spaces are oversubscribed and there is a need to increase parking capacity in order to satisfy demand.
- Introducing parking spaces at Bradley Lane Metro Stop has the potential to reduce pressure on car parking at nearby stations. The proposals will enhance the attractiveness of Metro travel from this station and reduce local resident's reliance on car journeys.

- Development will mitigate its impact by re-marking the pitches to a higher standard and provide new goal posts.

Planning Statement

- Centro's objectives are to increase the number of available park and ride spaces along Midland Metro Line by 196 spaces (36%) and increase patronage at Bradley Lane Metro Stop by 35%.
- Number of spaces determined by the expected growth and patronage as a result of on-going and future Metro route extensions, Birmingham Eastside, Solihull Extension and Brierley Hill Extension.
- Will help support housing development and employment growth.
- Park and Ride will support wider industry and economic growth planned within Moxley and the wider Darlaston area.
- By introducing a new Park and Ride site there will be greater opportunity to interchange between car and Metro which will help improve the attractiveness of the metro and support longer term growth.
- Potential to integrate with future linkages to HS2.
- Re-alignment of four football pitches, two adult, one U15/U16 and a U11/12 pitch and provision of goal posts.
- Public consultation was undertaken in February 2015:
 - 58% of respondents supported the proposals

Flood Risk Assessment (update September 2016)

- Within flood zone 1, therefore suitable for all types of development.
- Site can be inundated by water flooding with high levels at the bottom of the embankment.
- Due to underlying impermeable geology surface water drainage via infiltration is not viable.
- On site drainage will accommodate a 1 in 100 year storm plus allowance for 40% climate change. Underground storage of 400cubic meters will be provided to accommodate water from these events and ensure that no flood water escapes the site boundary and impacts on surrounding areas.

Ecological Appraisal

- There will be a loss of habitat for invertebrates within the site boundary; this is unlikely to have a significant impact on a local scale.
- Removal of trees, scrub or shrubs will reduce the availability of nest locations but it unlikely to have a significant impact on a local scale.
- No trees have the potential to support roosting bastes. There will be no impact on roosting bats.
- New lighting must avoid light spill onto sensitive areas outside the site boundary.
- Proposed landscaping should include native species and creation of rough grassland.
- To reduce the effect of tree severance for commuting bats, additional tree planting either side of the gap to be created for the access from Belmont Street is required.

Geotechnical and Geo-environmental preliminary assessment

- Contaminant concentrations in the Made Ground are low and do not pose an unacceptable risk to human health or to controlled waters for the proposed car park end use.
- Raising of the majority of the site by the importation of clean materials presents an additional barrier between any residual contamination and the site end users.
- No plausible pathway for migrating ground gas from former coal and ironstone workings to pose a significant risk.
- Ground conditions are not appropriate for infiltration methods of drainage.

Tree Survey

- No group of trees or individual trees are graded as A category.
- On tree is graded as category B (moderate quality).
- Ten were graded as C (low quality) due to age, class and impairments.
- Group G10 (along Great Bridge Road) should be retained.

Transport Assessment

- Proposals are consistent with national and local policy as they encourage travel by more sustainable means and a safe and suitable access is provided.
- The Belmont Street/Great Bridge Road junction will operate well within capacity on all arms and will not lead to queuing on Great Bridge Road. Capacity testing indicates that the junction will operate over capacity in future scenarios.
- Will lead to around one additional vehicle movement per minute on Great Bridge Road during the morning and evening peak hours. This is not significant. The increase on Bradley Lane will be less than one vehicle per minute during peak hours, again this is not significant.
- The limited traffic flows associated with the proposals will have no material impact on existing highway safety conditions.

Coal Mining Risk Assessment

- Mining legacy presents a risk to the proposed development.
- There are a number of mine shafts across the site which have not been treated.
- Tensile geo-gird over the car park and access road is required.
- Further desk based work at detailed design stage to verify the location of un-treated shafts is required.

Lighting strategy

- 8m high columns to the car park.
- 6m high columns to the access road.
- Wireless controlled and monitored.
- 20lux, with dimming during early morning and late night. No lighting between the hours of 00:30 and 05:00.

Landscape Strategy

- Ornamental shrub and tree planting within corners of the car park. Tree species chosen to ensure visibility across the site.
- Proposed hedgerow between the proposed access road and the relocated football pitches

Relevant Planning History

Land at Harrowby Road

13/0663/FL - Erection of 231 new 2, 3 and 4 bed dwellings for private sale and affordable rent, with associated landscaping and parking. GSC 5/8/13.

14/1504/FL – Footpath/Cyclepath construction to link Belmont Street to Bradley Lane Metro Station, with associated levels and landscaping works affecting plots 118 & 135-139 on the Harrowby Road redevelopment. GSC 12/12/14.

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:

- 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.
- Take account of and support local strategies to improve health, social and cultural well-being for all and deliver sufficient community and cultural facilities and services to meet local needs.

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 7 - Requiring good design***
- ***NPPF 8 - Promoting healthy communities***
- ***NPPF10 – Meeting the challenge of climate change, flooding and coastal change***
- ***NPPF 11 - Conserving and enhancing the natural environment***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP3: Environmental Infrastructure
- CSP4: Place Making
- DEL1: Infrastructure Provision
- CEN8: Parking in Centres
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- 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

Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- 3.6 and 3.7: Environmental Improvement
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- S4: Town and District Centres
- T1: Helping People to Get Around
- T3: Rail and Metro 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
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3: Urban Open Spaces
- 8.7: Education, Health and Community Facilities
- LC1: Urban Open Spaces
- LC6: Sports Pitches

Supplementary Planning Document

Designing Walsall

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

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

Emerging policy

Site Allocations Document

Policy T3.b (The Rail Network) – The policies map indicates a potential park and ride site at Bradley Lane.

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

Consultation

Highways – no objection subject to the use of recommended conditions in regard to surfacing, demarcating, engineering and car park management details.

Planning Policy – no objection. Proposal accords with an allocation of the emerging Site Allocation Document Policy T3.b. The SAD can be given some weight.

Pollution Control – no objection. Recommended note for applicant.

Sport England – no objection subject to the use of recommended condition requiring the re-aligned pitches to meet the technical standards of the Football Association.

Environment Agency – no objection.

Flood Risk Planning and SuDs – no objection. Flood Risk Assessment proposes a drainage system of 1 in 30 year standards, the scheme should attenuate up to 100 year event plus climate change.

Trees – to be updated at planning committee

Landscape – no objection subject to use of a recommended condition to provide full details of proposed landscaping.

Police – no objection subject to the development meeting the standards of the PARK MARK Safer parking scheme.

Coal Authority – no objection. The applicant has confirmed further work will be undertaken to enable a detailed assessment to be made of the risks posed to the development from past coal mining activity. A condition is recommended.

Environmental Health – no objection.

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

Fire Service – no objection.

Public Participation Responses

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

Four letters have been received objecting to the application on the following grounds:

- Extra noise and disturbance.
- Car park will attract more cars as more people will use this stop.
- Playing field used by many for sport and recreation.
- Unfavourable visual impact.
- Overbearing, out of scale and out of character.
- Loss of views.
- Existing congestion.
- Proposed entrance on Bradley Lane is ridiculous (*access is proposed onto Belmont Street not Bradley Lane*).
- To limit the amount of land to the residents is wrong as there is little green and open space.
- Would reduce the minimum recommended requirement of formal outdoor sports provision.
- The BCCS comments that Great Bridge Road playing fields may benefit from improvements as a result of a housing proposal adjacent to this area.
- Re-lining playing fields and purchasing goal posts does not constitute qualitative improvements to open space.
- Capacity could be met by new metro station at Bilston Urban Village.
- No assessment that the open space is surplus to requirements.
- Proposal is not about reducing car usage, it is about alleviating over capacity in other areas of the borough.
- The proposed size of the parking space does not conform to the stated policy.
- Not enough disabled spaces.
- CCTV has not deterred crime at Wednesbury Parkway.
- No evidence that an Equivalent Quality Assessment Report has been undertaken.
- Land is capable of forming a playing pitch as a pitch currently resides.
- Removing 22% of the playing field is in contradiction to Walsall Council's stated policy to promote a healthy lifestyle.
- More development of our small green areas.
- Loss of trees/nature.

Determining Issues

- Principle of development
- Impact upon visual amenity
- Impact upon residential amenity
- Impact upon ecology
- Impact upon ground conditions
- Impact upon highway safety

Observations

Principle of development

The NPPF explains that the transport system needs to be balanced in favour of sustainable transport modes. The metro system is a sustainable mode. The current Metro stop has no vehicle parking facilities which limits its attractiveness to either patrons within walking distance or encourages car drivers to park in the local streets. The applicant explains that the three existing park and ride sites on this line are oversubscribed and introducing parking spaces at Bradley Lane Metro Stop has the potential to reduce pressure on car parking at nearby stations and in addition enhance the attractiveness of Metro travel from this station and reduce local resident's reliance on car journeys.

It is explained that the number of spaces has been determined by the expected growth of patronage as a result of ongoing and future Metro route extensions, Birmingham Eastside, Solihull Extension and Brierley Hill Extension.

The BCCS recognises that well located Park and Ride facilities can provide a realistic alternative for many car drivers and contribute to environmental improvement by reducing congestion on radial routes into centres at peak times. It is also recognised that some people will have little choice but to make the first part of their journey by car. The West Midlands Local Transport Plan (2011-2026) acknowledges that the declining levels of car travel into Wolverhampton City Centre can in part be attributed to the increase use of park and ride facilities. UDP policy T3 explains that opportunities for park and ride facilities will be encouraged where they offer a genuine reduction in the use of the private car.

Policy T3.b of the emerging Site Allocations Document, which can be afforded weight in the decision making process explains that new or enhanced station facilities will be encouraged wherever possible. Opportunities for park and ride facilities will be encouraged where they will lead to a genuine reduction in the use of the private car, with Bradley Lane being indicated as a potential site.

196 parking spaces at this site would increase the attraction to residents of this and neighbouring boroughs to travel by sustainable means to Wolverhampton or Birmingham and further destinations using the rail networks within these cities. The proposal would offer a genuine reduction in the use of the private car.

Proposal would bring an increase in patrons, resulting in an overall reduction in car journey distance on the highway network, improve integration and connectivity of the public transport networks.

The sustainability credentials of the site must be weighed against the loss of public open space. The hardstanding of the car park and access road would reduce the 5.8 hectare playing fields by 0.82 hectares, a 14% reduction. The playing fields are set out as four football pitches. The proposal seeks to relocate the pitches to ensure there are two adult, one U15/U16 and an U11/12 pitch with the provision of goal posts. Outside of these pitches other retained pockets of land and circulation areas make up the retained playing fields.

The flood risk assessment identifies the west and south-western part of the site at a medium to high level of flood risk from surface water. Combined with the impermeable geology this part of the site does not lend itself as a suitable playing surface. During periods of inclement weather this part of the site also has limited usability for other open space purposes.

The NPPF explains that existing open space should not be built on unless it has been shown that the open space is surplus to requirements or that the loss will be compensated for by equivalent or better provision. BCCS policy ENV6 explains that development that reduces the overall value of the open space will be resisted. UDP policy 8.3 seeks to protect existing open spaces and policies LC1 and LC6 do not permit the loss of open space or sports pitches unless it can be demonstrated that it will not lead to deficiency and its functions will not be prejudiced.

Sport England have been consulted on the application who in turn have been consulting with the Football Association. They conclude that the development will not prejudice the use of the site to a significant degree. While there will be some loss of playing field area and the remaining pitches will have to be re-orientated to ensure the same number of pitches can be retained this can be achieved. They comment that the pitches should meet the FA recommended pitch sizes along with run-off area and drainage works to the car park must not impact on the drainage of the playing pitches.

The open space which would be lost as a result of the proposal would therefore not adversely affect the ability of the site to continue to provide this function. The overall value of the open space in terms of its functions remains. The applicants consider the proposal would provide superior facilities through the setting out of the pitches and the provision of goal posts. While these are important in mitigation, they do not offer the open space anything 'better' than which it currently provides. The existing space has not been demonstrated as surplus to requirements, therefore the loss in area would result in an area deficiency.

A car park to serve a metro station is limited to defined areas and for this stop the playing fields is the only site. While comment has been made about capacity being met at Bilston Urban Village, the applicants have carefully considered which area is best to make the investment. Each application is considered on its merits. The strategic value of a park and ride to the sustainability agenda and the onward economic value to the vitality of neighbouring centres (Birmingham and Wolverhampton) must be balanced against the loss of open space. As there is no loss of playing pitch and areas of land are retained for open space uses it is considered in the circumstances that the loss of open space is balanced in the favour of sustainable transport modes and the retained area would continue to contribute towards promotion of healthy living.

Impact upon visual amenity

The playing fields are flat with a 4m high embankment rising to the metro line. Bradley Lane is also higher than the playing field. Both of these embankments are landscaped with scrub, shrubs and trees, with a similar existing boundary between the new housing development on Belmont Street and the proposed access road. Towards the boundary with Great Bridge Road are a group of trees. The proposal would introduce an access road and car park in place of an existing grassed area, with the addition of an access ramp and stairs to leading to the station, metal paladin fence to the boundary of the parking area and lighting columns. In addition by virtue of the use the parking of vehicles and associated light splay during hours of darkness.

The proposal would have a visual impact compared to the existing use. The proposal is positioned adjacent to the embankment which softens the appearance from distance views which are also screened by the existing landscaping along the boundaries and the extent of grassed areas to the front. A hedge is proposed between the relocated pitches and the proposed access road to screen this feature. Landscaping is also proposed within the car park to provide visual breaks to the hardsurfacing. A height restriction barrier is proposed to prevent commercial vehicles using the car park.

To form the access into the site and to facilitate part of the car park some of the existing trees and shrubs will need to be removed. These trees have no designated protection and have been classified as unremarkable trees of low quality. Due to this their removal would not be significant providing compensatory planting is achieved. A detailed landscaping scheme has not been provided at this time, but could be secured through a planning condition. Additional planting could be secured along the perimeter of the car park, however a balance must be achieved between screening the car park and maximising natural surveillance.

It is considered that due to the nature of use, its position, surface level and the surrounding landscaping. The proposal would not cause significant visual harm. Comments have been raised about loss of view. Planning policies do not protect a right of view, rather a right of outlook and impact on visual amenity. As discussed, when considered against the wider sustainability benefits of the scheme, on balance, the visual impact is acceptable.

Impact upon community safety

The beat area has been subject to 879 crimes in the last 12 months. 164 of these are vehicle crimes and 101 burglaries. The percentage of vehicle crime compared to the number of crimes in this area are higher than average. Remove CCTV is proposed alongside operational lighting during the hours of metro use. Residents comment that CCTV has not deterred crime at Wednesbury Parkway.

The Police have considered the proposal and raise no objections to the application. In order to reduce the risk of this development becoming a hotspot for crime it is recommended that the car park meets the standards of the PARK MARK Safer Parking scheme, including details for the coverage of CCTV system.

The applicant confirms that the development will meet these standards. A condition is recommended to secure these measures. Accordingly there is no evidence that, subject to security measures, development would adversely impact upon community safety.

Impact upon residential amenity

The nearest houses to the car park are the ones currently being built along Belmont Street. These would be 20m from the access road and 25m from the nearest parking space, with retained landscaping and boundary fence between. There would be 58m between the car park and the houses in Raleigh Road which are separated by the metro line. There would be 85m between the nearest house in Bradley Lane and the car park, with properties along Great Bridge Road, including the Travellers Rest PH more than 200m away. Due to the separation distance and the use of tarmac surfacing it is considered that the use of the car park from vehicles would not result in an unacceptable level of noise and disturbance. The separation distance would also ensure noise from patrons would not be harmful. There is an existing boundary fence and tree and hedge belt between the housing estate and the playing fields which will be retained to assist with security and screening of the access road.

The proposed lighting columns would be similar to normal street lamps; with downward LED lighting that would dim during early morning and late night and would be turned off between the hours of 00:30 and 05:00.

Conditions are recommended to control construction times.

The Belmont Street/Great Bridge Road junction sits opposite residential properties. These properties sit at a lower level than the road which provides some protection from light spill from vehicles. The additional vehicle movements would not be significant compared to the existing level of traffic along Great Bridge Road (District Distributor) and the use of Belmont Street which is currently used by visitors to Leekes and will be used by residents of the new housing development. The vehicle movements from the car park is not considered to have any further significant impact upon residential amenity.

Impact upon ecology

Surveys have not identified any protected species within the site, but note that any removal of trees, scrub or shrubs will reduce habitat for invertebrates and availability of nest locations. The areas to be removed would be to facilitate the access road and ramp/steps up to the station. The extent of removal is minimal and large areas will be retained locally to ensure sufficient bat foraging and nesting locations remain. Lighting columns would be dim during early morning and evenings and turned off during the middle of the night to minimise light spill. The proposed landscaping scheme through native planting would compensate for any loss of habitat.

Flood Risk

The site is within flood zone 1, therefore suitable for all types of development; however mapping demonstrates the site can be inundated by water flooding with high levels at the bottom of the embankment. Due to the underlying impermeable geology surface water drainage via infiltration is not viable. The Flood Risk Assessment identifies these issues and recommends that on site drainage will accommodate need to accommodate a 1 in 100 year storm plus allowance for 40% climate change (originally this was 1 in 30 years, but has been amended following advice from the Flood Risk Officer). Proposed underground storage of 400cubic meters will need to be provided to accommodate water from these events and ensure that no flood water escapes the site boundary and impacts on surrounding areas. In addition the car park would be 1m above the surrounding playing fields.

Full drainage details would be required and they would also need to demonstrate that surface water would not discharge onto the playing pitches. Full details can be secured through condition.

Impact upon ground conditions

The Coal Authority records indicate the site and surrounding area there are coal mining features and hazards. The site contains recorded shallow coal workings; unrecorded probable shallow coal workings; 31 mine entries within or within influencing distance of the site and a past surface hazard has occurred within the site boundary. Of the 31 mine entries only one has been treated in 2013.

The recorded shallow coal workings were within very thick coal seams at a depth where a very significant risk of surface instability would occur. The applicant's consultant will further investigate the treatment and remediation of the shallow coal mine workings on the site, a review of historical treatment of mine entry treatment to inform a remedial strategy. The Coal Authority is satisfied that further works proposed to investigate the risk are acceptable. The findings of these works should inform remedial strategies to be submitted, which can be secured through condition.

The ground condition survey identifies that there is made ground but it does not pose an unacceptable risk to human health or to controlled waters for the proposed car park end use. A note for applicant in regard to health and safety of contractors is recommended.

Impact upon highway safety

The proposed 196 parking spaces would be served by a double yellow lined access road created off Belmont Street. This road will also be used as one of the two vehicle accesses to the 231 houses currently being built (some are occupied). Belmont Street is accessed from Great Bridge Road (A4098). The proposal includes widening the access from 8m to 16m and the provision of tactile crossing facility – currently this is full kerb height. The Transport Assessment concludes that the Belmont Street/Great Bridge Road junction will operate well within capacity on all arms and will not lead to queuing on Great Bridge Road.

Capacity testing indicates that the junction will operate over capacity in future scenarios. It calculates that this will lead to around one vehicle movement per minute on Great Bridge Road during the morning and evening peak hours. The increase on Bradley Lane will be less than one vehicle per minute during peak hours. Given the existing level of vehicle movements along the immediate roads, the increase from the proposal is not considered to be significant. Residents are concerned that the size of the spaces do not meet policy and there are not enough disabled bays. The spaces achieve the required 2.4m by 4.8m size. UDP policy T13 seeks to provide 10% of all spaces as disabled. Of the 196 spaces, 12 are reserved for disabled spaces. The applicant explains the level of parking has been informed by their own car park design guide and from experience at other sites. Reference is made to both Bescot Stadium and Tame Bridge Parkway car parks with a 6.25%-6.5% disabled provision and that there is no evidence that this existing level has been under providing. The applicants explain that as operators should this provision become a problem in the future it could be reviewed.

The Department for Transport Inclusive Mobility guide explains at railway stations car parks of between 61-200 spaces, 6% of capacity should be reserved for disabled spaces. Due to these factors it is considered there is sufficient provision for disabled users.

Highways raise no objection to the application, noting the capacity assessments undertaken demonstrate that further junction improvements are not required. Conditions in regard to surfacing and demarcating and engineering details are recommended.

The applicant explains that the car park be free to use, will not have a physical barrier system in place and will be open 24/7. At weekends when there is less demand for park and ride, footballers will be able to use the facility. The new access road is proposed to be double yellow lines. This would be a private road and such restrictions enforced by the landowner. To ensure the proposal does not lead to indiscriminate parking a condition is recommended to secure details for the management regime of the car park.

The proposed access from Belmont Street includes tactile pavements to assist with access from the new housing estate to the playing fields. The access road would be 1m higher than the surrounding with a proposed hedge to the playing fields, in addition to the existing boundary fence. These features should mitigate against any stray footballs from the relocated pitch.

Positive and Proactive working with the applicant

Officers have liaised with the applicant following issues raised in regard to Flood Risk Assessment and Coal Mining Legacy, further work has been undertaken to resolve these issues and to enable support to be given to the proposal.

Recommendation: Grant permission subject to conditions.

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

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

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

- Location plan- area of works received 27/9/16
- Existing site layout received 21/7/16
- Proposed layout received 27/9/16
- Proposed layout cross sections received 8/6/16
- Stairs elevation received 22/8/16
- Ramp elevation received 22/8/16
- Lighting strategy received 22/8/16
- Landscaping strategy received 22/8/16
- Flood Risk Assessment received 19/8/16
- Tree Survey Report received 8/6/16
- Planning Statement received 8/6/16
- Coal Mining Risk Assessment received 8/6/16
- Design and Access Statement received 8/6/16
- Preliminary Ecological Appraisal received 8/6/16
- Geo-technical and Geo-environmental Engineering: Preliminary Assessment received 8/6/16
- Transport Assessment received 8/6/16

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

3a. No development shall commence until full engineering details of all works within the existing highway, including:

- i) the new bellmouth access point onto Belmont Street,
 - ii) the improvements to the Belmont Street and Great Bridge Road junction.
- have first been submitted to and approved in writing by the Local Planning Authority

3b. Prior to the car park first coming into use, the highway infrastructure works detailed under Condition 3a above shall be fully implemented in accordance with the approved details.

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

4a. No development shall commence until details have been submitted showing how the development complies with the PARK MARK Safer Parking scheme.

4b. The approved details shall be incorporated within the design of the development prior to first being brought into use and shall be retained at all times thereafter.

Reason: In the interests of community safety in an area with historically high levels of recorded crime.

5a. No development shall commence until a detailed landscape scheme and maintenance strategy for the development (including any necessary phasing of implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

- Measures to be taken to protect existing trees and planting during construction of the development
- Details of topsoiling depths and specifications— when existing soils are to be used, details of its retention, improvement, cultivation or safe storage for re-use should be specified. Topsoil depths – shrub/hedgerow planting areas should be at least 450mm: grass seeded / turfed areas should be at least 150mm
- Further details of proposed tree/plant species, number of plants/shrubs, size at time of planting, density, ground surface treatment, tree support and tree pit details, root barriers and mulching.
- Full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.

5b. The approved scheme shall be implemented in accordance with the approved timetable of works, retained for 5 years and managed in accordance with the approved management details. 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 and protect wildlife

6a. No development shall commence until a remediation strategy to deal with the coal mining legacy at the site to ensure the safety and stability of the proposed development has been submitted to and approved in writing by the Local Planning Authority.

6b. The development shall be undertaken in accordance with any approved remediation measures.

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

7a. No development shall commence until details for a surface water drainage scheme, based on sustainable principles and the principles embodied with the AECOM Flood Risk Assessment dated September 20016 has been submitted to for written approval by the Local Planning Authority. The scheme shall include on-site drainage system that will accommodate a 1 in 100 year storm plus allowance for 40% climate change and the responsibility for the future maintenance of drainage features. The scheme shall also demonstrate that surface water will be contained within the boundary of the development and not compromise the drainage of the sports playing pitches.

7b. The scheme shall be fully implemented in accordance with the approved details and thereafter maintained.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

8a. No built development shall commence until a schedule of facing materials to be used within the access ramp and steps have been submitted to and approved in writing by the Local Planning Authority.

8b. The development shall be completed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

9a. No built development shall commence until full details of the proposed boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority.

9b. The development shall not be brought into use until the approved details have been fully installed.

9c. The approved boundaries shall thereafter be retained and maintained.

Reason: To ensure the satisfactory appearance and functioning of the development.

10. No development shall commence until the re-located pitches have been laid out, goal posts erected and the playing pitches available for use. The re-alignment and improvement of the pitches shall be substantially in accordance with Football Association Technical Standards [including Grass Pitch Quality Performance Standard, Technical Standards Information and Goalpost and Pitch Sizes].

Reason: To ensure the reduction in the size of the playing field does not reduce the capacity and quality of the residual playing field to contain pitches and sustain the level of play.

11. All site clearance shall take place outside the bird nesting season (the bird nesting season is March to September inclusive). Where this is unavoidable a breeding birds survey shall be undertaken by a suitably qualified and experienced ecologist prior to any works commencing. If breeding birds are discovered site clearance and other operations should be delayed until young birds have fledged. All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. If nesting birds are discovered clearance works should be delayed and advice sought from the ecologist or Natural England.

(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 protect local bird populations.

12. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation) and deliveries to the site, 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 weekdays 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: In the interests of the amenity of adjacent occupiers.

13a. Prior to the development first coming into use, a Lockit safe Hamble cycle shelter shall be provided.

13b. 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.

14a. Prior to the car park first coming into use, the car park and access road shall be fully consolidated, hard surfaced and drained and the parking bays and other road markings clearly demarcated on the ground.

14b. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development, to encourage improvements to air quality and encourage a low-carbon environment, in accordance with the NPPF, BCCS policy ENV8 and with UDP Policy GP2, T7 and T13 and in the interests of highway safety.

15a. Prior to the car park first coming into use, full details of the proposed management of the car park and access road, including details of the enforcement regime to prevent indiscriminate parking on the access road, together with details of any proposed car park charging regime if it is intended to charge for parking, shall be submitted to and approved in writing by the Local Planning Authority.

15b. The development shall be operated in accordance with the approved details.

Reason: To ensure that the car park and access road are suitably managed to prevent unauthorised and indiscriminate parking, which could lead to displaced parking or queuing on the public highway, in the interests of highway safety.

Notes for Applicant

Pollution Control

The area of this proposed development has been identified as having localised ground contamination that may present Health and Safety implications for persons undertaking ground works. The Geotechnical & Geo-environmental Engineering: Preliminary Assessment has also identified the potential for ground gas accumulation within trenches. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development

Highways

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

2. The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 for all works within the existing public highway.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 2.

Reason for bringing to committee: Major Application

Location: LAND C/O BILSTON STREET AND CHURCH STREET, DARLASTON

Proposal: DEMOLISH EXISTING APARTMENT BUILDING AND CONSTRUCT NEW 9 X 1 BED AND 9 X 2 BED APARTMENTS.

Application Number: 16/1000

Applicant: Fiona Fell

Agent: Tim Sullivan

Application Type: Full Application (Major)

Case Officer: Karon Hulse

Ward: Bentley And Darlaston North

Expired Date: 26-Oct-2016

Time Extension Expiry:

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



Current Status

This planning application was presented to the 6th October 2016 planning committee. Members resolved to defer determination of this application in order that parking, design and scale of the building could be re-appraised. Planning committee's issues have been raised with the applicants who have provided further visuals to show how the proposed building in its context and how it compares to the existing building.

The submitted visuals show the existing Favourite House stands taller than the proposed block development particularly at the corner of Bilston Street and Church Street. Majority of the proposed development would be lower than the existing buildings on site.

The proposed development is also at a similar height to the Health and Fitness club building opposite and houses on the opposite corner on Bilston Street and Church Street.

The applicants have confirmed that all of the existing parking spaces on the site are for the sole use of tenants and their visitors to Favourite House only. Parking for the new development will be for the sole use of tenants and their visitors of that development.

The applicant has confirmed that the Black Country Museum have asked if the former MEB substation art deco sign fronting Church Street can be donated to them to be incorporated into a new exhibit at the Museum.

Whilst noting planning committee's previous comments, it is considered, in this instance, the transfer to the Black Country Museum will mean the sign can be enjoyed by a wider audience than just Darlaston. The sign will be exhibited in an historic context better reflecting its design and character rather than a modern and contemporary one.

The report has been updated through out to take account of any additional commentary since the 6th October 2016 planning committee.

Application and Site Details

This application follows a recently withdrawn application (15/1620) and now proposes a reduced scheme to develop land enclosed by Bilston Street and Church Street, Darlaston. The site is currently occupied by Favourite House, a large 3 storey Victorian building standing at the corner of Bilston Street/Church Street, consisting of 10 flats.

The site is 0.164 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 18 residential flats comprising:

- 9 x 1 bedroom flats
- 9 x 2 bedroom flats

All with associated car parking and landscaping and communal private space.

The site will consist of a single building fronting onto Bilston Street and Church Street, a rear parking courtyard accessed from Bilston Street providing 100% parking, 18 spaces and 2 visitor spaces. 18 cycle hoops are also proposed within the rear external amenity area, which is 1 per apartment.

The existing Sons and Daughters of Rest building on the corner of Cramp Hill and Bilston Street have been omitted from the current proposed scheme. The Sons and Daughters of Rest is a single storey brick building currently used as a 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 north-west and adjacent to the site are private gardens with two storey 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 of the site.

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 (various heights) 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 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 and Church Street with the top floor stepping down to 2.5 storeys with box dormer windows on the upper floor facing Church Street to reflect the height of 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 109 dwellings per hectare (DPH). Currently around the site the density varies between 45 and 128 dph.

The applicant has provided the following documentation to support the application:

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

15/1620 - 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. Withdrawn 8/6/16

06/1794/FL/W2 - Erection of 10 Flats. Refused on the grounds of the design of the building, no private amenity space, pedestrian visibility splay not achieved, access way be a minimum of 4.1metres wide and no financial contribution to secure urban open space in the area. Appeal dismissed 27/3/08

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

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

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 letters of representation one with a petition signed by 10 residents of Cramp Hill objecting on the following grounds:

- Impact on amenities
- Elderly residents around the site
- 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/invasive of privacy
- Too high density
- Bilston street access is inadequate
- Safety to passing pedestrians
- Let to families –no places available in any nearby schools
- Existing iconic building (favourite house)
- Overlook Tomell Mews
- 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
- much too high in relation to surrounding properties

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 taking into account the site already provides 10 flats within Favourite House.

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 – (5 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, plus this site is considered to be a windfall site.

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". The Council's policies provide support for the application.

Character and Appearance within the surrounding area

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 differing age, design and scale of bungalows, houses and flats (including Favourite House) with some commercial properties of differing styles, scales and ages, all of which defines a mixed local character. The built urban form is considered mixed, ranging from traditional street frontage to some back land and buildings sited within their own plots. To maximise the sites potential, improve safety and security of the location and improve passive surveillance of public spaces, the development has adopted a traditional street frontage style with private spaces at the rear.

As previously stated 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 Favourite House which varies between 2 and 3 storeys. Consequently, the proposed building scale and design has taken account of the mixed height and design character of the location and its surroundings.

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 whilst there may be areas of the original buildings that may have some intrinsic value to the local community this on its own would be insufficient to warrant a refusal of the development or the retention of the existing buildings. The existing art deco sub station sign is to be donated to the Black Country Museum as they want to use it within one of the latest projects. The stone Favourite House sign is intended to be reused within the fabric of the new building, both of these signs can be required by way of a condition.

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 mix of contemporary and traditional finishes. It is considered it 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 providing natural surveillance for security. The 'L' shaped block will be set back from the footpath to allow the provision of front defensible space which will be 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.

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.

Housing on Cramp Hill will have limited views of the new development due to the existing Sons and Daughters building being in-between the side elevation of the proposed flats and houses along Cramp Hill.

A previous refusal on part of the site proposed to retain the existing Favourite House and build along Church Street only. The proposed design of the then building was considered to be plain and was neither modern enough to be striking (which would have an element of interest in the street) nor traditional (which would have a more modest effect, by suiting itself to the area). As proposed it was considered would not integrate with the street and character of surrounding neighbourhood, nor would it create a new and valuable feature. This was further supported by the Planning Inspector who in his appeal decision concluded that the design of the proposed development would *"neither reflect the traditional urban characteristics of church Street nor introduce a modern alternative of the necessary quality"*.

In contrast to the previous refusal it is considered that the proposed design, whilst providing a traditional layout of the site, utilises a contemporary appearance and finishes and will create and introduce a development that will make a positive contribution to the character of the area. In addition, the new building is lower than the existing Favourit House and would sit comfortably in its surroundings.

Density - The proposed density is 109 dwellings per hectare (dph), currently around the site the existing housing stock in this vicinity ranges between 45 and 128 dph. Whilst the proposed density 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 unless it can be demonstrated otherwise to the satisfaction of pollution control. 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 parking at the rear of Favourite House was only for the residents of Favourite House. The roads adjacent have not be flagged as there being problems of on street parking. The development includes 18 x one and two bed flats. 19 parking spaces (105%) plus 1 disabled space is proposed. This is considered acceptable and not need any more parking spaces taking into account the sustainable location of the site within Darlaston district centre and that the site is within 200m's of Darlaston town centre, which benefits from a range of shopping facilities, bus station (routes in and out of Darlaston to Walsall, Wolverhampton, Willenhall and Bilston), 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 within walking distance of Darlaston town centre.

Section 106 Agreement Contributions

Affordable Housing - Under the terms of policies DEL1 and HOU3 of the BCCS and SPD Affordable Housing the proposal of 18 flats 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 – The development for 18 flats would trigger the open space SPD generating a potential contribution of £18,711 for Urban Open Space. With planning application 15/1620, the applicant submitted a viability assessment which was previously considered by the District Valuer who 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."

On the basis that the current proposal has been proportionally reduced by 9 units and the contributions have been proportionally reduced to £18,711 it is considered satisfactory to accept the DVS conclusions again on this application, as it is considered the development is likely to still be unviable and as such there is no requirement for any open space financial contributions attributed to the 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 8 (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.

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

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 Site Plan (201A) received 28/7/16
- Proposed ground floor plan (202 A) received 8/7/16
- Proposed first floor plan (203 A) received 8/7/16
- Proposed second floor plan (204 A) received 8/7/16
- Proposed elevations – sheet 1 (205 A) received 8/7/16
- Proposed elevations – sheet 2 (206 A) received 8/7/16
- Areas Plan (207) received 8/7/16
- Roof Plan (208) received 8/7/16
- Material Specification Sheet (210) received 8/7/16
- Proposed External Works and Drainage Layout (500) received 28/7/16
- Proposed Finishes Layout (501) received 28/7/16
- Topographical survey (100B) received 28/7/16

Reports

- Design and Access statement 8/7/16
- Bat survey received 28/7/16
- Arboricultural survey received 28/7/16

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

3a. Prior to the new sub station first being used, 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 relocated sub station first being operated written confirmation shall be submitted to the Local Planning Authority demonstrating 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 before the substation is first used 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 /Methodology 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
- parking and turning facilities for site operatives
- location of construction deliveries
- full details of the wheel cleansing arrangements

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

4b. Any temporary hoarding around the site during the period of construction shall not encroach into 2.4m x 43m visibility splays at the junction with Bilston Street and Church Street, which shall be kept clear at all times.

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 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 alterations to the existing dropped kerb footway crossing to realign with the repositioned access point in Bilston Street,
- ii) the removal and reinstatement of the redundant footway crossing in Bilston Street and Church Street including the necessary adjustments to any ironwork,
- iii) the provision of tactile pedestrian dropped crossing point across Bilston Street at the Church Street junction in a position to be agreed with the Highway Authority.
- iv) The provision of a replacement street name for Bilston Street currently located on the existing building to be demolished.

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

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 around the site including 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 splays at the car park access point shown on drawing no. 08-1057 201 Rev whereby no structure or planting exceeding 600mm in height above carriageway level.

7c. The approved details shall be fully implemented before any flat is first occupied 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 Waste Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall include proposed waste and recycling collection arrangements.

10b. The agreed details shall be fully implemented in accordance with the approved details upon first occupation of the development.

Reason: To ensure adequate servicing of the development.

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 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

13b. The development shall be carried out in accordance with the approved measures 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.

14a. 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.

14b. 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.

15a. 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).

15b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such.

15c. 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.

16a. 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.

16b. 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.

17a. The existing art deco sign on the building adjacent to the sub station on Church Street shall be removed and donated to the Black Country Living Museum

17b. The existing "Favourite House" sign within the frontage facing onto Church Street shall be removed, cleaned and reused within the external fabric of the new building at a location to be agreed in writing with the Local Planning Authority.

17c. The sign shall be installed in the agreed location prior to the first occupation of any part of the development and retained thereafter

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

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 site at any time.

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.

Notes for applicant

Refuse - The proposed refuse bin storage facility is centrally located within the rear amenity area about 30m from Bilston Street. Under Building Regulations refuse collection vehicles should not have to reverse more than 12m and should be able to get within 25m of the collection point. Also residents should not be required to carry waste more than 30m to the collection point. It is not clear whether the refuse collection vehicle is intended to access the site. If not, then the refuse storage should be relocated as close as possible to the public highway (maximum 25m). If so, then an Autotrack drawing shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a 10.7m refuse wagon can reverse into and out of the access point, together with construction details of the access road to a specification capable of accommodating a 26t refuse vehicle.

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

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.

Mud

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

There may be a public sewer located within the application site and the applicant is advised 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 applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.

Furthermore, 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.

To help us provide an efficient response please could you send all responses to net.dev.west@severntrent.co.uk or call Severn Trent on 01902 793851.

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.)

well known Darlaston character named Bob Smith.

Yours faithfully,

3 Cramp Hill, Darlaston -

5 " " " -

7 " " " -

● 9 " " " -

11 " " " -

13 " " " -

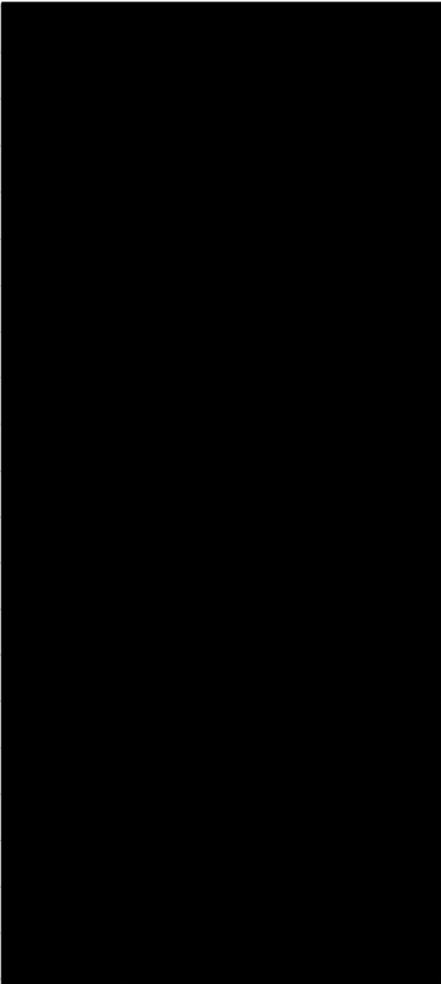
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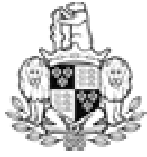
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Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 3.

Reason for bringing to committee: Major development

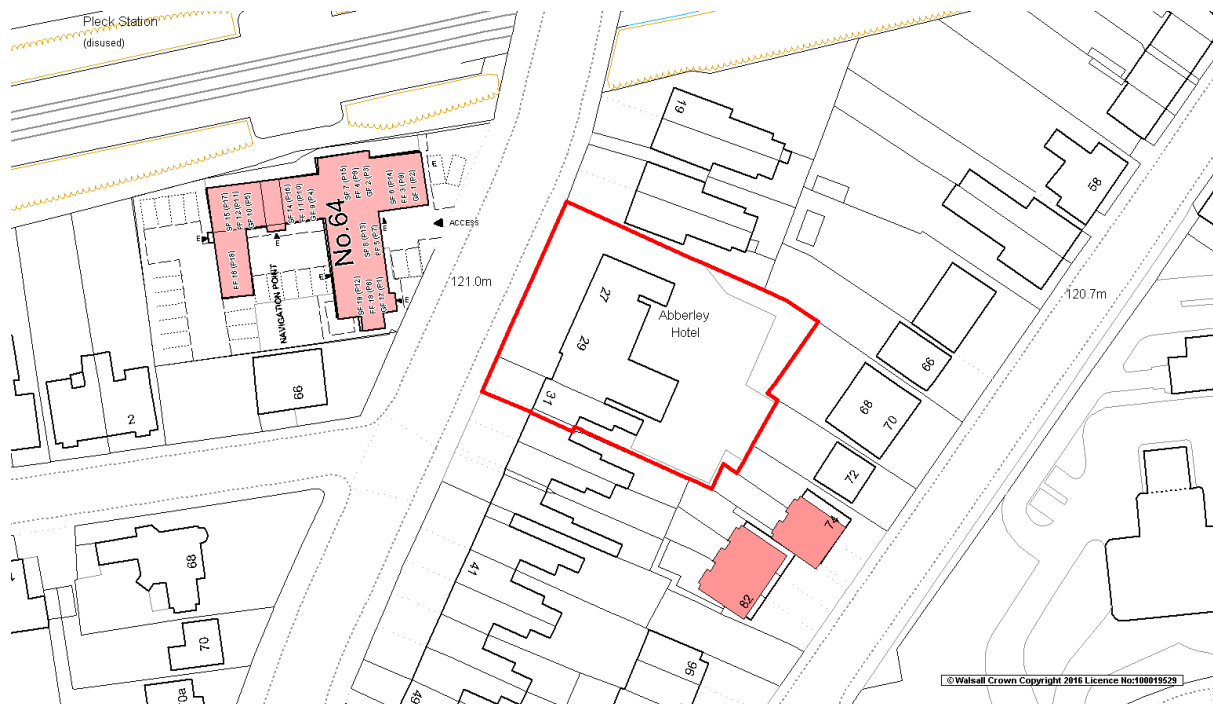
Location: FORMER ABBERLEY HOTEL, 27-31, BESCOT ROAD, WALSALL, WS2 9AD

Proposal: CHANGE OF USE FROM HOTEL (USE CLASS C1) TO 32-BEDROOMS FOR MORE THAN 6 UNRELATED PEOPLE LIVING IN A PROPERTY SHARING BASIC FACILITIES (SUI GENERIS USE) INCLUDING ASSOCIATED WORKS TO CAR PARK AND LANDSCAPING.

Application Number: 15/1266
Applicant: Everest Homes Ltd
Agent:
Application Type: Full Application

Case Officer: Mike Brereton
Ward: Pleck
Expired Date: 28-Dec-2015
Time Extension Expiry: 10-Nov-2016

Recommendation Summary: Grant Permission Subject to Conditions



Application Status

This application was deferred from the Planning Committee of 6th October for 1 cycle at the request of the applicant due to personal circumstances.

Any supplemental comments have been added to this report along with any additional comments received.

Application and Site Details

The application site contains the vacant, two and three storey, 29 bedroom former Abberley Hotel fronting Bescot Road. The former hotel building is set back around 9 metres from Bescot Road.

This change of use application proposes to convert the former hotel use (C1) to a 32 bedroom property to accommodate shared basic facilities for unrelated individuals (sui generis use).

The applicants supporting information submitted with application:

- **Air Quality Assessment** – concludes no mitigation is required.
- **Noise Assessment** – concludes main source of noise is traffic from Bescot Road and that mitigation measures should be provided in the form of appropriate ventilation and acoustic glazing.
- **Design and Access Statement** – states the proposal would bring a vacant and derelict building back into use and that the acceptability of the principle for shared accommodation at this site has been set by a previous permission.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 - Promoting sustainable transport**
- **NPPF 6 - Delivering a wide choice of high quality homes**
- **NPPF 7 - Requiring good design**

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV32: Design and Development Proposals
- ENV33: Landscape Design

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character

Policies are available to view online.

Relevant Planning History

15/0106/FL - Change of use from hotel to 32-bed house of multiple occupation including associated works to car park and landscaping. Withdrawn 26/03/2015.

10/1640/FL - Change of use of hotel to residential care home for elderly people. GSC 07/03/2011.

09/0366/FL - Change of use from hotel to house in multiple occupation (28 rooms). GSC 17/08/2009.

Consultation Replies

Access Officer – No comments. Any comments regarding access are unlikely to change the recommendation in this instance.

Coal Authority – No objection subject to inclusion of note to applicant regarding potential hazards from former coal mining activity.

Environmental Health – No comments. Any comments are unlikely to change the recommendation in this instance.

Housing Standards – Does not support the proposal due to an over-supply of supported HMO accommodation. Discrepancies on submitted plans regarding number of kitchens and number of people they serve and access to proposed lounges. Additional comments regarding license and operational safety requirements (*can be included as notes to applicant*):

- HMO licence is required and lasts for 5 years – the landlord must be a fit and proper person and be able to manage the property adequately in order to obtain a licence;
- Gas safety record is required annually;
- Electrical Installation Condition report is required; and
- Fire detection and emergency lighting test and maintenance certificates are required annually.

Landscape – No objection subject to conditions regarding appropriate landscaping.

Natural England – No objection.

Network Rail – No objection.

Police - No objection subject to conditions regarding compliance with the submitted Tenant Code of Conduct and Tenancy Agreement and appropriate crime prevention measures including Secure by Design.

Pollution Control – No objection subject to conditions regarding acoustic insulation to habitable windows.

Structures – No objection.

Transportation – No objection subject to conditions regarding cycle storage and parking layout.

Representations (*Officer comments in italics*)

Two objections have been received by neighbours on the following grounds:

- Increased anti-social behaviour and crime;
- Impact on house value (*this is not a material planning consideration*);
- Increased anxiety to a family member with mental health issues (*this is not a material planning consideration*);
- Increased noise;
- Existing supply of HMO, nursing homes and flats in area;
- Poor maintenance of site;
- Imbalance of age categories in community (*this is not a material planning consideration*);
- Loss of housing stock to HMOs; and
- Trespassing (*this is not a material planning consideration*).

A petition has also been submitted in support of the proposal with around 40 signatures from local residents.

A further objection has been received from MP Valerie Vaz on behalf of neighbours at 19, 21, 23 and 25 Bescot Road. It should be noted that No.25 Bescot Road also signed the above petition in support of the application.

The objections are as follows (*officer comments are in italics*):

- Housing Standards comments have not been accurately described in the report (*their comments 'do not support' have been included*);
- Existing supply of HMOs is sufficient and is a strong ground for objection (*there is no planning policy basis to refuse the application on this basis. It should be noted that Walsall has one of the lowest figures of registered HMOs in the West Midlands*);
- Lack of reference in report to any legislation which encourages Houses in Multiple Occupation;
- The report states the proposal does not fall within the definition of a HMO (*The Use Class Order 1987 (as amended) defines a HMO as 'up to 6 people'. This proposal exceeds this number and is considered a sui generis use as set out in the report*);
- Concerns over sharing of basic facilities with 5 other occupants and whether it is considered to fall within the definition of a high quality home (*the Government considers sharing of basic amenities of up to 6 people to be acceptable in allowing the creation of HMOs in Part 3, Class L of the GPDO 2015 and this proposal is considered to reflect that position*);
- The previous permission for a 28-bed HMO lapsed and was not implemented evidencing an over-supply of this type of accommodation (*there is no evidence to support this argument and this may have been due to other market factors which are outside the control of the planning process*);
- The Police comments have not been accurately described in the report (*following appeal ref APP/V4630/W/15/3133405 at 248 Darlaston Rd, Walsall which concluded there is a lack of evidence regarding increased crime and anti-social behaviour from a HMO, the Police removed their objection on this current application but raised concerns and recommended a number of security measures which have been included as a condition*);
- Can it be confirmed if the agent is former Councillor Zahid Ali and whether he attended the previous Planning Committee which allowed planning permission at the application site for a 28-bed HMO in 2009 (*the agent is former Councillor Zahid Ali, a former member of Planning Committee. However, this is not a material planning consideration and each application is judged on its own merits. Mr Zahid Ali is now a member of the public representing an applicant and not taking part in the planning committees decision making process or voting on the planning application*).

Determining Issues

- Principle of Use
- Design and Character of Area
- Neighbours and Occupiers Amenity
- Highways

Observations

Principle of Use

This planning application is forming a sui generis use as it does not fall within the town and country planning act definition of a HMO. The planning act defines HMO's as up to 6 people sharing basic amenities in a single property. Whilst this is classed as a sui generis use because it is forming a 32 bedroom property with shared basic facilities for unrelated individuals, it is considered to a similar residential use as an HMO.

This change of use application from a former 29 bedroom hotel (C1) to a 32 bedroom property to accommodate shared basic facilities for unrelated individuals (sui generis use). Whilst neighbours are concerned that housing stock is being lost to Houses in Multiple Occupation (HMO's) and that there are already HMOs, nursing homes and flats in the area, current Government policy encourages the creation of Houses in Multiple Occupation.

The Council gave permission in 2009 for a 28 bedroom House in Multiple Occupation as it was considered the nearby area is predominantly residential and the proposed use (a form of residential use) was considered acceptable. Whilst this current proposal adds 4 additional bedrooms, it is considered that this residential use is still acceptable at this sustainable location.

Housing Standards do not support the proposal on the grounds that there is an over-supply of supported HMO accommodation in Walsall and this concern is shared by neighbours and MP Valerie Vaz. Given the Governments over whelming drive to deliver housing of all forms (particularly NPPF 6 paragraphs 49-51 and Part 3 of the GPDO which allows certain changes of use to residential, including HMOs), there are no planning policy grounds, or evidence base, that would support the refusal of this planning application. It should be noted that Walsall has one of the lowest figures of registered HMOs in the West Midlands:

- Birmingham = 1847
- Coventry = 442
- Wolverhampton = 115
- Sandwell = 28
- Walsall = 28
- Dudley = 12

The current legislation does not require landlords to register any houses that they let apart from those that meet the criteria for mandatory licensing which is they must be 3 storeys or above, occupied by 5 or more unrelated persons and share amenities (bathroom, kitchen or living room). Housing Standards, utilising their own legislation can choose not to licence the premises even if planning approval is given.

Housing Standards raised concerns regarding the number of kitchens and dining rooms, and how these are accessed from bedrooms. Whilst it is recognised in some instances occupiers will need to take indirect routes to access shared facilities, a total of 6 kitchens are proposed which averages 5 people per kitchen based on the proposed 32 bedrooms and meets the spirit of the recommendations of Housing Standards. Most kitchens are also of a size which could accommodate an informal seating / dining area and on balance, it is considered the application could not be refused on these grounds. A condition would be included to request an amended layout to provide an internal access door between the hallway serving bedrooms 1 to 3 and hallway serving kitchen 1 to enable reasonable access to this kitchen for occupiers of those bedrooms to ensure an appropriate level of amenity.

Design and Character of Area

The proposed external changes in the form of replacement dark grey windows and grey paint to exterior walls are considered would not have any adverse effects on the character and appearance of the area. Neighbours concerns regarding the poor maintenance of the site are noted. The former Abberley Hotel application site has been vacant for some time and it is considered that bringing the building back into use along with the proposed improvements to frontage would have a positive impact on the character of the area and address residents concerns regarding poor maintenance.

Details of landscaping and its future maintenance along with boundary treatments can be secured by condition in accordance with the recommendations of the Landscape Officer.

Neighbours and Occupiers Amenity

The submitted plans show no additional side facing windows are proposed and consequently, it is considered, no additional impacts on neighbours' amenity would arise in this regard. Whilst it is noted that both the neighbours and the Police have concerns, the proposed use would result in increased anti-social behaviour and crime, there is currently no evidence base to substantiate poor behaviour of future occupiers of the building to sustain a reason to refuse the planning application. Safeguarding conditions regarding safety and security would be included for any approval. Should there be anti-social behaviour in the future, the Council's Housing Strategy team may choose to withdraw the operator's licence or force them to make changes to the management of the property.

Whilst neighbours concerns are noted regarding the potential increased noise levels, this difficult to be substantiate that the proposed use would be any noisier than the permitted hotel use or a redevelopment to traditional flats. It is considered the proposal (a form of residential use) is unlikely to result in any significant additional impacts on neighbours' amenity over and above the previous hotel use.

The proposal includes around 140m² outdoor amenity space at rear to serve the occupants. There is no defined amenity space standard for the proposed sui generis use and, while some amenity space is essential, the amount required has to be balanced against the need for parking which the use will generate. The majority of the land to the rear of the building forms 19 car parking spaces. Overall, it is considered the amenity space to be provided is considered acceptable for the proposed use and any noise from the car park would be no greater than the existing hotel use that residents had previously experienced.

Pollution Control have recommended that amendments are necessary to the Noise Assessment to ensure a satisfactory level of amenity for future occupiers, or that improvements are made to the glazing for habitable windows fronting Bescot Road to ensure a satisfactory level of amenity for occupiers can be achieved. This can be dealt with by condition.

Highways

19 parking spaces are to be retained along with 3 motorcycle parking and space for storage of around 6 cycles to serve the 32 bedroom sui generis use. The maximum policy requirement for the previous hotel use was for 41 parking spaces. The requirement for flats is 1.5 spaces per unit equating to 48 spaces. There is no specific parking policy requirement for the proposed use. It is considered the future residents of the application building would have lower car ownership levels compared to residents of flats. In addition, the number of vehicle trips to and from, plus parking demand to the extant 29 bed hotel, is likely to be higher than the proposed use.

On balance, it is considered the proposed change of use is unlikely to have severe transportation implications and is acceptable subject to conditions regarding provision of a cycle shelter and car and motorcycle parking bays.

Conclusion

On balance, taking into account, neighbours concerns, the commentary of consultees to the planning application, past planning history of the site, the location and National Planning Policy, it is considered the proposed change of use to a form of residential use, is unlikely to result in any significant additional impacts on neighbours' amenity, or result in severe transportation implications, over and above the previous hotel use.

Positive and Proactive working with the applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding occupiers amenity, it has been agreed that these matters can be dealt with by condition and enables full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Application Form. Deposited 06/10/2015
- Location Plan. Amended deposited 06/10/2016
- Site / Block Plan. Amended deposited 06/10/2016
- Proposed Plan – B.Reg 1. Amended deposited 06/10/2016
- Proposed Plan – B.Reg 2. Amended deposited 06/10/2016
- Proposed Elevations. Amended deposited 06/10/2016
- Planning Statement. Deposited 18/08/2015
- Air Quality Assessment (Ref AQ0822 dated May 2016). Deposited 16/05/2016
- Noise Survey (Ref NS120 dated 14/04/2016). Deposited 18/04/2016
- Tenants Code of Conduct and Tenancy Agreement. Deposited 19/02/2016

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. Notwithstanding the Proposed Plan – B.Reg 1 (amended deposited 06/10/2016) as submitted, prior to first occupation of any part of this development hereby approved an internal access door at ground floor between the hallway serving bedrooms 1 to 3 and hallway serving kitchen 1 shall be installed to enable reasonable access to this kitchen for occupiers of those bedrooms and thereafter retained.

Reason: To ensure a satisfactory level of amenity for occupants and to accord with the NPPF and UDP Policy GP2.

4. Prior to first occupation of any part of this development hereby approved the glazing for all habitable windows fronting Bescot Road shall be fully installed, confirmed in writing to the local planning authority on completion of the installation and thereafter retained as such to meet the following requirements:

- i. Replacement glazing units to be 12mm laminated glass / 12mm air gap / 10mm glass or 17mm laminated glass / 12mm air gap / 10mm glass; OR
- ii. Installation of a secondary panel frame to create a false reveal with a single pane of glass of a minimum thickness of 12 mm.

Reason: To ensure a satisfactory level of amenity for occupants and to accord with the NPPF and UDP Policy GP2.

5a. Prior to the first occupation of any part the development hereby approved, a detailed landscaping scheme and maintenance strategy for the development (including any necessary phasing of implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

- i. Measures to be taken to protect existing trees and planting during construction of the development.
- ii. Topsoil specification. – If existing soils are to be used, details of its retention, improvement, cultivation or safe storage for re-use should be specified.
- iii. Further details of proposed tree/plant species, number of plants/shrubs, size at time of planting, density, ground surface treatment, tree support and tree pit details, root barriers and mulching. full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.
- iv. Trees in paved areas - a minimum 5 cubic metres rootzone for individual trees in paved areas is required and can be achieved by using load bearing Urban Tree Soil beneath paving construction surrounding tree stations.
- v. Full specification for walls, fences, gates (boundary and internal, showing materials, heights and location), and paving (materials and layout). Particularly to front of site.
- vi. Details of the future management of the landscape scheme, including how applicant intends to maintain landscape features.

5b. Within 3 months of the details of the landscaping being agreed by the Council, the approved details shall be fully implemented. The landscaping scheme shall be maintained for a minimum of five years, following the completion of the landscaping to establish the planting. Within this period, any trees shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same size and same species as that originally required to be planted.

Reason: To ensure satisfactory appearance of development and to accord with the NPPF and UDP Policies ENV32 and ENV33.

6a. Prior to the first occupation of the development, full details of the proposed cycle shelter including its location, which shall be covered, secure and illuminated, shall be submitted to and approved in writing by the Local Planning Authority,

6b. Within 3 months of the details of the cycle shelter being agreed by the Council, the cycle shelter shall be fully implemented in accordance with the approved details and 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 first occupation of approved development, all parking bays including the motorcycle bays shown on the approved plan, shall be clearly demarcated on the ground and shall thereafter be retained and used for no other purpose. The motorcycle bays shall incorporate security bars in order that motorcycles can be properly secured.

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

8. The applicant shall ensure measures to control noise, dust, flying debris, and drag-out from engineering and construction activities at the site are fully implemented and maintained throughout the duration of all demolition operations and construction activities at the site.

Reason: To minimise environmental impact during development

9. The development shall be constructed to meet Secure By Design and thereafter retained as such.

NB. Please refer to "Note For Applicant" for further information on Secure by Design requirements.

Reason: In the interest of safety and security of occupants.

10. No construction, demolition, 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 otherwise only take place between the hours of 08.00 to 18.00 weekdays 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; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).

Reason: To protect local amenity

Notes to Applicant

1. Prior to first occupation, the applicant should implement the crime prevention measures and contact the Crime Prevention Design Advisor / Crime Reduction Officer to arrange inspection:

- i. Installation of automatic access controlled gates on the side of the building protecting access to the rear court yard parking area. This is to prevent unauthorised admission and to limit the opportunity for burglary, vehicle crime and vandalism. Gates should be at least 2 meters in height and fitted with an anti-climb topping.
- ii. All door sets both external and internal should comply to PAS 24 2012 standards.
- iii. The developer should also be made aware that where thumb turn locks are to be installed consideration should be given to the use of the 'BY Pass' method of entry by offenders. Only thumb locks that cannot be 'by passed' should be used.
- iv. Communal entrance door sets should be certificated to one of the following standards:

STS 202 Issue 3:2011 Burglary Rating 2 (minimum), or

LPS 1175 Issue 7:2010 Security Rating 2 (minimum), or

PAS 24: 2012 (section 4.4.3 i.e. via testing to BS EN 1627 Resistance Class 3 (minimum)).

NB Door sets utilising non mechanical magnetic locks will fall outside the scope of BS EN 1627.

- v. A Video access control system should be installed on main entrances linked to each room. The system should be DDA compliant, with a vandal resistant external door entry panel. There should be either an integral or stand-alone camera, providing colour images into each of the residents rooms and communal rooms. There should also be the facility for audio communications between the resident and the visitor via a monitor or handset and an electronic release mechanism.
- vi. The resident access control system and associated electric locking mechanisms shall incorporate a battery back-up facility, in the event of a power failure, to enable system operation for a minimum period of 6 hours. In the event of an initial power failure door locks shall remain in the secure mode, however, once the battery back-up ceases to operate the system must revert to a safe (unlocked) mode.

- vii. 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.
- viii. All ground floor, accessible windows and doors should contain at least one pane of 6.8mm laminated glass.
- ix. 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.
- x. Where plants 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.
- xi. Perimeter and Boundary fencing 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.
- xii. A suitable CCTV system should be in place covering cover all entry / exit doors, gated access to car park and car park area, the CCTV system should provide evidential standard imagery day and night.
- xiii. There should be access control measures in place strategically positioned so as to limit movement around the building for non authorised individuals. All internal doors leading from the stairways should be self closing / locking
- xiv. The resident access control system and associated electric locking mechanisms shall incorporate a battery back-up facility, in the event of a power failure, to enable system operation for a minimum period of 6 hours. In the event of an initial power failure door locks shall remain in the secure mode, however, once the battery back-up ceases to operate the system must revert to a safe (unlocked) mode.
- xv. Green break glass emergency exit devices on communal external doors that give access into the building are not permitted due to constant abuse. Instead, vandal resistant stainless steel self-resetting emergency exit systems are to be installed. The installation and system type must be in full compliance and achieve final 'sign-off' by local Building Control.
- xvi. The car park and all pathways should be well lit after dark and be subject to good natural surveillance.
- xvii. A strict vetting procedure should be in place to assess the suitability of each and every tenant, a detailed tenants contract of behaviour should be signed by each tenant outlining consequences for breaches of conduct, behaviour etc. A robust system to deal with such breaches should be in place resulting in possible eviction.

2. A HMO licence is required which costs £750 and lasts for 5 years – the landlord must be a fit and proper person and be able to manage the property adequately in order to obtain a licence.
3. A Gas safety record is required annually.
4. An Electrical Installation Condition report is required.
5. Fire detection and emergency lighting test and maintenance certificates are required annually.
6. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at www.groundstability.com If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.gov.uk

ECONOMY AND ENVIRONMENT
09 DEC 2015

15/1266
petition
9/12/15
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RECEIVED

Planning Reference Number: 15/1266

former Abberley Hotel 27-31 Bescot Road Walsall

WS2 9AD

We the undersigned fully support the proposal for a 32 bedroom residential development at the former Abberley Hotel site. The development will bring back into use a long term redundant building. The proposal will eliminate all issues associated with empty sites including vandalism, fly tipping, drug usage etc. The development will add value and contribute to the regeneration of this area. We urge the council's planners to approve the application.

NAME	ADDRESS	SIGNATURE	DATE
	37 BESCOT ROAD		06/12/15
	37 BESCOT ROAD		06/12/15
	37 BESCOT ROAD		06/12/15
	17 BESCOT ROAD		06/12/15
	9 BESCOT RD		6/12/15
	3 BESCOT RD		6/12/15
	40 SLANEY RD		7/12/15
	1 SLATERS PLACE		7/12/15
	2 SLATERS PLACE		7/12/15
	3 SLATERS PLACE		7/12/15
	3 SLATERS PLACE		7/12/15



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 4.

Reason for bringing to committee: Major Application

Location: ROAPP HALL, DORSETT ROAD TERRACE, DARLASTON, WEDNESBURY, WS10 8TP

Proposal: CONSTRUCTION OF 6 NO TWO BEDROOM FLATS AND 5 NO. ONE BEDROOM FLATS IN A THREE STOREY BUILDING WITH ASSOCIATED PARKING, BIN STORE AND CYCLE STORE.

Application Number: 15/0759/FL

Applicant: Mr Kevin Gilger

Agent: Mr Michael Idowu

Application Type: Full Application (Major)

Recommendation Summary: Grant Subject to Conditions and Delegate to the Head of Planning, Engineering and Transportation to complete a section 106 agreement for open space contribution.

Case Officer: Stuart Crossen

Ward: Darlaston South

Expired Date: 15-Dec-2015

Time Extension Expiry: 10-Dec-2016



Status

The recommendation is altered to remove the requirement for Section 106 affordable housing which is not required for this development as it does not meet the threshold. The application is the same as previously considered in all other respects.

Application Details

The application proposes two three storey buildings to provide 6 two-bedroom and 5 one-bedroom apartments over 3 storeys with 10 car parking spaces, bin and secure cycle store.

The total site area is 0.14 ha and is situated at the end of Dorsett Road Terrace which is a cul-de-sac serving 18 dwellings within the Darlaston area, close to the town centre (350 metres away). Victorian terraced styled houses are located to South, the nearest 14.5 metres away with a modern 3 storey flat development opposite to the North West 20 metres away, North East is the last house of a row of post war semi-detached houses, the nearest number 10 would be 6 metres away, with an allotment adjacent to the West.

Flat Schedule

No	Name	Int. area	No. of Bedrooms	Level	Block
1	Flat B	51m ²	1 Bedroom Flat	Level 0	Block A
2	Flat C	47m ²	1 Bedroom Flat	Level 1	Block A
3	Flat D	50m ²	1 Bedroom Flat	Level 1	Block A
4	Flat E	47m ²	1 Bedroom Flat	Level 2	Block A
5	Flat F	50m ²	1 Bedroom Flat	Level 2	Block A
6	Flat G	60m ²	2 Bedroom Flat	Level 0	Block B
7	Flat H	60m ²	2 Bedroom Flat	Level 0	Block B
8	Flat I	63m ²	2 Bedroom Flat	Level 1	Block B
9	Flat J	63m ²	2 Bedroom Flat	Level 1	Block B
10	Flat K	63m ²	2 Bedroom Flat	Level 2	Block B
11	Flat L	63m ²	2 Bedroom Flat	Level 2	Block B

Block A would be to the North of the site 8.6 metres high with a flat roof and includes an access way at ground floor for vehicles to access the rear of the site. There would be a single storey 7 metre wide part at the side near to the boundary with number 10 Dorsett Terrace to provide the bin store.

Block B would be to the South of the site 8.6 metres high with a flat roof.

All of the flats are dual aspect dwellings. Kitchen/Living overlooking the public street on Dorset Road Terrace and the bedroom overlooking the car park. No main habitable side elevation windows are proposed on the side elevations.

There would be shared garden amenity space of 570m².

The applicant has submitted a design and access statement in support of the planning application providing the following relevant additional information:

There is a nearby park, an Asda superstore and Darlaston Bus Stand, all within 6 minutes walk from the site. From there it is possible to reach Walsall train station in 21 minutes and from there, Birmingham New Street in 22 minutes. Wolverhampton is 41 minutes away via bus and foot.

The materials have been selected to achieve a good appearance over time requiring minimal maintenance. The brick will be frost resistant. The render selected is likely to be a proprietary system with a BBA agreement certificate confirming its durability. The window and door frames will be UPVC.

An Urban Open Space Statement has also been provided by the applicant as assurance that the developer represented by Michael Idowu Associates is keen to ensure that they contribute to the loss of community facility or open space.

A Planning Statement has been provided by the applicant which makes the following conclusions:

The site is located within a built up area of mixed use but largely residential, where there is no issue raised to the principle of a scheme which creates a new residential units on the site. Such a development would reflect the prevailing pattern of development and land use in the surrounding area. As a result of the proposed new residential development and is positive for the local community in which the site lies.

The proposed residential accommodation would make efficient use of the site and create a mix of 11 units (6 x 2 - bed and 5 x 1 - bed flats) which would meet local housing demand. Each of the units would have internal space which either meets or exceeds the requirements of the National Standards, and with a high quality setting would provide a satisfactory living environment for future occupiers.

The site layout has been designed to ensure that the amenities and privacy of neighbouring properties are not harmed as a result of the development. There would be no overlooking of adjoining buildings/land due to the considerate positioning of windows with opaque glazing proposed where necessary. The two storey element of the development is still modest in height and would not appear overpowering to neighbouring properties. Within the site, each of the flats would have satisfactory privacy and amenity, with the flats benefitting from a pleasant car park setting and private/communal amenity areas.

There would be sufficient parking provision on the site to serve the development, with design at designated refuse and cycle parking. The development would utilise the vehicular access to Dorset Terrace Road, with sufficient space within the site for vehicles to enter and exit in forward gear in the interests of highway and public safety.

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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:

- 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.

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
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
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

ENV14: Development of Derelict and Previously-Developed Sites

ENV17: New Planting

ENV18: Existing Woodlands, Trees and Hedgerows

ENV23: Nature Conservation and New Development

ENV32: Design and Development Proposals

ENV33: Landscape Design

ENV40: Conservation, Protection and Use of Water Resources

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

H4: Affordable Housing

T1: Helping People to Get Around

T7: Car Parking

T8: Walking

T9: Cycling

T10: Accessibility Standards - General

T11: Access for Pedestrians, Cyclists and Wheelchair Users

T12: Access by Public Transport

T13: Parking Provision for Cars, Cycles and Taxis

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.

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

Relevant Planning History

10/0615/FL - Demolition of 3 existing buildings and construction of Educational Resource Centre with rehabilitation and residential recovery unit for spinal injuries (adj. to footpath no. Dar14) Granted Subject to Conditions 29/07/10

08/1548/FL – demolition of existing buildings and development of 6 two bedroom apartments and 2 three bedroom houses. Refused 20th November, 2008 (Lack of an acceptable bat survey and 45 metre fire access)

08/1028/FL - Erection of 6 x two bedroom apartments and 2 x three bedroom town houses. Withdrawn 7th August, 2008

06/1015/FL/W5 – Erection of 6 x two bedroom apartments, 1 x one bedroom apartment and 2 x three bedroom town houses. Refused

05/0989/FL/W5 - Erection of 8 no two bedroom apartments and 2 no. three bedroom houses. Refused 16th August, 2005

Other previous permissions relate to the club extensions which at the time of consideration it should be noted that several complaints were made by local residents who were experiencing nuisance caused by the clubs activities particularly when it held meetings or events such as bingo evenings.

Consultation Replies

Transportation – No objections subject to conditions for surfacing, revised parking arrangements, details of a cycle shelter and a methodology/details of parking, turning for site operatives and wheel cleaning.

Public Rights of Way – No objection subject to conditions for drainage, lighting columns and further vehicular access/ dropped kerb/ tactile edging details

Severn Trent – No objections subject to conditions for drainage mitigation, elevation finish, lighting, access, dropped kerb and tactile edging details.

Cable & Wireless – No objections

Community Safety – No objections, a defensible 1 metre high barrier is recommended along the boundary.

Police Architectural Liaison Officer – No objections subject to secure by design.

Environmental Health – No comments to make

Coal Authority – No objections recommends a Planning Condition should planning permission be granted requiring the necessary remedial works to be carried out prior to commencement.

Strategic Planning Policy – No objections

Pollution Control – No objections subject to conditions required ground contamination site investigation and control to ensure satisfactory amenity during construction

Tree Officer – No objections

Ecology – No objections

Structures – No objections

Housing Standards – No objections

Landscape – No objections subject to landscape condition.

Environment Agency – No objections

Flood Risk Officer – No objections subject to flood mitigation condition.

Representations

2 objections received on the following grounds:

Loss of daylight

Loss of privacy

Increase in traffic

Poor access for refuse collection

Design not in keeping with surroundings

Not enough parking.

Nowhere safe for children to play

Too many properties like this for private rent being offered to problem families

Determining Issues

Principle of the development

Design and Character of the Area

Neighbouring Amenity

Contaminated Land

Highway Safety and Parking

Flooding

Trees

Observations

Principle of the development

The site is within easy walking distance of the town centre and the Asda supermarket being only 350 metres away.

Residential here would accord with both the Unitary Development Plan and government guidance in so far as it will meet housing needs of the whole community, create more sustainable patterns of development, be in keeping with the character and density of the existing local area and close to public transport routes from Darlaston town centre which serves Wednesbury, Willenhall, Walsall, and Wolverhampton.

It is recognised that the former Roapp Hall was vacant for some time and has now been demolished. The location of this site, which is not in a centre, is surrounded by housing and lies at the end of a narrow road, means that it would not be a suitable location for any replacement community facility. The loss of this site to another use is therefore acceptable under UDP Policy LC8.

Design and Character of the Area

The site is surrounded by different property styles including; Victorian Terraced houses, post war semi-detached houses and modern traditional styled semi-detached houses and three storey flats. Beyond the public footpath there are modern flat roof three storey housing.

The proposed design is modern although much of the immediate surrounding development is broadly traditional these existing styles differ in that they reflect the eras they were built in, when more traditional design were popular. Taking account of this characteristic the proposed design, which is representative of a modern styled flat development, would be compatible with the existing relationship between existing housing development in this area, by reflecting the era it would be built in.

Neighbouring Amenity

The south west elevation would have bathroom windows, whilst presenting a largely blank elevation to the rear of the Victorian terraced houses on Mill Street. The separation distance to the rear wing of 31 Mill Street of 14 metres combined with the flat roof design and elevation colour, is considered would minimise any loss of light or overbearing impact on the rear windows and garden areas of houses along Mill Street.

A separation of 8 metres between the nearest house to the North East of the site and the nearest part of the proposal, is sufficient to ensure there would not be a significant loss of light or overbearing impact on occupiers, with little potential for overlooking of either the proposed flats or existing due to the combined distance, orientation and as the proposed flats have no main habitable room side elevation windows.

An objection regarding there is nowhere safe for children to play is noted. The application site would not be a suitable location for children in its current state and the redevelopment would be a significant improvement to the area. There are no policy requirements for the applicant to provide a children's play area.

Objections regarding the situation of potential residents of the flats, is not a determining issue of a planning application and would not be a reason to refuse planning permission.

Contaminated Land

Regarding any redevelopment of this site for housing, prior to the sites uses as a club and as a community hall, it is known that mining activities were undertaken in the locale and that spoil is likely to be present on site. Since the closure and subsequent demolition of the club there has been some question of anti social behaviour on the site. For this reason Pollution Control Officers consider it necessary for ground investigation and ground gas survey to be undertaken to determine what if any remedial works are required to make the suitable for any future residential end use.

In addition to this, given the size of the development Pollution Control have recommended that the applicant agree measures to control impacts to nearby residential premises and the road infrastructure during the engineering and construction works, including hours of work which can be conditioned.

Highway Safety and Parking

The site is considered by Highways Officers to be a relatively sustainable location being within reasonable walking distance (under 400m) of Darlaston Town Centre with a range of community and commercial facilities and bus links to major centres.

On balance the Highway Authority considers the development will not have severe transport implications and is acceptable.

Flooding

The flow route from the drain at the north of the site heads towards through the refuse area – which could cause a flooding wheelie bin or pollution concern and heads south to the allotment site. The flood risk officer suggests that this is a residual risk that would need further investigation as to whether this risk could be engineered out or rationalised during development. There is the potential for the flow route to pose a risk to the proposed ground floor flats or to deflect surface water flows elsewhere. This is again considered only a residual risk and the Flood Risk Officer following correspondence with the agent recommends a condition to mitigate for these issues.

Trees

The Tree Officer considers that the existing tree constraints are not significant enough to warrant refusal of this application and has no objections due to the lack of significant arboricultural implications. A condition has been requested for details of any tree planting to ensure the proposals are satisfactory.

Positive and Proactive working with the applicant

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

Recommendation: Grant Subject to Conditions and Delegate to the Head of Planning, Engineering and Transportation to complete a section 106 agreement for open space contribution.

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:

Amended location plan received 16/09/16

Amended location plan and landscaping plan (130) received 07/09/16

Site levels (131) received 26/10/15

Amended site photos (120) received 07/09/15

Amended proposed ground floor plan (140) received 07/09/16

Amended proposed first and second floor plan (150) received 07/09/16

Amended long elevations front and back (160) received 07/09/16

Amended proposed side elevations (170) received 07/09/16

Amended coloured elevations front and back (180) received 07/09/16

Amended aerial front (100) received 07/09/16

Amended aerial back (110) received 07/09/16

Amended visualisation front (190) received 07/09/16

Amended visualisation back - East (195) received 07/09/16

Amended birds eye view proposed (200) received 07/09/16

Letter presenting and discussing mining and geotechnical issues received 16/09/16

Landscape management plan

Bat & barn owl survey report received 26/10/15

Transport statement received 07/09/16

Urban open space

Design and access statement received 07/09/15

Drainage strategy received 07/09/15

Reason: To define the permission.

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) The site investigation shall consider the presence of shallow mining conditions.

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, treatment of mine workings 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 b) 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 safeguard the amenities of neighbours and occupants and to comply with UDP policy ENV10.

4a) Prior to engineering and site clearance/preparation works commencing a Construction Management Plan shall be provided in writing to the Local Planning Authority which sets out how the works will be undertaken and giving details of arrangements for the following details:

- control of noise,
- vibration,
- dust and debris (including site drag-out),
- the location of parking and turning facilities for site operatives and construction deliveries
- the management of any materials arising from the works
- full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction Particular consideration shall be given to the narrowness of the access in and out of Dorsett Road Terrace from Dorsett Road for large vehicles and how this will be managed to ensure road safety at all times.

4b) The Construction Management Plan shall be fully implemented upon commencement of any works and shall be maintained until the site is completed.

Reason: To safeguard the amenities of neighbours and occupants and to comply with UDP policy ENV10 and 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) The development hereby permitted shall include a surface water drainage scheme for the site, based on sustainable drainage principles to be submitted to and approved in writing by the Local Planning Authority.

5b). The agreed scheme shall subsequently be fully implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The limitation of surface water run-off to greenfield rates;

- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus 30% allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.
- No drainage is to take place from the development onto the highway; it must be dealt with by on site drainage and surface water run-off onto the highway avoided.
- Proposed drainage and measures to prevent surface water run-off from the site onto the adjoining public footpath and highway

5c) The agreed details shall be fully implemented prior to the first occupation of the last residential unit and thereafter retained

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of any sustainable drainage structures and to comply with UDP policy ENV40

6a) Prior to the commencement of development, a detailed landscaping scheme and maintenance strategy for the development (including any necessary phasing of implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

- all proposed tree planting, and the proposed times of planting
- Use of imported topsoil to agreed British Standard, unless detailed soil analysis is provided to prove suitability of existing site soils.
- Topsoil depths – shrub/hedgerow planting areas should be at least 450mm : grass seeded / turfed areas should be at least 150mm.
- Further details of proposed tree/plant species, number of plants/shrubs, size at time of planting, density, ground surface treatment, tree support and tree pit details including mulching, full details of sizes/ container volumes/ seed mixes/ plant numbers botanical and English names and methods of planting.
- details of proposed turf / seeded areas
- Details of all boundary treatments, such as walls or fences
- Within a 5 year period, any trees shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same size and same species as that originally required to be planted, unless otherwise agreed in writing with the Local Planning Authority.
-

6b) All agreed tree planting shall be carried out in accordance with those details and at those planting times agreed.

6c) If within a period of five years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted in the same place.

Reason: To ensure the satisfactory amenities of the area and to comply with UDP policies GP2 and ENV32

7a) Prior to the development first coming into use, all access ways, vehicle manoeuvring areas and parking areas shall be fully consolidated, hard surfaced and drained and the parking bays clearly demarcated on the ground.

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

Reason: To ensure the satisfactory completion and operation of the development in accordance with UDP Policy GP2, T7 and T13 and in the interests of highway safety.

8a) Prior to the commencement of the development, full details of the revised access arrangements to the site within the highway shall be submitted to and approved in writing by the Local Planning Authority. The access shall take the form of alterations to the existing dropped kerb arrangements including the provision of an extension to the public footway across the terminus of Dorsett Road Terrace to provide a continuous footway link to Wheelwright Close. If it is necessary to relocate the existing street lighting column to achieve the new access to the site then this shall be with the agreement in writing with Walsall Council's street lighting partner Amey.

8b) Prior to the first occupation of the development, the highway works required under 8(a) above shall be fully implemented in accordance with the approved details.

Reason: To ensure the safe and satisfactory completion and operation of the development and in accordance with UDP Policy GP2, T1, T7, T8 and in the interests of highway safety.

9a) Prior to the development commencing drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority.

9b) The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or create or exacerbating a flooding problem, to minimise the risk of pollution and to comply with UDP policies ENV10 and ENV40

10a) 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.

10b) The approved details shall be fully implemented prior to first occupation of any house and thereafter retained

NB. Please refer to "Note For Applicant – Secured by Design" for further information.

Reason: To ensure the safety of future occupants

11a) Prior to commencement of the development details of the proposed vehicle access into the proposed development at the junction with the public footpath are to be provided and agreed with the local planning authority to ensure level pedestrian access.

11b) the agreed details shall be fully implemented and retained thereafter

Reason: To ensure the satisfactory amenities for users of the public footpath and to comply with UDP policies GP2, ENV32 and T1.

12) Prior to commencement of the development a pair of community dropped kerbs with tactile and white contrast edging is to be provided at the junction of Footpath 14 Darlaston with Mill Street. This will allow disabled access from the development along Footpath 14 Darlaston, over Mill Street and along Footpath 5 Darlaston to connect to shops located on Wolverhampton Street.

Reason: To ensure the satisfactory amenities for users of the public footpath and to comply with UDP policies GP2, ENV32 and T1.

13a) Prior to the development first coming into use, full details of the proposed cycle shelter, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority.

13b) The agreed cycle shelter facility shall be fully implemented prior to the last residential unit being first occupied and 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.

14a) Prior to occupation details of the proposed finish of the north-western site boundary in relationship to the adjoining public footpath and lighting columns located are to be provided and agreed with the Local Planning Authority. Details are to include finished ground levels and boundary treatments alongside the footpath, provision of level pedestrian access at the junction of the footpath with Dorsett Road Terrace and the proposed vehicle access, along with any improvements to the footpath surface and relocation of lighting columns if necessary.

14b) The agreed details shall be fully implemented prior to the first occupation of the last residential unit and thereafter retained

Reason: To ensure the satisfactory amenities for users of the public footpath and to comply with UDP policies GP2, ENV32 and T1.

15) 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 weekdays 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 safeguard the amenities of neighbouring occupants and to comply with UDP policy GP2

Notes for applicant

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.

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.

All proposed landscaping on the application site is to be maintained either by owners of the proposed residential properties or incorporated into a regular site maintenance programme to ensure maintenance for perpetuity. Landscaping adjoining the public footpath must be regularly cut back to avoid encroachment or obstruction of the adjoining public footpath, which represents an offence under the Highways Act 1980.

In accordance with the Highways Act 1980, Lawful and Unlawful Interference with the Highway, prior to commencement of any work the applicant must provide details of the proposed work to Highways, Walsall Council and apply for any necessary permits including a scaffold permit and/or temporary prohibition of traffic order. Upon completion, the applicant must reinstate the public right of way to its present condition. No excavations, scaffolding, hoarding, movement and storage of materials, or other obstructions associated with the proposed development are to be present within, over or under the adjoining public right of way without prior agreement of the highways authority.

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, 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.

Secured by design

1. Ground floor windows including French windows must meet PAS 24 2012 standards with at least one pane of laminated glass to a minimum thickness of 6.4mm or glass successfully tested to BS EN 356:2000 resistant to manual attack P1A.

2. Internal and External doors (including French and Patio doors) should meet PAS 24 2012 standards. NB/ Main entry and exit doors should have a self-closing / locking mechanism in place.

3. Where thumb turn locks are to be utilised, consideration should be given to the 'By Pass' method of entry, a simple and effective method used by offenders to gain entry to thumb turn cylinders. Any thumb turn cylinder used should be designed so that it cannot be 'by passed'. All doors need to be fitted with letter box internal protectors, this will help reduce the risk of the thumb turn lock being manipulated from the outside.

4. There should be a vandal resistant access control system in place on all external doors.

5. There should be a vandal resistant video intercom system on main entry / exit doors linked to each flat. Images of callers should be high resolution colour images during the daylight and monochrome images when operating below 0.5 lux, there should also be clear two way audio.

6. Entry exit doorways should be well light.

Coal General Information for the Applicant

The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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>

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 5.

Reason for bringing to committee: Significant community interest

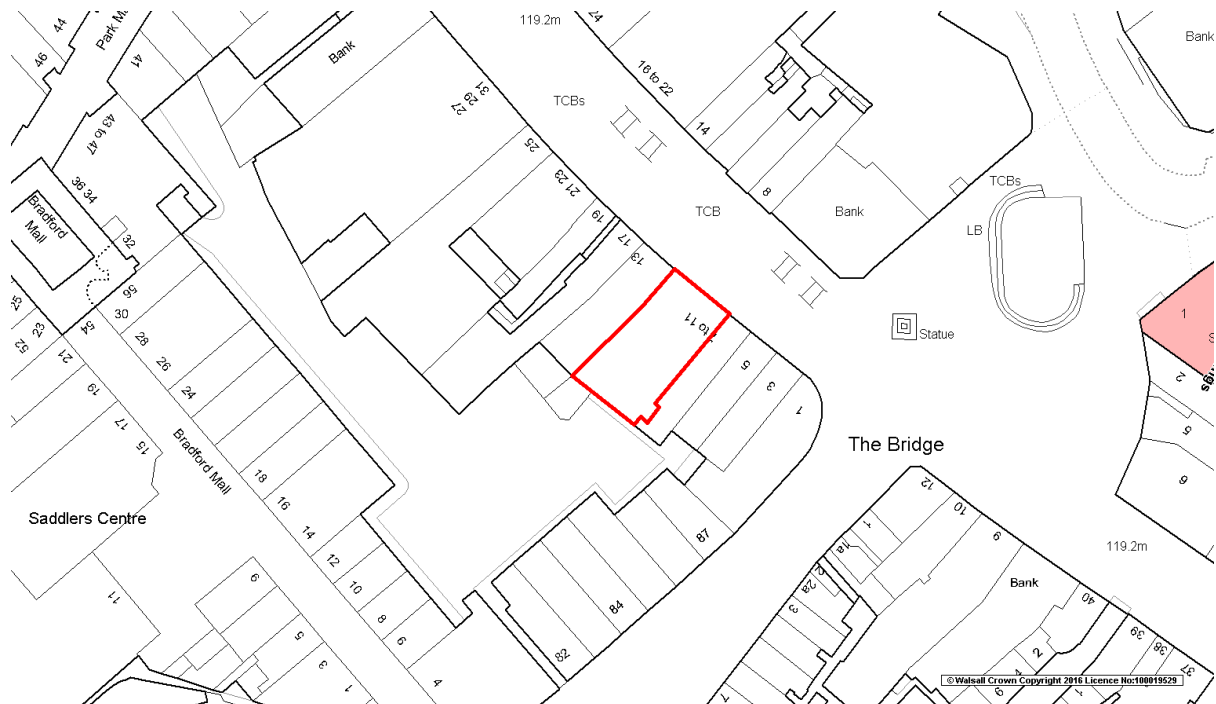
Location: 9-11, PARK STREET, WALSALL, WS1 1LY

Proposal: CHANGE OF USE TO MECCA ELECTRONIC BINGO CENTRE WITH ANCILLARY FOOD AND DRINK OPERATION; ALTERATIONS TO ENTRANCE DOORS; AND ERECTION OF AIR CONDITIONING COMPRESSORS.

Application Number: 16/1145
Applicant: Mecca Bingo Ltd
Agent: Bidwells LLP
Application Type: Full Application

Case Officer: Karon Hulse
Ward: St Matthews
Expired Date: 04-Oct-2016
Time Extension Expiry:

Recommendation Summary:



Application and Site Details

This application seeks to change the use of a double fronted unit at no 9-11 Park Street, Walsall into

The site is situated on the south western side of Park Street, within Walsall Town Centre, the main pedestrianised street and primary shopping frontage within the town centre that consists of a number of retail and other town centre uses.

The premises have been vacant for some time following River Island moving out to the Crown Wharf retail park. The existing shop front has two large glazed windows, one either side of the recessed open entrance that has a roller shutter door (brick bond design with polycarbonate infill) only (no formal doors), a central column within the entrance vestibule and a single central sign board.

Park Street has a number of shop frontages with large glazed window displays.

The site is within Bridge Street Conservation Area.

The applicants state that proposed change of use will result in the primary use of the site being for electronic bingo (Planning use class D2 - Assembly and Leisure) incorporating amusement arcade/gaming machines (sui generis) with ancillary food and drink operation (planning use class A3) only. The proposed floor area has three sections which customers can move easily between depending upon their needs.

The applicant states as part of their planning application;

- this will be a flagship venue being the first in the country. It aims to create an innovative and contemporary "Luda" bingo centre which will include serving quality food and drink, gaming/slot machines, new AC compressor units (air con units) and replacement of the shopfront. The applicant states that the refurbishment of this unit will provide modern, clean relaxed and sociable environment the opposite of typical betting offices or arcades.

- Bingo will be the primary activity with it being available throughout the day mostly using mobile tablet devices in its dedicated bingo lounge at the front of the house. There will also be an electronic lounge to the rear providing a range of complimentary gaming machines.

- It is intended to offer food and beverages throughout the day including breakfast. The proposed opening hours will be 7.00am until midnight Monday to Saturday and 9.00am to midnight on Sundays and bank holidays.

- No under 18's will be allowed on the premises

- The new concept will embrace bingos historical, social and community context whilst reinventing it in a contemporary vibrant environment

-Walsall has been identified by the applicant as an ideal location for the new concept as it sees is seen as a vibrant town centre with a good mix of retail and leisure with high footfall levels throughout the day and evening on Park Street. Customer visits are anticipated to be approx 300 on weekdays and 500 at weekends per day in total (however as this is a new venture exact numbers cannot be estimated), which compares favourably to the previous retail use of the site. Dwell times at the site are likely to vary by customer type, from around 25 mins for a coffee and a couple of games of bingo to a few hours for other customers.

-It aims to reflect the needs and demands of current consumers by providing the business in

- Convenient High Street locations
- Being made available at all times when the customer chooses
- Offering food and beverages
- Provide a welcoming, sociable, safe community, relaxed and friendly environment.
- Will create 25 full and part time jobs
- It will have a high quality fit out including a new timber shop frontage
- A commitment which equates to an investment into this unit and Walsall over the period of the lease being £12 million

-The applicant's research has identified that the venue will appeal to a wide range of consumers from shoppers to groups of friends on a night out

-Games will be available throughout the day and will reflect the Spanish model which allows the customer to opt in and out as they please rather than the restrictive "sessional" model more commonly found in UK. There will however be the traditional links to other Mecca venues to play key games.

-The proposed premises will provide food and beverages to include:

- Breakfast menu,
- lunch menu of Panini's, sandwiches cakes etc. and
- evening menu of finger food, sharing platters and pizzas.
- Limited sale of alcohol including beers, wines and spirits.

-There will also be a range of gaming machines available.

-The proposals include a new shop frontage and air conditioning units at the rear.

The shop front will consist of:

- painted timber stall riser
- new timber pilasters either side
- new timber shop front and recessed entrance doors
- central pillar to be clad in brickwork to match new shop front
- clear glazing and new painted timber fascia (signage details)

-The layout and design ensures that the inside is visible from outside with seating in the new shop frontage providing and encouraging a busy frontage not dissimilar to any high street coffee lounge.

-Approximately £900,000 investment will be spent on the initial refurbishment. This is a significant commitment to this vacant building and demonstrates the applicant's long-term commitment to the property and Walsall as a location. The new facility will also provide 25 new jobs.

The applicants have submitted a Supplementary Supporting Statement in addition to the following documents to support the application:

- Planning support statement outlining the companies vision for the unit-
- Supporting High Streets and Town Centres - Background Note, 6th December, 2013, sets out part of the governments long - term economic plan to support the UK's High Streets.
- Mecca Bingo's Responsibility statement - this sets out the companies responsibilities with regards to gambling and its affect on customers
- High Street Performance & Evolution (July 2014) Report:
- Understanding your High Street – outlines the evolution of the town centre and how it relates to its users.
- Britain's High Streets: From Crises to Recovery Report
- Appendix 7.0 – Office for National Statistics summary of internet statistics (June 2016)
-

The **Supplementary Supporting Statement** confirms the proposed operation of the site as bingo being the venue's primary activity, and not an amusement arcade or a betting office with ancillary food and beverages

The Luda Concept looks to reinvent this form of social activity, in an innovative way, into a High Street based leisure activity. The operations employ a contemporary electronic twist, will be open throughout the day and evening, with customer visits anticipated to be 300 on weekdays and 500 at weekends. There are 3 distinct zones within the proposed Luda Concept:

1. The Coffee Lounge at the front with a clear shopfront allowing views into and out of the unit consisting of booth seating and lounge furniture
2. The Bingo Lounge is a transition area, where customers can enjoy the same facilities as the coffee lounge whilst playing a game of bingo on either a mobile tablet or a traditional paper ticket
3. The Electric Lounge is discretely located towards the rear of the unit and offers a spill-out space where customers can relax in lounge type armchairs and enjoy a mix of server based electronic games and more traditional slot machines.

It concludes that the proposed use is an appropriate town centre use that will maximise foot-fall and pedestrian activity, it will strengthen, expand and diversify the leisure, visitor and evening functions of the town centre by providing an alternative and innovative leisure facility of an appropriate scale.

It is directly supported by the Walsall retail policy and directly helps achieve the aims and aspirations of the Walsall Town Centre Demand Study to diversify Walsall town centre. This will be a flagship leisure facility offer that will attract pedestrian footfall and will generate activity and customer spend, to the benefit of the whole town centre. It will bring this vacant building back into a vibrant and active economic use and will help rejuvenate Walsall town centre.

Relevant Planning History

13/0191/FL – New Shop Front. Granted

07/0632/FL/W7 - Installation of new shop front including roller shutter. Granted 26th June 2007.

07/0631/AD/W7 - Display of 2 internally illuminated fascia signs and 1 internally illuminated projecting sign. Granted 26th June 2007

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Black Country Core Strategy (JCS)

The Joint Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.

Vision: to include the creation of a network of sustainable communities’ right across the Black Country. This will be achieved, in part, by creating environments which offer opportunities for active lifestyles and healthy choices, including provision for outdoor recreation within the urban fabric of the Black Country.

CSP4 - develops the need for high quality place making and design

ENV 2 and ENV 3 set out the criteria for nature conservation, the historic environment and design quality.

EMP1 - seeks to provide for economic growth

CEN1 and CEN2 highlights the importance of the Black Country Centres for the regeneration of the wider Black Country and the hierarchy of centres.

CEN3 sets out the need to ensure growth in the Strategic Centres (e.g. Walsall)

CEN4 - Regeneration of town centre

CEN6 - Local Shops and Services.

Saved Unitary Development Plan (UDP)

2.2, 3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

ENV29: Conservation Areas.

S1: Provides definition of Town Centre uses;

S2: Provides the Hierarchy of Centres, with Walsall Town Centre being the main one; S3: Integration of Developments into Centres.

5.35.... a high standard of design from new developments, with particular regard to shop fronts and fascias

S4(f)... improve environment of shopping centres.

W1: Primary Shopping Area

WA5: Conservation Areas and Areas of High Townscape Value

(a) areas make a particularly important contribution to the character and/or townscape of the Town Centre and include The Bridge.

Supplementary Planning Documents (SPD)

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

DW3 - Character -design to respect and enhance local identity;

DW4 - Continuity -attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;

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

DW6 - Legibility - 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;

Walsall Shopfront SPD 2015

- SF2: Shop front proportions
- SF3: Materials to shop fronts
- SF4 Colour finishes
- SF6: Advertisements
- SF7: Illumination
- SF8: Shop front security

Other Policy/guidance:

- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)
- Historic environment Good practice Advice Notes 2, and 3
- Draft Walsall Townscape Characterisation Study 2015
- Heritage at Risk Study 2015, Historic England

Consultations

Transportation - no objections

Environmental Health - no adverse comments. The main activities at the bingo centre is such that Walsall Council Environmental Health would be likely to enforce the requirements of Food Safety and Hygiene (England) Regulations 2013 and relevant European Community Regulations and Health and Safety at Work etc. Act 1974.

Fire Service - no objections

Conservation Officer - no objections

Planning Policy Team- No objections

Public Participation Responses

One representation in support has been received.

145 representations received, which with the exception of three letters have all been emails.

A flyer has been widely distributed around the borough asking for the application to be objected against. The flyer identified the following four reasons for refusal which have been the basis of the email objections received:

1. Prime shopping retail area
2. Against council. Policy
3. No retail frontage
4. Nottingham city council have refused twice to have this.

Other grounds of objection are as follows:

- Other bingo and slot machines nearby (*business competition is not a material consideration for the determination of a planning application*)
- Not an appropriate use for a shop in this location
- Walsall is trying to improve its appearance and offer more up market shops and better quality goods
- Park Street is the main thoroughfare for shoppers and as such should have the best shops in it gambling arcades give the opposite impression
- opening at 7am and serving alcohol is wrong.
- Walsall high street needs to be preserved as a shopping high street
- Park Street is not the right place for a bingo site,

Additional objection received from representatives acting on behalf of an existing objector:

This proposal is contrary to Policy S4 (a), (b) and (c) as it would undermine the range of shops, it would not safeguard but undermine the existing level of shopping and would be harmful to the vitality and viability of the centre.

Policy S4(d) allows non-retail uses in the PSA if it 'contributes to the vitality of the frontage', 'does not create dead frontage' and 'incorporates a shopfront and window display' - there is no window display only a drinks shelf with seats facing outwards to Park Street. Therefore contrary to policy.

Policy S4(e) encourages a mix of uses outside the primary shopping area. A further steer is provided by the UDP for this kind of use in *Policy WA5* which encourages leisure uses in the town centre outside the Primary Shopping Area.

Walsall TCAAP has only completed its first consultation stage (in May 2016) and therefore does not have the force of a development plan document yet but it is to be noted that the application proposal is contrary its third main objective; to '*Increase the choice, quality and diversity of the Town Centre retail offer*'.

Policy AAPS1 does not exclude non-retail uses but expects '*...all development within the Primary Shopping Area to provide an active and well-designed frontage to positively contribute to the streetscene.*'

Policy AAPLE1 steers leisure uses to the Walsall Waterfront area

Policy AAPINV5 says the Park Street Shopping Core will be '*...protected and enhanced as the primary retail location...by directing retail investment into vacant units..*' and that developments '*...will be expected to contribute to the streetscene and create active frontages...*'.

Determining Issues

- Planning Policy
- Conservation Area/Design
- Surrounding Occupiers and trade
- Nottingham decision

Observations

Planning Policy

Policy S1 defines town centre uses as including D2 leisure uses which includes the proposed bingo operation, as such there are no objections to this bingo use being located within the Primary Shopping Area (PSA) on the main retail street. The unit would be surrounded by other A1 uses and the scale of the proposed use will not have a negative impact on the retail function of the Primary Shopping Area.

Increasingly town centres are being encouraged to diversify their offer in order to attract increased footfall and compete with other centres. Also the introduction of leisure uses is considered to help bring life into the centre especially at times such as evenings when there would be less activity and could help to build on and widen the success of the cinema scheme at Waterfront. It is considered that the proposed use will accord with part d) of UDP S4 and Policy AAPS1 of the emerging Town Centre AAP.

This is a very new concept, as outlined in the applicants Planning Support Statement, it is proposed to reinvent bingo in an innovative way with a contemporary electronic twist in a High Street location where it will add to diversity, life, activity and vibrancy.

This will be the first in the country and will provide a bingo offer which is designed to be compatible with today's busy consumer lifestyles.

Walsall Town centre inset includes The Bridge in the Primary Shopping area.

The applicants have stated that the proposed use will strengthen, expand and diversify the leisure, visitor and evening functions of the town centre by providing an alternative and innovative leisure facility of an appropriate scale. The use will attract pedestrian footfall into the centre and will help increase customer dwell times and therefore spending within the town centre, to the benefit of all town centre operators, including shops and the market.

There needs to be a balance between protecting retail uses by resisting alternative uses and ensuring a vibrant shopping area that has fewer vacancies and higher footfall by encouraging a mix of uses. It is considered that in this case there is sufficient retail uses on Park Street to ensure it remains a primary retail destination.

Given the high levels of vacancies in Walsall it is the Council's opinion that there is a need to encourage the occupancy of vacant units and attract a wider range of uses to increase foot fall and extend the day when customers may wish to use the town centre.

The Express and Star newspaper recently reported that Walsall is the sixth worst town for vacant units with 27.6 per cent of shops out of business. Given the vacancy levels and the general demand from retailers for new units it is likely that any future demand could be accommodated within the PSA without any difficulties. Furthermore the new development at St Matthews 10 units available for pre-let proving a range of unit size for retail use. There has been increasing calls for diversification of high streets including leisure uses which is defined as a town centre use in the unitary development plan .

With regards to an active street frontage it is considered that the seating of people in the shopfront is considered to be an active frontage and will create natural surveillance onto Park Street more than the traditional retail shop display. The proposal includes a new shop front with its design specifically to avoid any 'dead' frontages.

The AAP recognises more footfall is needed along Park Street and up to St Mathew's quarter especially at night. This proposal offers an opportunity to improve this whilst its size would not be of a scale to jeopardise the delivery of the Waterfront as a leisure destination.

The principle of the proposed use is supported and would enhance the vitality and viability of the town centre by bringing back into use a currently vacant unit within a primary shopping frontage and the conservation area, plus increasing foot fall, helping to diversify the town centre offer, whilst widening the hours of the day when customers will want to visit and use the town centre.

Conservation Area/Design

The site is within Bridge Street Conservation Area and the pedestrianised area of Walsall town centre where there are a number of shop frontages, mostly with large glazed frontages that allow for a window displays to be provided to show customers current stock within the premises.

The change of use of the building is appropriate in principle from a historic environment perspective, with the main considerations being the appearance and design of the shopfront. The details of the replacement shopfront have followed from negotiations with the Council's conservation officer, considered acceptable, fully supported and will enhance, preserve and benefit the visual quality of the conservation area.

The use of a more impressive timber shopfront which meets the aims and objectives of the Shopfront SPD, will accentuate the proposed use as well as act as a catalyst for improving the surrounding conservation area, which is currently at risk.

The use and the proposed new shop front will enhance and preserve the conservation area.

Surrounding Occupiers and Trade

The proposed use is a unique concept and is considered to not have a planning impact on any other surrounding uses in terms of their viability, it will not have any detrimental impact on other traders and is likely to promote and improve pedestrian footfall and likely to increase trade around this part of Park Street.

The proposals do not involve any extensions or additions to the floorspace only refurbishment and upgrading of the premises which will not impact on the amenities of the surrounding occupiers.

The installation of 6 condenser units to the rear of the building will also have little effect on surrounding occupiers.

Nottingham decision

A number of objectors refer to the decision made by the Nottingham City Council to refuse a similar proposal to that now being considered.

Whilst it would appear that the Nottingham decision was based on a reduction of the retail frontage, having considered this application proposal with regards to surround existing uses, it has been concluded that the loss of this unit to a leisure based use within a primary retail frontage can be sustained.

Furthermore, a recent newspaper article it was reported that EMPTY shops across Nottingham were being filled and that the number of vacant shops had decreased by almost 30 per cent since February 2013 when levels were at their worst. It placed Nottingham ahead of neighboring cities in the West Midlands where the rate has peaked at nearly 30 per cent.

Clearly this is contrary to Walsall's position where it was also recently reported that Walsall is the sixth worst town for vacant units with 27.6 per cent of shops out of business. Given the vacancy levels and the general demand from retailers for new units it is likely that any future demand could easily be accommodated within the Primary Shopping Area without any difficulties.

As such and on balance, this alternative use within the Primary Shopping Area can be supported.

Positive and proactive working with the applicant

Officers have liaised with the applicant's agent during the application process to seek the fullest possible information is available at the earliest opportunity to fully consider the proposal. In addition, the applicant has sought to meet with the towns traders to explain and discuss the proposed use

Recommendation : Grant Permission Subject to Conditions

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

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

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

Plans

- Site location plan (8389 PL 001) received 9/8/16
- Existing ground and first floor plans (8389 PL 100) received 9/8/16
- Existing second floor plan (8389 PL 101) received 9/8/16
- Proposed elevation – new shop front (8389 SK 008) received 21/9/16
- Internal elevations ground floor (8389 PL 400) received 9/8/16
- Proposed ground floor and first floor plans (8389 PL 200) received 9/8/16

Documents

- Supplementary Supporting Statement – 17th October, 2016
- Planning support statement outlining the companies vision for the unit-
- Supporting High Streets and Town Centres - Background Note, 6th December, 2013, sets out part of the governments long - term economic plan to support the UK's High Streets.
- Mecca Bingo's Responsibility statement - this sets out the companies responsibilities with regards to gambling and its affect on customers
- High Street Performance & Evolution (July 2014) Report:
- Understanding your High Street – outlines the evolution of the town centre and how it relates to its users.
- Britain's High Streets: From Crises to Recovery Report
- Appendix 7.0 – Office for National Statistics summary of internet statistics (June 2016)

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

3a. Prior to any part of the development first coming into use and before any new shop front is installed a cross section at a 1:20 scale through the proposed new shop frontage shall be submitted to and approved in writing by the Local Planning Authority.

3b. The agreed details shall be fully implemented and thereafter maintained

Reason: To ensure the satisfactory appearance of the development

4a. Prior to any part of the development first coming into use and before any new shop front is installed details of the colour for the new shop front shall be submitted to and approved in writing by the Local Planning Authority.

4b. The agreed details shall be fully implemented and thereafter maintained

Reason: To ensure the satisfactory appearance of the development

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

Reason: To ensure the satisfactory appearance of the development

Note for applicant

This permission does not grant consent for any signs or advertisements, illuminated or non-illuminated for which a separate application may be required under the Town and Country Planning (Control of Advertisements) Regulations 2007 or subsequent legislation

Note for applicant

This permission does not grant consent for any security shutters for which a separate application will be required. Further advice regarding the appropriateness of security shutters can be found in the Councils Shop Front SPD as well as contacting the conservation officer conservation@walsall.gov.uk .



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 6.

Reason for bringing to committee: Significant Community Interest

Location: 664A, BLOXWICH ROAD, WALSALL, WS3 2BB

Proposal: REPLACEMENT SINGLE STOREY BUILDING TO PROVIDE BURGER KING DRIVE-THRU.

Application Number: 16/0546
Applicant: Burney Midlands Ltd
Agent:
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Blakenall
Expired Date: 14-Jul-2016
Time Extension Expiry: 11-Nov-2016

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application site is a former Arc car wash located on Bloxwich Road, Leamore , a classified road (B4210) . There is a single storey building located towards the front of the site with a car park and drive through area to the rear. The site has an in and out access point onto Bloxwich Road.

To the rear of the site are allotments, there is a residential property, 684 to the north west of the site and to the south east of the site is a parcel of land used for selling second hand cars by ASK Motors. On the opposite side of the site is a mixture of residential and commercial units.

The site is approximately 50m from Leamore local centre.

The application proposes the change of use of an existing automated car wash site (sui generis use), with minor external alterations to form a drive-thru restaurant (Class A3 use).

The proposed development would include erection of a single storey building similar in scale and location to the car wash it would replace, with corrugated steel profiled black cladding and flat facade system with off-white colour finish. The proposal includes glazed double doors and large windows. The key measurements are

18.2 metres wide

8.2 metres deep

4.1 metres maximum height with a flat roof.

14 car parking spaces are proposed each measuring 2.5m x 5.0m

An **Environmental Risk Report, Flood Risk Assessment** and **Coal Authority Permit Certificate** have been submitted in support of the proposals.

A **transport assessment** has also been submitted which concludes the predicted vehicle movements, although slightly increased compared to the existing situation, is unlikely to significantly affect highway safety or traffic capacity.

The applicant has provided a **sequential test** which states the following:

The use will not compete with the city centre or out of town centres, it will be local and sustainable use for the immediate area. The impact the proposed use will have on existing local centres is minimal, it will enhance the facilities available in the immediate vicinity of the site.

Sites with A3 use have been found. The test has not found any sites which are suitable and comparable in size for the use as proposed. Those found are proven to be unsuitable for reasons of size, lease details or layout of the premises.

The applicants have provided a list of alternative vacant sites and have assessed that they are unsuitable, predominantly due to their suitability as a drive-thru facility.

The provision of the proposed use will provide a local facility to nearby residents and workforce.

The drive through element provides a convenience to passing trade and a safe facility for those more vulnerable.

The site is on a main road into Walsall town centre, and simply provides a stopping off place before car drivers reach there or other destinations. This will not interfere in any material way with the vitality and vibrancy of the town centre.

The site is a brownfield site, and the NPPF itself states brownfield sites should be developed before other sites.

The site is on a major thoroughfare next to areas which have a high residential populations and a local workforce. It will essentially provide a localised small facility to provide the proposed use within the local area. The site is within an easy walking distance for local residents and the local workforce.

As located on a main highway, the proposed site is perfectly located to provide a service for passing traffic.

The **Design and Access Statement** states the following:

Bloxwich Road is serviced with several local bus routes connecting town centre and surrounding neighbourhoods. The site is located within a 2 minute walk from the bus stop adjacent Green Lane. There are 5 buses from this station travelling to Walsall and Harden. There is also a bus stop near Leamore Lane which is a 2 minute walk from the site. There are 4 buses from this station travelling to Huntington, Hednesford, Mossley and Lower Farm. The site is a 5 minute drive (1.6mile) from Bloxwich train station and 9 minutes (2.6miles) from Walsall Train Station.

Relevant Planning History

12/0731/FL – Change of use of existing automated car wash (sui generis), with minor external alterations to form a drive-in loans centre (sui generis). Granted Subject to Conditions 21/08/2012

Applications which relate to the neighbouring vacant site.

09/0749/OL – Outline: Erection of new building for Class C2 (residential/nursing home) purposes (details to include access, appearance, layout and scale) - Granted Subject to Conditions 26/10/2009

06/1575/OL/E12 – Outline: Redevelopment of used car establishment by erection of 20 apartments (details to include siting, design and means of access) – Granted Subject to conditions and a S106 Agreement 6/12/06. The S106 Agreement related to Public Open Space and Education provision.

05/2031/OL/E3 – Outline: Erection of 23 Apartments (siting, design and means of access) – Refused 20/12/05 for four reasons broadly relating to: (1) height, design and massing of the building out of keeping and represents over-dominant building, blank three storey gable provides an abrupt visually detrimental feature on the main strategic corridor, limited scope for landscaping, inadequate amenity space, (2) Proximity of car parking and overlooking 7 Blakenall Lane detrimental to residential amenities, (3) Unacceptable demand on limited education capacity within the locality and (4) inadequate parking provision prejudicial to highway safety.

Various permission relating to the ASK Motors premises.

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

On **planning obligations and conditions** the NPPF says:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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.

Black Country Core Strategy (JCS)

The Joint Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain "saved" policies in the UDP.

Vision: to include the creation of a network of sustainable communities' right across the Black Country. This will be achieved, in part, by creating environments which offer opportunities for active lifestyles and healthy choices, including provision for outdoor recreation within the urban fabric of the Black Country.

CSP4 - develops the need for high quality place making and design

ENV 2 and ENV 3 set out the criteria for nature conservation, the historic environment and design quality.

EMP1 - seeks to provide for economic growth

CEN1 and CEN2 highlights the importance of the Black Country Centres for the regeneration of the wider Black Country and the hierarchy of centres.

CEN3 sets out the need to ensure growth in the Strategic Centres (e.g. Walsall)

CEN4 - Regeneration of town centre

CEN6 - Local Shops and Services.

Saved Unitary Development Plan (UDP)

Key planning policy references include saved policies:

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.

II. The creation of or susceptibility to pollution of any kind

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

ENV10: Pollution

Development of a facility which may cause pollution will only be permitted if it would not:

ii Cause unacceptable adverse effect in terms of ...lights, vibration, smell, noise, or other polluting emissions.

ENV14: Development of Derelict and Previously-Developed Sites.

(a) The Council will encourage the reclamation and development of derelict and previously developed land wherever this is technically feasible and in accordance with other policies of the Plan.

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. Criteria are provided that the Council will use when assessing the quality of design of any development proposal.

(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 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.

S1 identifies sui generis as town centre uses.

S4: The Town and District Centres: General Principles

Elsewhere in centres, a mix of uses, will be encouraged to add to the diversity of activities which is important for vitality and viability. This will include upper floors which will often be particularly suitable for housing provided that a satisfactory residential environment can be achieved. Other potential uses for upper floors include offices, services, leisure and community activities.

S7. Therefore, new small-scale local facilities, or extensions to existing facilities, will be permitted if it can be shown that all of the following requirements will be met:-

- I. The proposal is of a scale and kind to meet a local need for improved facilities.
- II. The local need cannot be better met by investment in a nearby centre.
- III. 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.
- IV. There will be no impact on existing local provision such as to leave some local needs unmet, contrary to efforts to promote social inclusion..
- V. 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.
- VI. The proposal will help to reduce the need to travel, especially by car.
- VII. There must be no significant loss of amenity for neighbouring homes.
To ensure this, the establishment of shops or other uses that attract the public in terraced properties adjoining dwellings will not normally be permitted.
- VIII. 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.

S11: Drive-Through Facilities - Drive-through or drive-in facilities will be discouraged, unless it can be shown that this format is an absolute requirement of the use proposed.

T4: The Highway Network

- (a) The Strategic Highway Network for long distance and strategic traffic.

T7: Car Parking

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

Policy T13: Parking Provision for Cars, Cycles and Taxis

Developers must, however, still demonstrate in all cases (including developments below the size thresholds) that the development will provide adequate on-site car parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

Supplementary Planning Document (SPD)

On the basis that relevant Unitary Development Plan policies are consistent with National Planning Policy Framework, the related Supplementary Planning Document(s) will also be consistent provided they are applied in a manner consistent with National Planning Policy Framework policy. The relevant Supplementary Planning Document's are:

Designing Walsall SPD

DW3 – Character -design to respect and enhance local identity.

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

Consultations

Transportation – No objections subject to conditions for access improvement, drainage, construction management and wheel cleaning.

Strategic Planning Policy – No objections

Police Architectural Liaison Officer – No objection subject to security mitigation conditions

Environmental Health – No objection subject to details of odour control and waste management being agreed.

Pollution Control – No objections subject to conditions including a noise survey and land contamination.

Public Participation Responses

9 objections have been received on the following grounds:

Too many existing takeaways

Will result in increased traffic congestion

Smells

Noise

No opening hours listed

Litter

Too close to school, unhealthy eating.

Would infringe on human rights

Parking issues

Devalue neighbouring house

Too close to houses

May increase vermin

May encourage unsociable behaviour

Unsuitable access

One of the objections is from the MP who has requested that the objections of a constituent are very much borne in mind when the application is considered.

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

Determining Issues

- Principle of Development
- Design and Character of Area
- Amenities of Neighbouring Occupiers
- Parking and Access

Observations

Principle of Development

A sequential test has been submitted with the application which is claimed to demonstrate the conversion of existing vacant buildings in nearby town, district and local centres is not viable for the applicant. However the viability is based on the requirement for a drive through restaurant. UDP policy S11 states that such uses will be discouraged, unless it can be shown that this format is an absolute requirement of the use proposed, which cannot be met in any other way, rather than simply the preference of the operator. In this instance it is considered that a takeaway in a local centre could achieve a similar takeaway provision and that the requirement for a drive through is not itself justification for an out of centre use. The nearest centre is Leamore local centre 50 metres away with Bloxwich District Centre 1500 metres away and Walsall Town Centre 2900 metres away.

In terms of Leamore the Preferred Options Stage of the emerging Site Allocation Document (SAD) identifies two development opportunities in the centre which should be considered:

- 1) The site formerly occupied by Butler's Arms PH, c/o Bloxwich Road/Harden Road and the land behind 1-3 Harden Road
- 2) The Crown Public House, Leamore Lane and land behind (note: this was closed at the time of the SAD work but very recently has re-opened).

The applicants sequential test argues that the former Butlers Arms is not a viable site due to the cost of conversion and because it wouldn't be compliant with the Disability Discrimination Act 1995 (This public house has since been demolished). The Crown Public House is also identified in the sequential test as being unviable for the same reasons and because it is no longer vacant. Officers are also of the view that there would be considerable highway implications of having a drive-through restaurant at the Butlers Arm site given its location on the cross road junction.

Officers are not aware of any suitable sites within the District Centre of Bloxwich to meet this development's requirements. Although it is considered that a drive-through could be accommodated in Walsall Town Centre. However given the intended market and catchment area of this scheme it is recognised by officers that a site in the town centre would not meet the requirements of this specific proposal.

For these reasons it is accepted that that the submitted sequential test sufficiently demonstrates that there is no similar alternative sites to meet the proposals requirements in this instance.

The NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. This site is considered by officers to be well connected to the local centre and to provide the opportunity for linked trips and for the local community to visit the site on foot.

Due to the following combination of factors: its location near to a local centre; the floor space required for the development which is not available at the nearby local centre; its accessibility being on a busy classified road which would have passing traffic likely to use the facility and the existing use of the site for a drive-through car wash facility the Council has no evidence to suggest that the proposal would have a significant adverse impact on the vitality or viability of established the nearby centres.

Design and Character of Area

The site is currently vacant with temporary metal fencing securing the site, the appearance is considered generally poor without having a significant impact on local amenity. The proposed scale and massing is similar to existing and it would refresh the site improving the appearance of the area and is considered acceptable.

Amenities of Neighbouring Occupiers

The area has a mixed use, it is considered that the comings and goings from the site would be little different to the previous lawful use as a car wash. The application does not identify proposed opening hours however a condition to restrict opening time would allow adjacent residential occupiers to have a reasonable level of amenity.

Policy S10 of the UDP relating to hot food takeaways and restaurants does not refer to morning opening times but indicates that premises opening beyond 2300 hours Mon – Fri and 2330 hours on Sat should be considered on its own merits.

Mc Donald's have a drive through facility at Daw End Lane which has a similar relationship as the application site in relation to neighbouring properties. Environmental Health Officers have confirmed that this site in Daw End Lane has no records of complaints since 2013 when the hours of operation conditions were changed. For this reason the hour's conditions for the operation and for deliveries at this site are considered appropriate for the proposed development.

Pollution Control officers also recommend that the applicant undertakes an assessment of the noise emissions from the activities at the proposal and determine, if necessary, that suitable mitigation measures can be installed to mitigate any identified noise impact on occupiers of the adjacent residential premises. Conditions to address this issue, land contamination at the proposal and to protect the local amenity and minimise environmental impact during development during the course of building works have been provided and can be attached should permission be granted.

The issue relating to increased vermin is noted, however no concern has been raised by Environmental Health Officers and such issues can be controlled. They would not be sufficient reason to refuse a planning application.

Concerns that the proposal may encourage unsociable behaviour can be addressed by the security mitigation measures recommended by the Police which include use of CCTV and car park controls.

Parking and Access

A Transport Statement has been submitted which sets out the transport related implications of the development. Included is a comparison between the predicted two-way vehicle trips to the existing use and proposed use. This shows that the proposal will result in an increase in two-way trips in the am and pm peak hour traffic periods, equating to 14 additional trips and 20 trips respectively. However, as the site is located some distance north of the Harden Road/Bloxwich Road signal junction, it is considered that this should not have a significant impact on traffic flows on Bloxwich Road.

Parking for 14 cars plus queuing capacity for around 10 to 12 cars is provided which is considered adequate for the modest size of the restaurant. The parking provision exceeds the UDP T13 parking standards for an A3 use which is 9 spaces plus 1 disabled space.

Whilst Bloxwich Road is a classified road (B4210) and a District Distributor and carries mostly higher levels of local and through traffic it is considered on balance the development will not have severe transportation implication and is acceptable.

It is recommended that the repositioned access point takes the form of a bellmouth to give priority to turning movements off the main road which can be secured by condition.

Other issues raised through objections:

The Council is aware of the rights set out within the Human Rights Act and the First Protocol. The rights in Article 8 and Article 1 of the First Protocol are not absolute. The case of Huang v SS 2007 UKHL made clear that the overarching approach to be adopted is the need to balance the interests of society with those of individuals and groups. As such, the courts will require real evidence of interference with human rights where it is alleged. In the determination of planning applications the Local Planning Authority will take human rights into account in the assessment of the merits of the planning application.

Concerns regarding potential devaluation of a neighbouring house is not a material planning consideration .

The provision of takeaways in the area is a matter of competition and demand which are outside of the scope of this application assessment.

Whether the food sold or not is unhealthy is not a planning consideration and is controlled through separate legislative processes.

Positive and Proactive Working with the Applicant:

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

Recommendation: Grant Permission Subject to Conditions

1) This development 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 (3433_PL01) received 07/04/16
Existing site plan (3433_PL02) received 07/04/16
Proposed site plan (3433_PL06D) received 28/09/16
Existing floor plan (3433_PL03) received 07/04/16
Proposed elevation plan (3433_PL04) received 07/04/16
Amended floor plan (3433_PL07B) received 20/05/16
Amended elevation plan (3433_PL08E) received 08/06/16
Flood Risk Assessment & Surface Water Drainage Strategy received 07/04/16
Environmental Permits, Incidents and Registers Map received 07/04/16
Design and Access Statement received 07/04/16
Desktop Study and Site Investigation Report received 07/04/16
Transport Statement received 07/04/16
Sequential Test received 07/0/16

Reason: To define the permission.

3a) Prior to the commencement of the development odour extraction details, shall be submitted to the local planning authority and be approved in writing.

3b) The odour extraction system should provide a high level of odour control

3c) The approved odour extraction plant details shall be fully implemented before the mixed use as a hot food takeaway and restaurant, is first commenced, and shall be retained thereafter.

Reason; To safeguard the amenities of neighbours by way of smell prior to the use commencing in accordance with UDP policy S10.

4a) Prior to the commencement of the development the applicant shall agree measures for controlling noise, dust, flying debris, and drag-out from engineering and construction activities at the site in writing with the Local Planning Authority.

4b) The agreed measures shall be fully implemented and maintained throughout the duration of demolition operations and construction activities.

Reason: To safeguard the amenities of neighbouring occupiers and to comply with UDP policy GP2

5a) Prior to the commencement of the development details shall be submitted to the local planning authority of facilities at the site for the storage/disposal/containment of waste including discarded food packaging generated by the business.

5b) Prior to the commencement of the use the approved storage/disposal/containment of waste details shall be fully implemented and retained thereafter

Reason: To safeguard the amenities of neighbours by way litter prior to the use commencing in accordance with UDP policy GP2.

6a). Prior to built development commencing a "Remediation Statement" setting out the details of the remedial measures to deal with the potential hazards of the land contamination present on the site, identified in the report; reference: 664 Bloxwich Road, Walsall - Desk top study and site investigation report; Ref. BC 217RE001; 29th March 2016; The Brownfield Consultancy shall be submitted to and agreed in writing by the Local Planning Authority.

6b) If, during the undertaking of remedial works or the construction of the approved development, unexpected ground contamination not identified in the "Remediation Statement" required by part I of this condition is encountered development shall cease until the "Remediation Statement" required by part i of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

6c) 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 CL1).

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

7a) Prior to built development commencing a noise assessment shall be undertaken as agreed in writing with the Local Planning Authority. A report detailing the findings and any recommendations for mitigation measures shall be forwarded to the Local Planning Authority.

7b) Any mitigation measures shall be agreed in writing with the Local Planning Authority prior to commencement of construction.

7c) Properties shall not be occupied until any agreed mitigation measures have been implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of neighbouring amenity and to comply with UDP policy ENV10

8a) Prior to built development commencing full details of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority.

8b) 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.

9) Prior to the development first coming into use, the internal parking and manoeuvring areas shall be fully consolidated, hard surfaced and drained so that surface water does not discharge onto the public highway or into any highway drain and shall be brought into use, including the installation of the raised pedestrian crossing to the building entrance, the clear demarcation of all parking spaces, directional arrow markings and installation of associated signage in accordance with the approved details. These 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.

10a) Prior to the development first coming into use, full engineering details of the proposed repositioned access point onto Bloxwich Road shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The new access point shall take the form of a bellmouth with radius kerbs and a tactile pedestrian crossing point, together with the reinstatement of the redundant dropped kerbs back to full kerb height.

10b) The works shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

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

11a) 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.

11b) 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.

12) No construction, demolition, 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 otherwise only take place between the hours of 08.00 to 18.00 weekdays 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; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).

Reason: To safeguard the amenities of neighbouring occupiers and to comply with UDP policy GP2

13a) The premises shall not be open for business outside of the hours 0500 – 0000 (midnight) hours on any day.

13b) No delivery vehicles shall operate to or from the site outside the hours of 0700 – 2330 hours on any day.

Reason: To safeguard the amenities of neighbouring residents and to comply with UDP policy GP2 and ENV10.

Notes for applicant

Environmental Health

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

Please be aware that any future external extraction equipment would require further planning consent. Similarly any form of illuminated signage at the premises would require advertisement consent.

Crime Prevention Measures:

1. A comprehensive CCTV system is installed covering the car park and external shell of the building. The CCTV should also cover the public area of the building and till area. The CCTV should capture evidential standard images, these images should be stored on a DVR for a minimum of 30 days. The DVR should be stored in a locked room in a locked steel cabinet to LPS1175 standards.

2. The premises should be protected by a monitored intruder / fire alarm system and include a panic alarm in office and behind main counter.

3. The main office (if cash is stored or handled there), should have an access control system in place, controlling entry to the room along with a self closing / locking mechanism. A High security door should be installed along with a suitable means of storing cash based on amount of cash held at peak times.

4. A system needs to be in place to close the car park area when the site is unoccupied. This can be in the form of a barrier, gates or bollards

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.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 7.

Reason for bringing to committee: Significant Community Interest

Location: 10, GILLITY AVENUE, WALSALL, WS5 3PH

Proposal: CHANGE OF USE TO HOT FOOD TAKEAWY (A5 USE CLASS)

Application Number: 16/1192

Applicant: H Johal

Agent: Complete Design

Application Type: Full Application

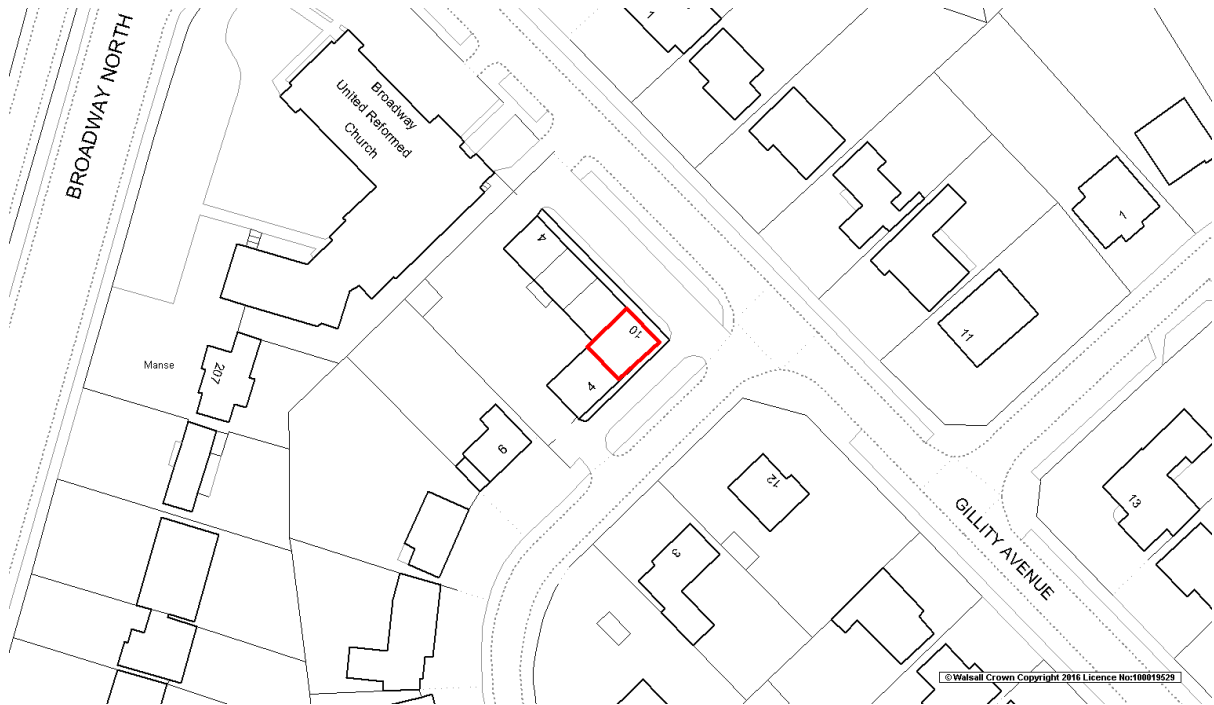
Case Officer: Karon Hulse

Ward:

Expired Date: 20-Oct-2016

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application site is a vacant Planning Use Class A1 retail unit (ground floor) with the first floor above being ancillary use for the shop (not residential). Similarly above no.8 Gillity Avenue the first floor is also ancillary to the shop and not residential. The property fronts Gillity Avenue at the corner with Edinburgh Road. It is at the end of a row of four shops in this small parade which serves this part of the Gillity estate.

This application proposes to refurbish the existing ground floor unit as part of the change its use from planning use A1 retail to planning use A5 hot food takeaway. Internal changes include the installation of a new serving counter with cooking equipment and waiting area to the front. No changes are proposed to the shop frontage.

An extraction flue is proposed to be installed through the first floor and through the roof extending one metres above the ridge height with the submitted details indicating it being enclosed by brick work (chimney effect).

The proposed opening hours are 1200 hours to 2130 hours Monday to Saturday with no opening on Sundays and Bank Holidays.

This is one of a row/parade of four shops including a florist, newsagent/off licence, tanning shop and currently vacant application shop fronting Gillity Avenue. There is a fifth shop occupied by a health and beauty use around the corner, within the same building block, fronting Edinburgh Road. This is a predominantly residential area, the exception being this parade of shops and the adjacent church to the north of the parade.

Relevant Policies

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

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 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 policies are:

CSP4: Place Making

All development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement.

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.

X. The effect on species, habitats and sites of nature conservation or geological interest.

XII. The effect on woodland or individual trees on or near the site.

ENV10: Pollution – seeks to protect health and the environment against pollution arising from development.

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.

S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets –

Promotes such uses within town, district and local centres subject to adequate noise, vibration and odour mitigation measures to protect nearby occupiers amenity along with appropriate opening hours and parking. The Council must have regard to cumulative impacts on nearby occupiers from existing late evening uses in the area.

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)

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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.

Relevant Planning History

BC40812P - Retention of shutters to shop. Granted June 1994.

BC64649P - Change of Use from Retail Shop to Hot Food Takeaway (A3) and installation of flue. Refused 22/11/2001 for reasons of car parking, increased noise, smell, litter disturbance and traffic.

05/0971/FL/E3 - Ground floor extension to rear. Granted 1/7/2005

08/1114/FL - Change of use of ground floor retail space to D1 use - suitable for laser and skin clinic (non surgical cosmetic treatments). Withdrawn

Consultation Replies

Environmental Health - No objection subject to conditions requiring submission of extraction system and grease trap drainage details.

Pollution Control – No objection subject to conditions from Environmental Health regarding noise and odours from the proposed extraction system and drainage details to prevent grease entering the system. The extraction equipment submitted with the application which shows the flue to be at least 1m above roof ridge height is acceptable.

Severn Trent - No objection subject to conditions regarding drainage.

Transportation - No objections.

Representations

Ten representations have been received from local residents objecting on the following grounds:

- Increased amount of strangers and traffic especially in evening hours.
- impact on the value of my house (*value of property is not a material planning consideration*)
- Existing off licence creates noise and rubbish
- Bottles and cans thrown into front garden
- Rubbish from overloaded skips at the rear
- Car doors slamming
- Anti social behaviour
-
- Hot food takeaway would encourage unauthorised parking and waste
- Residential area
- Near to junction of major ring road
- Located on a bus route

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- Parking on the footpath during busy times
- increase traffic in the area,
- generate smells
- takeaway hot food outlet would be out of place and unnecessary.
- There are an abundance of fish and chip shops and other fast food outlets within the surrounding area :- numerous takeaway food outlets within the surrounding area: chip shop, indian and chinese takeaways less than a mile away at Park Hall shops. Indian and chip shop half a mile up the Birmingham Road heading towards Great Barr. Chip Shop, Indian and Pizza half a mile down the Broadway near the Fullbrook. There is the Chip shop just over a mile away at the Whitehouse lights heading towards Aldridge and Pool St and Ablewell Chip shops a quarter of a mile away as you head into Walsall and a Chip shop literally round the corner in Princes Avenue.

Determining Issues

- Principle of Use
- Amenity of Nearby Residents
- Highways
-

Observations

It is acknowledged that a previous application for a hot food take away was refused for reasons of traffic, car parking, increased noise, smell, litter and disturbance. These are addressed separately below.

Principle of Use

The proposed hot food takeaway will be located in an existing row of shops which currently consists Tanning salon, newsagents/off licence, florists and health and beauty around the corner in Edinburgh Road.

Whilst this is not a designated local centre, planning policy recognises the role that these small parade of shops play in providing centre facilities to the surrounding community within walking distance.

The proposal is considered to be in-keeping with the existing parade of shops in terms of scale and function. It is considered a welcome investment in this currently vacant unit, meeting the aims and objectives of the NPPF and BCCS in helping to achieve a proposed use employing two full time and two part time staff. The provision of a service use is encouraged in existing local shopping parades.

Amenity of Nearby Residents

The proposed change of use would be at ground floor level only, the upper floor is not residential and would remain as ancillary to the shop use. Similarly the adjoining first floor is also ancillary to the ground floor and not residential. This is a restriction imposed by the landlords and outlined in the letting agency details. Consequently the installation of the flue which will vent through the first floor and the roof will not have any detrimental impact on residential occupiers. Neighbours and nearby occupiers concerns regarding the change of use resulting in too many hot food takeaways in the area, increased anti social behaviour, litter, odour, grease, noise and vibration have been considered as part of the assessment of this planning application.

UDP Policy S10 states that cumulative impacts on neighbours must be considered in assessing evening uses. The proposed application opening hours would be 12.00 to 21.30pm Monday to Saturday with no Sunday opening . The opening hours of the newsagents/off licence which is open until 10.00pm Monday to Saturday and 9.00pm on Sundays, plus the adjacent tanning salon is open in the week until 8.00pm Tuesday to Friday with shorter opening hours on Saturdays. It is considered the location already generates a level of noise and activity from the existing uses during the proposed opening hours of the take away at this parade of shops. It is considered that the take away use would add significantly to the noise levels to be able to sustain a reason for refusal in this instance. Potential occupiers of the flats above and nearby neighbours to the parade of shops, are likely to experience lower amenity levels from the existing parade of shops. The use of the vacant unit as a hot food take away is unlikely to worsen this situation to sustain a reason for refusal, given the vacant unit has a fall-back position to operate as an unrestricted retail shop without control of the hours of operation,

There is no evidence to suggest a takeaway at this location would result in any increased levels of anti-social behaviour. Without clear evidence, it is considered it would not be a sustainable reason for refusal.

In terms of litter, the application property frontage sits at the back of a service road and a footpath. There is an existing nearby litter bin which is considered acceptable in this instance.

In recent appeal decisions the Planning Inspectorate have concluded that the whilst there may be additional comings and goings to takeaways than presently that the harm would not be so great that it warrants a refusal of planning permission on those grounds. Also the use of high specification ventilation equipment is usually are sufficient to address any issues of noise, smells etc.

Notwithstanding the above, conditions would be included to control grease along with controlling odours, noise and vibration from the proposed extraction equipment in line with recommendations of Pollution Control and Environmental Health.

A condition would be included should permission be granted to restrict the hours as proposed in order to further protect neighbours amenity.

A condition is necessary to ensure refuse bins are stored within the rear yard area at all times (except on bin collection days) to ensure they do not cause obstruction to the highway and to help minimise any potential odours to safeguard neighbours, and nearby occupiers amenity.

Highways

The site is located within an existing small parade of shops on Gillity Avenue, it is considered that the proposed use will not impact on highway safety over and above the previous use as a shop and is unlikely to result in any severe additional impacts on the highway as defined by the NPPF

Conclusion/ Summary

It is considered that, on balance, the proposed change of use would bring a vacant unit back into an appropriate small centre use and would not result in any significant additional impacts on neighbours or nearby occupiers amenity over and above any that arises from existing commercial uses due to the location within Gillity parade of shops. Overall, taking into account the comments received, testing the proposal against national and local policies, it is considered the proposal would contribute to the vitality and viability of this small parade of shops.

Positive and Proactive working with the Applicant

Officers obtained additional information from the applicant's agent regarding the proposed extraction system and this, along with the use of appropriate conditions, is considered to enable full support to be given to the application.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Location plan received 26/8/16
- Existing and proposed (41516/101) 26/8/16
- Suggested Plant/Acoustic Room Construction details received 26/8/16
- Middleton range and services extraction system received 26/8/16

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

3a. The development hereby permitted shall not begin until details of the ventilation flue including its finish, brickwork, powder coating and colour, odour extraction and abatement equipment including vibration mitigation measures of the ventilation extraction and filtration system, incorporating grease filters, carbon filtration or electrostatic precipitation and odour neutralisation shall be submitted to and approved in writing by the Local Planning Authority. The flue serving the commercial hot food cooking points shall terminate at least 1 metre above the building roof level or building ridge level or any part of the building (whichever is the highest).

3b. The approved details shall be fully implemented before the development is brought into use and retained thereafter.

Reason: To safeguard the amenities of the occupiers of the adjoining premises and the wider area to ensure the satisfactory functioning of the development.

4a. The development hereby permitted shall not begin until details of sound proofing for the premises (to prevent noise transmission between the ground floor business premises and the residential premises above) have been submitted to and approved in writing by the Local Planning Authority. As a minimum it is recommended that the weighted sound reduction index, R_w , between the commercial development and the residential units is not less than 60dB.

4b. The agreed works shall be fully implemented before the premises are brought into use retained and maintained thereafter.

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

5a. Prior to commencement of any part of the development a noise assessment of any externally located plant shall be undertaken, the report and its findings detailing any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

5b. The proposed use shall not commence until until any agreed mitigation measures have been fully implemented to the satisfaction of the Local Planning Authority and thereafter retained.

6a. Prior to commencement of any part of the development, details of drainage plans for the disposal of foul and surface water flows, system to control grease, oil and fat discharges to drainage/sewerage systems shall be submitted to and agreed in writing with the Local Planning Authority

6b. Prior to the development first coming into use, the approved details shall be fully implemented

6c. Prior to the development first coming into use, written confirmation shall be provided to the Local Planning Authority that the agreed drainage system has been installed.

Reason: To ensure the satisfactory functioning of the development and to prevent grease entering the drainage system and 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.

7. A CCTV system shall be installed covering the internal public area of the premises, shop frontage and rear of the building. The CCTV should capture evidential standard images and images should be recorded onto a suitable DVR recorder which stores the images for a minimum of 30 days. The DVR should be stored in a locked room within a locked steel cabinet manufactured to LPS1175 standards and thereafter retained.

Reason: In order to protect and secure property and persons using the premises.

8. The proposed use shall only be open during 12.00 hours to 2130 hours Monday to Saturday, no opening on Sundays and Bank Holidays.

Reason: To safeguard the amenity of neighbours, future occupiers of the flat above and of nearby occupiers and to accord with the NPPF and UDP Policies ENV10, GP2 and S10.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 8.

Reason for bringing to committee: Objection from consultee

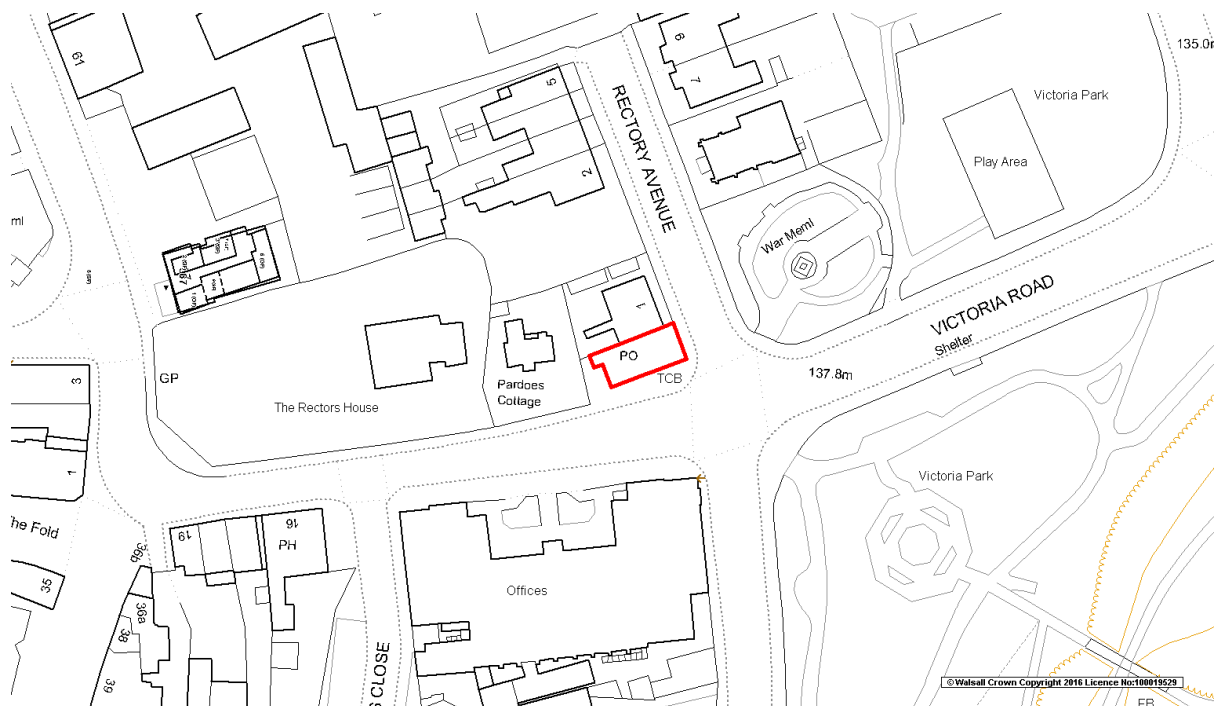
Location: DARLASTON POST OFFICE, VICTORIA ROAD, DARLASTON, WEDNESBURY, WS10 8AB

Proposal: INSTALLATION OF 2 FASCIA SIGNS, 2 PROJECTING SIGNS AND VARIOUS WINDOW GRAPHICS.

Application Number: 16/0645
Applicant: Mr Darren Rigby
Agent: Mr Stuart Johnston
Application Type: Advertisements

Case Officer: Karon Hulse
Ward: Bentley And Darlaston North
Expired Date: 26-Jul-2016
Time Extension Expiry:

Recommendation Summary: Approve Advert Consent for 5 Years



Application and Site Details

This application seeks to install signage on the frontage of Darlaston Post Office which is located on Victoria Road at the junction of Rectory Avenue. The building is an Edwardian constructed in the Queen Anne revival style and the site is within Darlaston Conservation Area. Towards the rear (north) of the site is number 2 Rectory Avenue, this property is set off the boundary and has a side garden which forms the boundary with the application site. To the side (west) is a residential property set off the boundary. On the opposite side of Victoria Road is Darlaston town hall. On the opposite side of Victoria Road and Rectory Avenue is Victoria Park.

The site is within Darlaston district centre.

The application seeks advertisement consent for the following:

Victoria Road Frontage:

- 2 x aluminium fascia signs:
 - a “post office” fascia sign projecting across bays 1-3 (left of the entrance) measuring 3.9 metres long by 0.6 mts deep, being 3.93 mts above ground level
 - a “one stop” shop sign projecting across bays 5-7 (right of the entrance) measuring 4.05 mts long by 0.6 mts deep being 3.93 mts above ground level
 - Both would be externally illuminated by trough lighting above
- 2 x aluminium composite panels fixed between the two outer windows either side of the frontage measuring 400mm wide x 1040mm high digitally printed with services on offer.
- Externally applied vinyl to ground floor windows
- 1 externally applied window graphic above entrance doorway measuring 1040mm wide by 400mm high.
- 2 x aluminium projecting hanging signs: one for the post office and the other for the one-stop measuring 0.6 mts square held in place by ornate hanging brackets dark grey in colour and non illuminated.

Rectory Avenue Frontage:

- Removal of existing sign between windows (ground and first floor) and application of external vinyl to windows

Relevant Planning History

None relevant

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 7 - Requiring good design***
- ***NPPF12 - Conserving and enhancing the historic environment***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

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

Unitary Development Plan

- GP2: Environmental Protection
- 3.6: Environmental Improvement
- ENV29: Conservation Areas

- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings

Supplementary Planning Document

Designing Walsall

- DW3 Character

Shop Front SPD

- SF2: Shop front proportions
- SF3: Materials to shop fronts
- SF4 Colour finishes
- SF6: Advertisements
- SF7: Illumination
- SF8: Shop front security

Other Policy:

- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)
- Historic environment Good practice Advice Notes 2, and 3
- Walsall Draft Townscape Characterisation Study 2015;

Policies are available to view online: http://cms.walsall.gov.uk/planning_policyTown and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 72(1) with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Consultations

Conservation officer – part supports part objects (to the two fascia signs on the grounds that they will impact on the vertical emphasis of the building)

Public Participation Responses

One representation from the neighbouring residential occupier objecting on the grounds of inappropriate signage which is modern graphic design not in keeping with the historical nature of the area

Determining Issues

- Impact on the Conservation area
- Visual amenity/Public safety

Observations

Impact on Conservation area

The existing signage on this building is currently unauthorised and consists of several Post Office signs, fanlight sign above the door, 5 projecting hanging signs, canvas banner across the windows, pilaster sign on the frontage, three A boards on the forecourt and Post office sign on side elevation.

The conservation officer considers that the two fascia signs are inappropriate for a conservation area and therefore objects to them.

The conservation officer comments that elevation along Victoria Road is seven bays wide with pilasters separating each of the windows which give a very strong vertical proportion to the building, along with a stone string course which divides the ground and first floor. Given the strong vertical dimensions of this building, the placement of fascia signs across the pilasters creates a horizontal banding which will break those vertical proportions to the detriment of the building and its appearance within the Conservation Area.

Whilst recognising the conservation objection, this is balanced against and acknowledged that with all commercial building there is an element of signage involved and in this instance this application is an opportunity to regularise and improve the signage on this building which is in an important location within the conservation area.

The existing fascia sign (internally illuminated) which has been in place for several years (unauthorised) and is poor visually. The proposed fascia signs will be externally illuminated with down trough lighting, this is seen as a more sympathetic option to that which currently exists on the building.

Whilst there will be an element of the vertical emphasis being cut across, the fascia will be equal on both sides and a large portion of the vertical emphasis will still be visible. Furthermore, the addition of the fascia signs are not a permanent feature and can be removed in the future. On balance the fascia signs are considered acceptable on the grounds that they are not permanent and will allow for the vertical design of the building to be retained and mostly visible.

There are no objections to the other proposed signage, the hanging signs will be suspended from ornate brackets which will complement its position within the conservation area.

Public safety/Visual amenity

The proposed signs are considered to be of a design, size and constructed of materials which are usual on Post Offices which also operate as small convenience shops and in view of the above the conservation area.

The signage is considered will not detract or harm the area visually or impact on any residential.

The proposed adverts will not have any impact on highway safety or public safety and will not impact on the local highway network. On balance the additional signage is appropriate for this area and will not detract from its character and appearance, have a visual impact on the street-scene or impact on residential amenity.

Positive and proactive working with the applicant

Officers have liaised with the applicant's agent during the application process to seek the fullest possible information is available at the earliest opportunity to fully consider the proposal.

Recommendation: Approve Advert Consent for 5 Years

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission

Reason: It is a requirement of the Regulations that the site owners' permission be obtained before any advertisement is displayed.

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

- Location plan received 27/4/16
- Existing Site Signage received 19/9/16
- Proposed Site Signage (front) received 19/9/16
- Proposed Site Signage (side) received 19/9/16
- Projecting sign specification received 19/9/16
- Fascia sign specification received 19/9/16

Reason: For the avoidance of doubt and in the interests of proper planning 3. No advertisement shall be sited or displayed so as to-

- Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - Obscure, or hinder the ready interpretation of, any traffic sign, railway signal, or aid to navigation by water or air; or
 - Hinder the operation of any device used for the purpose of securing or surveillance or for measuring the speed of any vehicle.
- Reason: In the interest of public safety

4. Any advertisement displayed, and any site used for the displaying of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To ensure the satisfactory appearance of the development

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In the interest of public safety and amenity

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair on visual amenity.

Reason: In the interest of public safety and amenity



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 9.

Reason for bringing to committee: Significant community interest

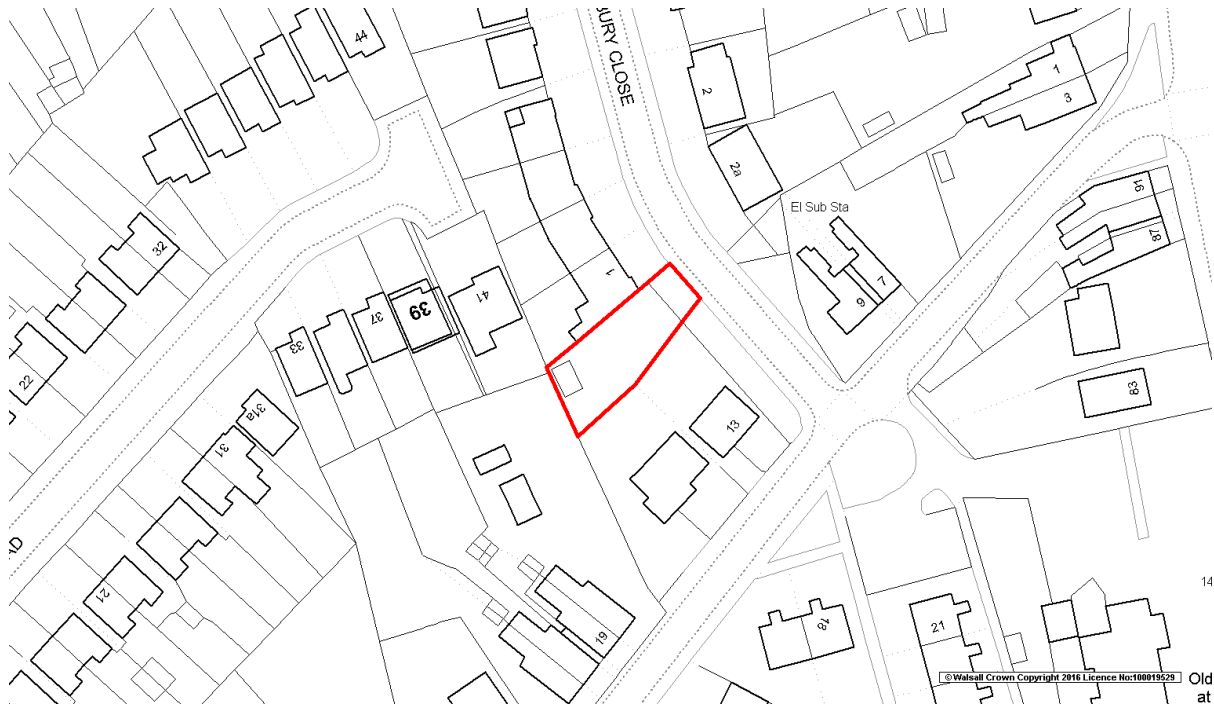
Location: LAND REAR OF 15, GREEN LANE, PELSALL, WALSALL, WS3 4PA

Proposal: ERECTION OF TWO STOREY DETACHED HOUSE FRONTING CANTERBURY CLOSE.

Application Number: 16/1152
Applicant: Ms Lisa Ball
Agent: Mr Richard Todd
Application Type: Full Application

Case Officer: Barbara Toy
Ward: Pelsall
Expired Date: 09-Nov-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The site is situated on the western side of Canterbury Close a cul-de-sac, and comprises a roughly rectangular area of land of approx 300sqm. The land is already fenced off but formerly formed part of the rear gardens of 13 and 15 Green Lane to the south of the site. The site is enclosed to the frontage by a brick wall which extends down the side of No 13 Green Lane. The frontage element of the site comprises a grass verge at back of pavement that is designated highway land but the land is owned by the applicant.

Immediately to the north of the site is 1 Canterbury Close a semi detached house with single storey side garage adjacent to the site boundary, with further semi detached houses beyond. To the east and north east on the opposite side of Canterbury Close are two detached bungalows and further semi detached houses. On the corner of Green Lane to the east is a pair of semi detached houses, 13 Green Lane on the corner is a detached two storey house with 15 Green Lane being a detached bungalow. The rear garden of 17 Green Lane (an end terraced house) forms the western boundary of the site. The site is in a predominantly residential area within walking distance of Pelsall Common and Pelsall Local Centre with shops, local services and public transport links.

This application proposed the erection of a detached four bedroom two storey house fronting Canterbury Close, with a master bedroom and en-suite within the roof space incorporating a dormer window to the rear and a small rooflight to each of the side elevations. The house would be built from facing brickwork, a tiled hipped roof with a gable feature to the frontage and a single storey element to the rear. The design would include an integral garage and two parking spaces within the front driveway. The proposed dwelling has a rear garden of 120sqm . The scheme has been amended since submission to amend the parking layout and reduce the overall height of the roof.

The submission includes a Coal Mining Risk Assessment in support of the proposals.

Relevant Planning History

None

Relevant Planning Policy Summary

National Planning Policy

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:

- Seek to secure high quality design and good standards of amenity for all existing and future occupants.
- Take account of the different roles and character of different areas.
- Proactively drive and support sustainable economic development to deliver the homes that the country needs.
- Contributing to conserving and enhancing the natural environment.

Key provisions of the NPPF relevant in this case:

NPPF1. Delivering sustainable development

NPPF4: Promoting Sustainable Transport

NPPF6: Delivering a Wide Choice of High Quality Homes

NPPF7: 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. 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.

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- CSP5: Transport Strategy
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness

- ENV3: Design Quality

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

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

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

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)

Designing Walsall SPD

- Policy DW1 Sustainability
- Policy DW2 Safe and Welcoming Places
- Policy DW3 Character
- Policy DW4 Continuity
- Policy DW9 High Quality Public Realm
- Policy DW10 Well Designed Sustainable Buildings
- Appendix D

It is considered in this case that the relevant provisions of SPD Designing Walsall are consistent with the NPPF.

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

Consultations

Transportation – No objections subject to conditions to the revised layout that includes 2 off street parking spaces within the front driveway. The site includes an area of highway verge fronting Canterbury Close, a highway Stopping Up Order would need to be confirmed to enable the development to proceed.

Severn Trent Water – No objections subject to drainage condition and note to applicant.

West Midlands Police – No objections but the developer should be made aware of Secure By Design and the specifications and guidelines that can help secure this development from future crime.

Coal Authority – No objections subject to conditions.

Pollution Control – No objections

Fire Officer – No objections

Public Participation Responses

Twelve letters of objection and a petition of 27 signatures against the proposals have been received.

Petition from residents in Canterbury Close, objecting on the following grounds:

- The size of the development is not in keeping with the existing properties in Canterbury Close
- Additional parking from the development would cause problems for residents and inconvenience to parents who park in the road for Ryders Hayes School
- Green Lane is busy with traffic and pedestrians any additional obstruction would cause greater risk to pedestrians in particular young children and the elderly.
- Proposed two storey house but dormer bedroom so three storey
- Loss of light to 1 Canterbury Close which would impact on the existing illnesses of the occupier.

Objections:

- Historic issue with parked cars in Canterbury Close causing problems within the close and at the junction with Green Lane, development will compound this parking issue.
 - Canterbury Close used by parent for Ryders Hayes School, highway safety concerns
 - Two off street parking spaces inadequate for the size of the house
 - Noise and disturbance from new access and driveway
 - The grass verge on the frontage is owned and maintained by the Council and contains utilities, this is the only piece of recreational land in Canterbury Close, this should not be allowed to be used.
 - Driveway would be opposite the electricity substation causing safety concerns
 - Loss of this element of the grass verge would set a precedent for the remainder of the verge to be utilised by 13 Green Lane, which would change the character of the area
 - Loss of natural light to 1 Canterbury Close and 13 Green Lane due to the height and size of the proposed house, any building should be single storey only.
 - Trees on the site have already been removed and other trees within the rear garden of No 13 may be lost during construction.
 - Concerns about loss of trees and hedging and impact on wildlife
 - Noise and dust during building work
 - Turning head at the end of Canterbury Close insufficient for lorries to turn in.
 - Concerns about pedestrian safety from parked lorries and construction traffic
 - The size of the proposed building is not in keeping with the area
 - A large family home would not fit with the demographics of the area.
 - The proposed house would not be in character with the surrounding properties
 - Loss of privacy and overlooking to neighbours from the dormer window and roof lights
 - Loss of light and over shadowing of neighbouring properties
 - Insufficient amenity space for the size of the house, the building is too large for the plot
-
- The development will have a serious impact on the standard of living of existing residents and will set a precedent for the local area, impacting on the character of the village.

- Concerns about proposed boundary treatment and impact on existing hedging to the rear boundary, and loss of existing boundary wall.
- The site address is misleading the development will front Canterbury Close
- No contact from the applicant prior to submission, un-neighbourly
- Development for financial gain by someone who doesn't live in the area.
- Photos included in the submission misleading

Further comments:

If approved hours of working and access for deliveries of materials should be restricted and controlled for the sake of the local residents.

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

Determining issues

- The Principle of Residential Development
- Design and Layout and Impact on the Immediate Vicinity
- Impact on the Amenities of the Surrounding Occupiers
- Parking, Access and Highway Safety
- Local Finance Considerations

Observations

The Principle of Residential Development

The site is within a residential area in a sustainable location within walking distance of Pelsall local centre, Pelsall Common and public transport routes.

Annex 2: Glossary of the NPPF provides a definition of previously developed land which excludes 'land in built-up areas such as private residential gardens'. The site cannot therefore be considered as previously developed land and the NPPF (para 53) encourages local planning authorities to resist the inappropriate development of residential gardens. The proposals would provide an additional residential unit within the former rear gardens of 13 and 15 Green Lane, which is currently enclosed by a boundary wall. Whilst the site previously formed the rear gardens of 13 and 15 Green Lane it creates a frontage to Canterbury Close in place of a blank boundary wall.

The principle of residential development at the site is considered appropriate and in compliance with policy.

Design and Layout and Impact on the Immediate Vicinity

The proposed house would follow the building line of Canterbury Close and the side elevation of 13 Green Lane.

The house would have a hipped roof which would be characteristic of the other properties within Canterbury Close, indeed the overall height of the property would be 300mm lower than 1 Canterbury Close. Whilst the house would be detached and a large number of properties in Canterbury Close are semi detached, the bungalows opposite the site are detached as well as 13 and 15 Green Lane to the south. It is considered that the detached nature of the property is appropriate in this location.

Whilst the house would have a dormer window to the rear to provide accommodation within the roof space, this would have no adverse impact on the appearance of the property from the street. A side dormer window exists on an existing property within the close, which has a far greater impact on the appearance of the house as it is visible from the street. It is considered that the additional accommodation within the roof space would have no adverse impact on the appearance of the property within the street scene.

Objectors have suggested that the size of the proposed house would be out of character with the existing properties in Canterbury Close, the existing plots within the close vary in width from 8.4m to 15.3m. The proposed plot width would be 9.4m wide which is considered to be in character with the remainder of the close. The footprint of the proposed house at 94sqm would be marginally larger than the other properties within the street which vary between 70sqm and 90sqm. The layout of the property includes an integral garage, whilst most of the existing properties have a single storey side garage, the proposed design does increase the overall massing of the property compared to the others in the street. However it should be noted that two other properties within the street have existing first floor side extensions which provide a similar bulk and massing to the proposed house one of which has a flat roof design, which provides a poor visual appearance within the street scene. The size, bulk and design of the proposed house is considered appropriate and in keeping with the character of the street.

Whilst a 9.4m stretch of the existing grass verge would be lost and incorporated into the site, the remainder of the verge (over 50m in length) would remain unaffected. It is considered that the loss of this element of verge would not have an adverse impact on the overall appearance or amenity of the close and surrounding area.

Whilst it is regrettable that trees on the site have been lost prior to the submission of this application, these trees were not protected under a Tree Preservation Order and the site is not situated within a conservation area which would automatically protect the trees. The existing trees within the rear garden of 13 Green Lane and the hedging along the rear boundary with 17 Green Lane will be retained as part of the proposals.

A rear amenity area of 120sqm would be provided which is also double the 68sqm required by Appendix D of Designing Walsall. Nevertheless it is recommended that permitted development for extensions and roof alterations and garden buildings is removed to ensure that additions do not compromise the available amenity space or neighbour's amenity.

Impact on the amenity of the surrounding occupiers

Whilst objectors have commented on the loss of light, loss of privacy and shadowing of surrounding properties and in particular 1 Canterbury Close, the window in the side gable of No 1 is a landing window only. The proposed house would fully comply with the 45 degree code in relation to 1 Canterbury Close. It is considered that the proposed rear dormer window and roof lights would not have any significant adverse impact on the amenities of the surrounding occupiers. Neighbouring properties could install the same without requiring planning permission.

A minimum of 13m separation distance between the rear of 13 Green Lane and the side gable wall of the proposed house would be provided in compliance with Appendix D of Designing Walsall.

It is considered that the proposed new access and driveway would not have any additional adverse impact on the amenities of the surrounding occupiers over the existing situation within the street.

Whilst it is accepted there is generally some disturbance to neighbours during building work this can be mitigated in part by a condition to restrict the hours of working on site.

It is considered that the proposals would have no adverse impact on the amenities of the surrounding occupiers.

Parking, Access and highway safety

The proposed layout has been amended since submission to ensure two off street parking spaces on the front driveway in addition to the integral garage, so providing 3 off street parking spaces in compliance with policy T13.

The position of the proposed new vehicle access is considered appropriate and would have no additional adverse impact on highway or pedestrian safety over that of the existing driveways within the Close.

The comments from objectors regarding parking within the Close are noted, the Close has unrestricted on street parking, which can be used by any vehicles. It is considered that the proposals would provide sufficient off street parking provision to meet the needs of the property and would not directly impact on on-street parking within the Close.

The site includes part of an existing grass verge which runs from Green Lane up to the boundary with 1 Canterbury Close. Whilst the applicant has registered title to this land it is designated as highway land and therefore requires the consent of the highway authority to be developed. Transportation have raised no objections to the proposals subject to conditions and confirmed the requirement of a Highway Stopping Up Order under S247 of The Town and Country Planning Act 1990. Even if planning consent is approved no works can take place until an order has been confirmed to remove any public rights that exist over the land, when the land would revert to the owners of the sub soil. Any residents who object to the Stopping Up Order can make representations to the Government Office at the time of the Order application. Any future applications for the remainder of the verge to be used by 13 Green Lane would be dealt with in the same manner.

On the basis of the above the proposals provide adequate parking and access arrangements and do not compromise highway safety.

Local Financial 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 1 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.

Recommendation: Grant permission subject to conditions

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

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

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

Existing Site Plans & Site Survey Drawing 1097/001 submitted 15th August 2016

Proposed Site Plans & Street Scene Drawing 1097/002 Rev B submitted 21st October 2016

Proposed Plans & Elevations Drawing 1097/003 Rev A submitted 21st October 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).

3a. No development shall commence until samples of all facing and roofing materials for the proposed bungalow, plus all proposed hardsurfacing within the site have been submitted to and approved in writing by the Local Planning Authority.

3b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

4a. No development shall commence on site until details of the disposal of both surface and foul water drainage have been 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.

5. Prior to the commencement of the development, a highway Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 shall be confirmed for the removal of highway rights over the area of highway land within the red line boundary.

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

6a. Prior to the commencement of any development of site the following shall be submitted to and approved in writing by the Local Planning Authority:

- A scheme of intrusive site investigation/gas monitoring
- A report of the findings arising from the intrusive site investigations/gas monitoring
- A scheme of remedial works/mitigation

6b. The approved remedial works/mitigation shall be fully implemented.

Reason: In order to ensure the safe and satisfactory development of the site and address the Coal Mining legacy at the site.

7a. Prior to the first occupation of the new dwelling, the driveway/parking area 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.

7b. This area 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.

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

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

9a. Prior to first occupation of the dwelling hereby approved full details of security and crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority

9b. 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 occupants. The details are required prior to any further works because the window openings at ground floor level are already present and the windows are part of the Secure By Design specification.

10a. Prior to first occupation of the house hereby approved a full landscaping scheme, including boundary treatment, hedging and trees, shall be submitted to and approved in writing by the Local Planning Authority.

10b. The scheme shall be completed in accordance with the approved details before the development is first occupied. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of 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 same species as that originally required to be planted.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Schedule 2, Part 1, A, B, E and F shall be carried out to the houses hereby approved, without the prior approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over the site to protect the amenities of the area.

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

Notes to Applicant:

Transportation

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.
3. Highway Stopping Up Orders under S247 of the Town and Country Planning Act 1990 are made by the Government Office. Advice and application forms can be found at: www.gov.uk/government/publications/stopping-up-and-diversion-of-highways

Secure by Design

1. New windows/ roof lights / patio / French doors/ windows should conform to PAS 24 2012 Standard or equivalent with at least one pane of 6.8mm 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 external 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. Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area of any property. With this in mind 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 ie 1.8m fence plus 300mm anti climb trellis topping.
5. 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.
6. All gates should be 2.1m in height and be key lockable from both sides.
7. Fencing should be located as near to the front building line as possible.

8. Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or STS 202 issue 3:2011 burglary rating 1. Where there is an interconnecting door into the dwelling the interconnecting door should be rated to PAS24 2012 standards.

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.

10. The property should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.

Coal Authority

General Information for the Applicant

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>

PETITION OPPOSING THE PROPOSED ERECTION OF HOUSE
REAR OF GREEN LANE FRONTING CANTERBURY CLOSE.

We the undersigned residents object to the proposed building for the following reasons.

The size of the development is not in keeping with the existing properties which have been in Canterbury Close since 1962.

The additional parking likely to be required by the proposed building would cause problems for the residents as we are already inconvenienced by parents using Canterbury Close for parking whilst taking children to and from Ryders Hayes School.

Many children from Pelsall Village School and Ryders Hayes School walk to school crossing the bottom of the close in Green Lane, and cars speed up and down Green Lane throughout the day. Any additional obstructions towards the bottom of the close namely from the driveway of the proposed building would inevitably create greater risk to the pedestrians in particular young schoolchildren and the elderly residents of Canterbury Close.

The proposed building is for 2 storey house but the plans show a dormer bedroom making it 3 storey which must be in breach of the planning regulations.

The property would take much needed light from no 1 Canterbury Close, as this property is already blocked in from a house built directly behind in Mount Road already reducing light to the property. Mr Ian Lloyd who has lived there from birth in 1967 lives alone since losing his family, is registered visually impaired and suffers other debilitating illnesses would not be able to have sufficient natural light to live in his property alone.

Based on these matters we would respectfully ask you to decline planning permission in this instance.

ECONOMY AND
ENVIRONMENT

12 SEP 2015

RECEIVED



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 10.

Reason for bringing to committee: Contrary to Policy

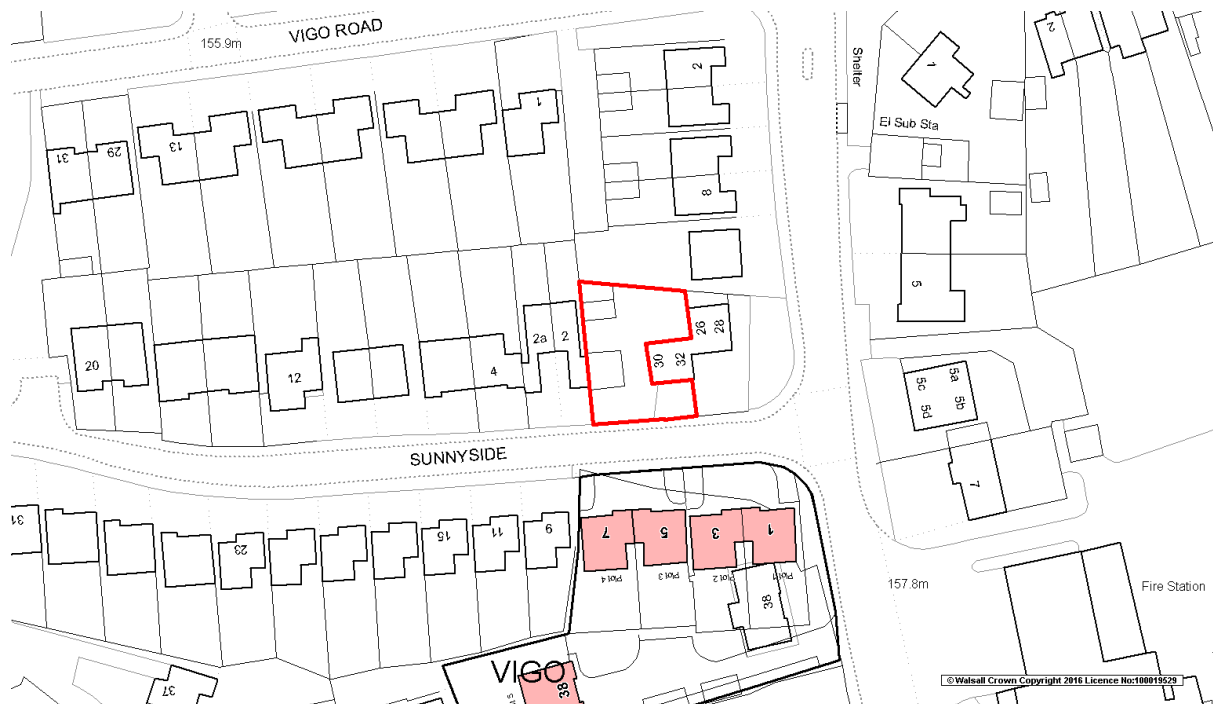
Location: GARAGES ADJ. 2 SUNNYSIDE, WALSALL WOOD

Proposal: DEMOLITION OF EXISTING GARAGES AND ERECTION OF A TWO STOREY 2 BED DETACHED HOUSE AND RECONFIGURATION OF AMENITY AND PARKING FOR EXISTING FLATS AT 26-32 NORTHGATE.

Application Number: 16/0285
Applicant: Ms Susan Harvey
Agent:
Application Type: Full Application

Case Officer: Barbara Toy
Ward: Aldridge North And Walsall Wood
Expired Date: 09-Nov-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The site is situated on the northern side of Sunnyside close to the junction with Northgate and comprises a block of 4 lock up garages, now in a derelict condition that previously provided parking for the adjoining 4 flats at 26-32 (even) Northgate.

Immediately to the west of the site is a pair of semi detached two storey houses with single storey forward projecting garages, which sit approx 0.5m higher than the site. The houses are set back behind the building line of the remainder of the semi detached houses to the west. Opposite the site are detached two storey houses, with 4 new detached houses under construction on the corner of Northgate. To the east is a driveway access to the rear of a two storey (flat roofed) block of 4 flats on the corner of Northgate. To the north the rear garden of 10 Northgate, a two storey detached house. The immediate area is predominantly residential with industrial uses to the south and a fire station to the south east on Northgate.

This application proposes the demolition of the existing derelict garages and erection of a 2 bed detached two storey house. The house would have driveway parking for 2 cars and private amenity space to the rear. The house would be constructed of facing brickwork with a gable roof and a projecting single storey front porch. The works also include the redesign of the existing parking area for the adjoining flats at 26 -32 Northgate, to provide 4 off street parking spaces, 2 spaces set to the rear of the building and 2 on the frontage of Sunnyside.

The site layout has been amended since submission to overcome objections raised by transportation.

Relevant Planning History

None

Relevant Planning Policy Summary

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:

- Seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas
- Proactively drive and support sustainable economic development to deliver the homes that the country needs.

Key provisions of the NPPF relevant in this case:

- ***NPPF4 - Promoting Sustainable Transport***
- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously developed sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- Policy DW3 Character
- Policy DW4 Continuity
- Policy DW6 Legibility
- Policy DW9 High Quality Public Realm

Appendix D

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

Consultations

Transportation – No objections to amended scheme subject to conditions to provide the new parking for the flats prior to implementation of works on the house, new vehicle crossing and surfacing and drainage of all parking areas.

Severn Trent Water – No objections subject to drainage condition and a note to applicant regarding public sewers.

Pollution Control – No objections subject to condition to restrict hours of working on site and control of noise, dust & debris during demolition.

Public Participation Responses

None

Determining issues

- The Principle of Residential Development
- Design and Layout and Impact on the Immediate Vicinity
- Impact on the Amenities of the Surrounding Occupiers
- Parking, Access and Highway Safety
- Local Finance Considerations

Observations

The Principle of Residential Development

The site sits within a residential area in a sustainable location within walking distance of local shops and public transport routes along Northgate.

The development would make use of previously developed land. The existing garages have been derelict and unusable for some years and have not provided off street parking facilities for the flats for some time. The derelict garages have a poor visual appearance within the street scene.

The principle of a further residential property in this location is considered appropriate.

Design and Layout and Impact on the Immediate Vicinity

The house would follow the main building line of No 4 Sunnyside and the houses beyond to the west and the two storey flats to the east. No 2 and 2a immediately to the west are set back from the main building line but have forward projecting single storey garages. The proposed house would sit forward of No 2 and 2a but behind the frontage of the projecting garages. It is considered that the proposed position of the property would sit comfortably within the street scene, continuing the building line.

The design of the house with a gable roof and projecting single storey front porch feature would be similar in design other semi detached houses on this side of the road and is considered appropriate for this location.

The proposals would provide private amenity space of 49sqm to the rear which falls below the 68sqm required by Appendix D of Designing Walsall. The garden would however be a similar size to the existing gardens at No 2 and 2a immediately to the west which have approx 53sqm of amenity space to the rear. This level of amenity therefore forms part of the character of the area and is considered appropriate in this case. It also allows for a useable space given the size of dwelling. Given the shortfall it is recommended that permitted development for extensions, roof alterations and garden structures is removed to ensure there remains adequate garden space to cater for the size of dwelling.

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The design and layout of the proposals are considered appropriate for this location, they would remove an unsightly block of derelict garages and provide a new house with design characteristics of the local area.

Impact on the amenity of the surrounding occupiers

The proposed house would sit forward of No 2 and 2a but set back from the frontage of the projecting garage at No 2. The proposals conflict with the 45 degree code in relation to the first floor front bedroom window at No 2 by 0.4m. In this case however it is considered that the proposed house would not have any significant adverse impact on the amenities of the occupiers of No 2 given the separation distance and the existence of the forward projecting garage at No 2.

The proposed replacement parking for the adjacent flats takes up some grassed area adjacent to the driveway facing Sunnyside. Nevertheless the flats have remaining amenity space at the front of the building, albeit providing visual amenity benefits only.

The rear elevation of the proposed house sits in line with a rear facing windows on the flats at 26-32 Northgate, these windows are obscurely glazed bathroom windows. Whilst the separation distance between the windows and the new house would fall below the 13m required by Appendix D of Designing Walsall it is considered that the positioning of the window in relation to the new building would allow a satisfactory level of light to the windows and would not have an adverse impact on the amenities of the occupiers of the flats. Also, bathrooms are not classed as habitable rooms.

It is considered that the proposals would have no significant adverse impact on the amenities of the surrounding occupiers.

Parking, Access and highway safety

The proposals have been amended during the course of the application to ensure that the layout provides two off street parking spaces for the proposed house in compliance with policy T13 of the UDP, together with 100% parking for the existing flats and to ensure that there is sufficient reversing space and separate footway crossings for the house and flats parking areas. Whilst 100% parking falls short of the required 150% for flats, this would continue the existing situation as the garages have been derelict and unusable for some time and have not provided parking facilities for the flats.

The level of parking and access arrangements are therefore considered acceptable, it is considered that the development will not have severe transportation implications and is in accordance with NPPF.

Local Financial 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 1 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.

Positive and proactive working with the applicant

The agent has provided amended plans to overcome concerns raised by Transportation.

Recommendation: Grant permission subject to conditions

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

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

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

Existing Plans and Street Scene Drawing 1081/001 submitted 24th February 2016

Proposed Site Plans and Street Scene Drawing 1081/002 Rev E submitted 14th September 2016

Proposed Floor Plans and Elevations Drawing 1081/003 submitted 24th 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).

3a. No development shall commence until samples of all facing and roofing materials for the proposed house and all proposed hardsurfacing within the site have been submitted to and approved in writing by the Local Planning Authority.

3b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

4a. No development shall commence on site until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

4b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: This is 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.

5a. Prior to site clearance/preparation/construction works commencing a Construction Management Plan setting out how the works will be undertaken and giving details of arrangements for the control of noise, 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. Disposal of materials by burning on bonfires, ground fires or in containers at the site is not permitted.

5b. The Construction Management Plan shall be implemented upon commencement of any works and shall be maintained until the site is completed.

Reason: In order to protect the amenities of the surrounding residential occupiers.

6a. Prior to the commencement of the new dwelling, the new parking arrangement for the existing flats shall be implemented, being 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.

6b. The parking spaces shall thereafter be retained and used for no other purpose.

Reason: To ensure off street parking is available for the existing flats prior to the construction of the new dwelling in the interests of the safe and satisfactory operation of the development and in accordance with UDP policy GP2, T7 and T13.

7a. Prior to the first occupation of the new dwelling, the parking area shall be fully consolidated, hard surfaced and drained so that surface water run-off from this area does not discharge onto the highway or into any highway drain.

7b. This parking area 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.

8. Prior to the parking spaces for the new dwelling first coming into use, a new vehicle footway crossing shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements. The new crossing shall not exceed five 900mm flat kerbs and two 900mm taper kerbs and there shall be at least one full kerb height separation with the dropped kerb crossing to the existing flats.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Schedule 2, Part 1, A, B, E and F shall be carried out to the houses hereby approved, without the prior approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over the site to protect the amenities of the area.

10. 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 weekdays 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: In order to safeguard the amenities of the surrounding occupiers.

Notes to 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 removal of the redundant dropped kerb footway crossing in Brownhills Road. For further information please contact the Traffic Management Team on 01922 654663.

Severn Trent Water

We do advise that there may be a public sewer located within the application site and encourage the applicant 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 applicant is advised to contact Severn Trent Water to discuss the proposals and we 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.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 11.

Reason for bringing to committee: Significant community interest.

Location: 251, BIRMINGHAM ROAD, WALSALL, WS5 3AA

Proposal: ERECTION OF STUDIO UNIT AT GROUND FLOOR LEVEL ADJACENT TO PUBLIC FOOTPATH WAL102 (RE-SUBMISSION OF 16/0248).

Application Number: 16/1131

Applicant: Mr A Ali

Agent: BSP Design

Application Type: Full Application

Case Officer: Mike Brereton

Ward: Paddock

Expired Date: 27-Sep-2016

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application is a re-submission following a refusal on 28th July under reference 16/0248 which was for the erection of a rear single storey extension to create two additional flats. This current application now proposes a smaller single storey rear extension to provide 1 self contained flat.

The existing two storey traditional semi-detached property has recently been converted into 7 flats following planning permission in 2015 and car parking for the existing flats is provided on the frontage with access/egress to and from Birmingham Road. This, along with the provision of a triple garage at rear (subject of a previous permission), would provide an additional 2 x parking spaces for the proposed flats.

A Public Right of Way runs along the western boundary of the application site and pedestrian access would be provided to the rear of the application site from Brookhouse Road.

The applicant has submitted the following documents in support of the application:

Design and Access Statement:

- Explains there is a shortage of accommodation within Walsall town centre;
- Explains the development would meet local housing needs and bring environmental and security benefits; and
- Explains the site is in a sustainable location close to public transport and local facilities and services.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- 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
- ENV33: Landscape Design
- H1: Renewal of Existing Residential Areas
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW10 Well Designed Sustainable Buildings

Policies are available to view online

Relevant Planning History

16/0248 - Erection of 2 studio flats to the rear adjacent to a public footpath (WAL102). Refused 28/07/2016 for the following reasons:

- 1. The plain design of proposed flats, which is visible from public vantage points, does not reflect the original features of the application house which has examples of arched brickwork above windows and door openings and sash and bay windows. The design is considered would harm the appearance of the application house and nearby area and is contrary to the NPPF, policies ENV 32 and GP2 of the Unitary Development Plan, policies CSP4, ENV2 and ENV3 of The Black Country Core Strategy (BCCS) (2011) and Designing Walsall SPD.*
- 2. The bulk and scale of the proposed flats, when combined with the triple garage at rear which already has the benefit of planning permission, would result in built development along the entire rear boundary alongside No.253 and is considered would not reflect the pattern of development at this location, characterised by large rear gardens and is considered to be over-development and incongruous, detrimental to the amenity of the neighbouring occupiers. As such the development is contrary to the NPPF, policies ENV 32 and GP2 of the Unitary Development Plan, policies CSP4, ENV2 and ENV3 of The Black Country Core Strategy (BCCS) (2011) and Designing Walsall SPD.*
- 3. The proposed flats would breach the 45 degree code to a rear facing window at No.253. The applicant has not submitted any evidence to establish whether the neighbour's window serves a habitable room and how any additional impacts to this neighbour's amenity would be addressed. The development would be contrary to the NPPF, saved policy GP2 of the UDP and Appendix D of the Designing Walsall SPD.*
- 4. The height of proposed flats at 4m would be visible above the existing 2m high boundary wall along the rear boundary with No.253 and would result in detrimental harm to the neighbour's visual amenity and would be contrary to the NPPF, saved policy GP2 of the UDP and Appendix D of the Designing Walsall SPD.*
- 5. The adjacent garage, provision of triple garage at the application site and car parking immediately adjoining the proposed additional flats will result in noise and fumes from vehicle engines and noise from the garage doors being open and closed which will have a detrimental impact on future occupiers and contrary to the NPPF, policies ENV32 and GP2 of the Unitary Development Plan, policies CSP2, CSP4, HOU2, TRAN1, TRAN2, ENV2 and ENV3 of the Black Country Core Strategy (BCCS) (2011) and Designing Walsall SPD.*
- 6. A distance of 6m between proposed sole habitable windows to flats and the existing 2.1m boundary fence along the right of way, it is considered that, when combined with the lack of opportunity for natural light to reach the flats due to their orientation, along with a lack of private amenity, the development would result in an unacceptable level of outlook and amenity to intended occupants and would be contrary to the NPPF, saved policy GP2 of the UDP and Appendix D of the Designing Walsall SPD.*

7. *The remaining communal outdoor amenity space to serve the 9 flats (including existing house conversion) of 115m² is below the recommended minimum of 180m², to the detrimental harm of the living conditions of future occupants, contrary to the NPPF, saved policy GP2 of the UDP and Appendix D of the Designing Walsall SPD.*

15/0808/OL - conversion of five bedroom house to 7 flats consisting of 6 studio flats and one bedroom flat all with shower room and kitchen facilities adjacent to a public footpath (WAL102). GSC 28/08/2015.

14/0079/FL - Erection of new bungalow adjacent to public footpath WAL102. Refused 12/03/2014 for the following reasons:

1. *The siting of the bungalow at the back of the highway and adjacent to the public footpath will result in exposure to the public realm, will have no defensible space in front of it and cannot be screened and as a consequence rooms facing towards Brookhouse road will have an unacceptable level of amenity and will result in the amenities of its future occupiers being compromised. As such the development is contrary to the NPPF, policies 3.6, 3.7, 3.16, ENV 32 and GP2 of the Unitary Development Plan, The Black Country Core Strategy (BCCS) (2011) policies CSP2, CSP4, HOU2, TRAN1, TRAN2, ENV2 and ENV3 and Designing Walsall SPD.*

2. *The design of the development does not reflect the character of properties in the area and would not be well integrated into the existing pattern of settlement and surrounding land uses. As such the development is contrary to the NPPF, policies 3.6, 3.7, 3.16, ENV 32 and GP2 of the Unitary Development Plan, The Black Country Core Strategy (BCCS) (2011) policies CSP2, CSP4, HOU2, TRAN1, TRAN2, ENV2 and ENV3 and Designing Walsall SPD.*

3. *The proposed bungalow does not comply with the Designing Walsall numerical guidelines in terms of space between habitable room windows. The limited separation distance between the proposed elevation of the bungalow and the rear elevation of the existing house will result in an unacceptable loss of visual amenity for future and existing occupiers of the house and proposed bungalow. The development would be contrary to policies ENV2 and ENV 3 of the Black Country Core Strategy, saved policies 3.6, 3.7, GP2 and ENV32 of the Unitary Development Plan, Designing Walsall Supplementary Planning Document.*

4. *The adjacent garage and car parking immediately adjoining this site will result in noise and fumes from vehicle engines and noise from the garage doors being open and closed which will have a detrimental impact on future occupiers. As such the development is contrary to the NPPF, policies 3.6, 3.7, 3.16, ENV 32 and GP2 of the Unitary Development Plan, The Black Country Core Strategy (BCCS) (2011) policies CSP2, CSP4, HOU2, TRAN1, TRAN2, ENV2 and ENV3 and Designing Walsall SPD*

5. Whilst the application proposes two parking spaces in front of the bungalow outside the redline, the spaces are illustrated within the turning area on public highway at the head of Brookhouse Road, resulting in the turning area being obstructed and restricted to the detriment of highway safety, particularly in close proximity to the access/egress of the adjacent public right of way. As such it will be contrary to NPPF, policies T7, T10 and T13 of the Unitary Development Plan, the Black Country Core Strategy (BCCS) (2011) policies TRAN1 and TRAN2. Furthermore as the proposal does not provide satisfactory parking provision it is contrary to policy T7 and T13 of the Unitary Development Plan, the Black Country Core Strategy (BCCS) (2011) policies TRAN1 and TRAN2.

6. The proposed parking adjacent to the public footpath will result in vehicle manoeuvres close to its entrance/egress of the public footpath to the detriment of the free flow and safety of pedestrians using that public footpath. Furthermore the proposed parking is likely to lead to unsafe parking and obstructing the public footpath further exacerbating highway safety concerns. As such the proposed parking will be contrary to the NPPF, policies T7, T10 and T13 of the Unitary Development Plan, the Black Country Core Strategy (BCCS) (2011) policies TRAN1 and TRAN2

13/1541/FL - Detached garage. (Adjacent Public Footpath WAL102). GSC 20/12/2013.

Consultation Replies (*Officer comments in italics*)

Clean and Green – None received (*any comments are unlikely to change recommendation*).

Community Safety Team – No objection subject to improvements to security of access points (*can be incorporated into overall secure by design measures*).

Housing Standards – None received but previously no objection subject to development meeting current Building Regulations (*would be added as note to applicant*)

Transportation – No objection subject to conditions regarding parking.

Tree Preservation Officer – No objection.

Park Hall Residents Association – None received.

Severn Trent – No objection subject to conditions regarding drainage.

Public Footpath Officer – None received but previously no objection.

Police – No objection subject to implementation of secure by design measures.

Local Access Forum – No objection subject to the right of way being kept clear during and after construction (*this can be added as note to applicant*).

Representations (*Officer comments in italics*)

5 x objections have been received from neighbours on the following grounds:

- Would reduce value of properties in area (*this is not a material planning consideration*);
- Would cause problems with neighbours;
- Issues of parking on Brookhouse Road;
- Increased loss of privacy and safety concerns;
- Would harm character of original house;
- Concerns over proposed garage at rear; and
- Proposed studio flat inconsistent with character of area of family homes.

Determining Issues

- **Has the application overcome previous refusal reasons?**
- **Other Matters**

Observations

Has the application overcome previous refusal reasons?

This application is a re-submission following a refusal. The details submitted in support of this application are considered against the previous refusal reasons below.

Refusal Reason 1 – poor design.

This application proposes to include window cills and arched brick detailing above windows and door in the extension along with windows and door to match the existing property. Neighbours objected on the grounds that the extension would harm the character of the application house and nearby area. It is considered the design and overall scale has been improved and would not harm the character of the application house or nearby area. It is considered refusal reason 1 has been overcome. Conditions would be included to ensure the extension is finished using matching materials to ensure satisfactory appearance.

Refusal Reason 2 – over-development.

The proposed extension has been reduced from 14.9m to 7.8m long and now provides a gap of over 7m between the proposed rear garage and extension. On balance, this is considered an improvement and would not result in over development. It is considered the second refusal reason has been overcome.

Refusal Reason 3 – breach of 45 degree code.

The proposed extension has been reduced to 7.8m long and the height also reduced from 4m to 3.5m. The extension would project around 1.4m beyond the rear of No.253 and when combined with the existing high boundary wall between the application house and this neighbour, along with the reduced overall size of extension, it is considered the proposal would not breach the 45 degree code to this neighbour's rear facing window and would not result in any significant detrimental impacts to this neighbour's amenity over and above any that already arises. It is considered the third refusal reason has been overcome.

Refusal Reason 4 – visual amenity.

The height and length of proposed extension has been reduced and is considered would not result in significant harm to neighbour's visual amenity. It is considered the fourth refusal reason has been overcome.

Refusal Reason 5 – occupiers amenity (proximity to garages).

This application proposes a gap of over 7m between the proposed rear garage and extension and this is considered an improvement and overcomes the fifth refusal reason.

Refusal Reason 6 – occupiers amenity (outlook and private amenity).

A gap of 6m would be present between habitable windows serving the flat and the existing 2.1m high boundary fence and no private outdoor amenity space is proposed. On balance, this is considered to reflect the existing relationship at other flats in the already converted house and when considered against the overall improvements to the scheme in this application it would be insufficient to warrant a refusal on this basis alone. It is considered this refusal reason has fallen away.

Refusal Reason 7 – occupiers amenity (outdoor amenity space).

Over 170m² of outdoor amenity space is now proposed which is above the recommended 160m² set out in Appendix D of the Designing Walsall SPD and overcomes the last refusal reason.

Other Matters

Neighbours objected on grounds of increased issues of parking and impacts on neighbour's amenity and safety. A total of 9 parking spaces are proposed which is considered acceptable and would not result in significant increased parking issues and conditions would be included to ensure all spaces are fully laid out prior to the flat first coming into use.

Furthermore, it is considered that the proposed additional flat is unlikely to result in any significant additional noise and disturbance to neighbour's amenity over and above any associated with the recent conversion of the existing house to 7 flats. The proposed use is a form of residential use and is acceptable in this location. There is no evidence to suggest occupiers of flats would result in issues of safety to neighbour's and there is no policy basis to refuse the application on this basis.

The submitted plans show an existing garage to the rear of the application house. This garage has not been constructed at the time of writing this report and is the subject of a previous permission which has not yet been implemented. A condition would be included to make it clear that this current application does not replace the previous permission for the garage to define the permission.

Conclusion

On balance, taking into account neighbours comments, it is considered this application includes positive amendments and overcomes the previous refusal reasons and is recommended for approval subject to relevant conditions.

Positive and Proactive working with the applicant

Approve

Officers discussed the previous refusal reasons with the applicant's agent prior to submission of the application and significant improvements have been made which enables full support to be given to the revised scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Application Form. Deposited 03/08/2016
- Design and Access Statement. Deposited 03/08/2016
- Existing Plans and Site Plans. Deposited 03/08/2016
- Proposed Ground Floor. Deposited 03/08/2016
- Proposed Elevations. Deposited 03/08/2016

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).

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

3b. Prior to the development first coming into use the scheme shall be implemented in accordance with the approved details and thereafter retained as such.

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

4a. Prior to the development first coming into use, all parking spaces shall be fully consolidated, hard surfaced and drained so that surface water from this area does not discharge onto the public highway or into any highway drain, full details of which shall be submitted to and approved in writing by the Local Planning Authority. In addition, the triple garage at the rear fronting Brookhouse Road shall also be fully implemented in accordance with the previously approved details under 13/1541/FL.

4b. All parking spaces including the garage spaces shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate off street parking is available, in accordance with UDP Policy GP2, T7 and T13.

5. Prior to the triple garage first coming into use in accordance with the previously approved details under 13/1541/FL, the existing highway kerb in front of the garage shall be lowered in accordance with the Council's footway crossing specification SD11/8 and to the satisfaction of the Highway Authority. All works within the highway shall be in accordance with all statutory requirements.

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

6. Prior to the development first coming into use, full details of a covered, secure cycle shelter facility for the use of residents 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 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.

7. At no time shall any gate or door on the development, including the rear garage door, shall open outwards or over-sail the public highway.

Reason: In the interests of highway safety.

8. The walls and roof of the extensions 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), 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.

10. Notwithstanding the details shown on submitted plans, this approval does not give permission for the garage at rear and does not replace or supersede permission reference 13/1541/FL for the proposed garage at rear.

Reason: To define the permission.

11. The development shall be constructed to meet Secure By Design and thereafter retained as such.

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

Reason: In the interest of safety and security of occupiers.

Notes to applicant

1a. Windows should conform to PAS 24 2012 Standard. 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.

1b. There should be an area of defensible space in front and across the length of each ground floor 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 balcony areas making access to them by offenders more difficult.

Care needs to be taken with the type of planting used. It should have a mature height of no more than 1m and should provide a solid defensible barrier around the balcony area in particular. Thorney / spikey plants are ideal for protecting these vulnerable areas.

1c. All external 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.

1d. Perimeter security needs to be effective on this site due to the vulnerable nature of the location in terms of public access around the site. In order to protect the development securing the boundary is crucial. With this in mind perimeter / boundary fencing should be at least 2.4m 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. 2.4m fencing can include 300mm trellis topping i.e. 2.1m fence plus 300mm anti climb trellis topping.

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.

1e. Gates should be self closing and have a mortise type locking mechanism, this should be key lockable from both sides.

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1f. Property should be fitted with a suitable intruder alarm and areas should be well lit and the potential to install CCTV in the interest of security.

2a. We advise that there may be a public sewer located within the application site and encourage the applicant 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 applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.

2b. 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.

To help us provide an efficient response please could you send all responses to net.dev.west@severntrent.co.uk rather than to named individuals. Alternately you can call the office on 01902 793851.

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

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

4. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the dropped kerb footway crossing works within the public highway. For further information please contact the Traffic Management Team on 01922 654663.

5. The development should meet current Building Regulations.

6. The adj right of way should be kept clear during and after construction.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 12.

Reason for bringing to committee: Called in by Cllr Wilson who considers the proposals require delicate consideration

Location: 36 , KNIGHTS HILL, ALDRIDGE, WS9 0TG

Proposal: SINGLE STOREY EXTENSION TO FRONT OF PROPERTY AND GARAGE CONVERSION

Application Number: 16/0706

Applicant: Mr & Mrs Steven Walls

Agent: Miss Kelly Holmes

Application Type: Full Application

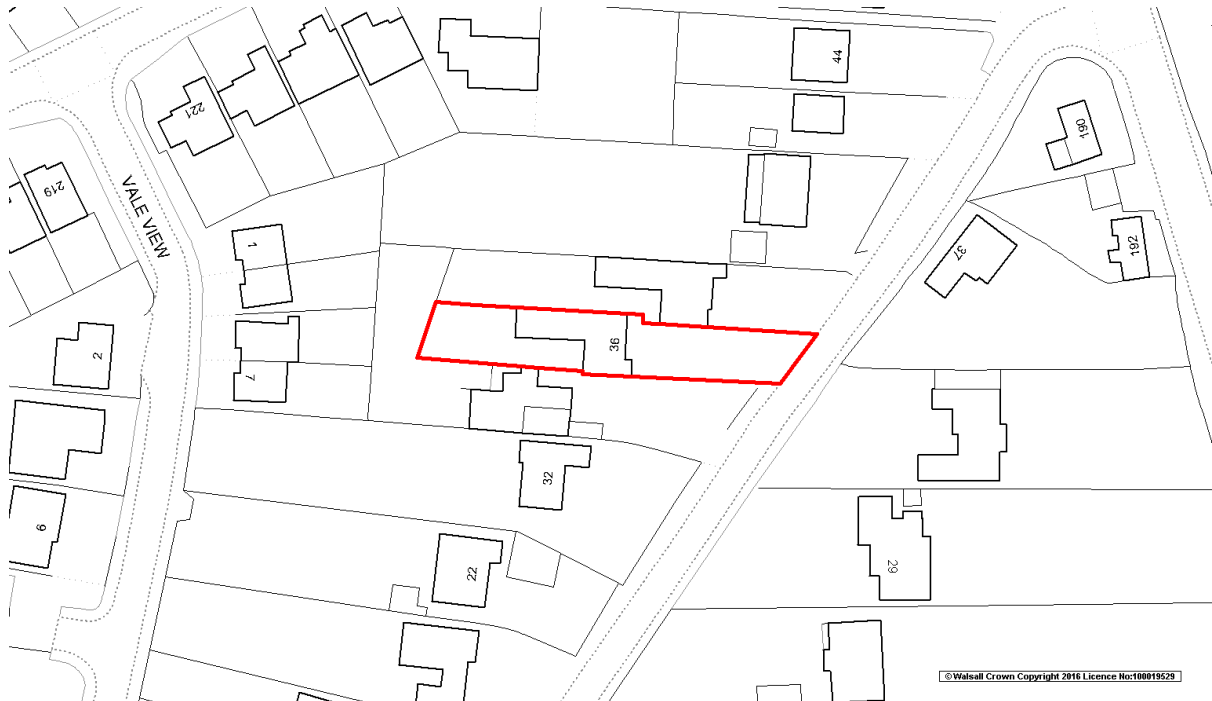
Case Officer: James Chatterton

Ward: Aldridge Central And South

Expired Date: 29-Sep-2016

Time Extension Expiry: 10-Nov-2016

Recommendation Summary: Grant Permission Subject to Conditions



The application property is a four bedroom detached house which is set 20 metres from the back of the footway.

The frontage of the dwelling features laid lawn with maturing trees and shrubs and tarmac-adam driveway leading to an attached garage. The front elevation features white render, two sets of double windows, wooden doorway and flat roof. Only the side elevation facing Number 34 is visible from the street scene due to a staggered building line throughout the road. There is a large Horse Chestnut tree in the neighbours front garden.

The proposal seeks permission for a single storey extension in front of the garage 6m in length and 3.5m wide and with a flat roof at a height of 4m. There are to be no side facing windows and one centralised roof light within the proposed extension. The existing garage will be converted and together with the proposed extensions will form a kitchen, w.c. and lounge/bedroom to enable a family member to reside at the premises.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 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.

- **NPPF 12 – Conserving and enhancing the Historic Environment.**

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV2: Historic Character and Local Distinctiveness
- ENV32: Design and Development Proposals

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

It is considered in this case that the relevant provisions of the BCCS, Walsall's saved UDP policies and Designing Walsall 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

06/1032/FL/H4 - Extension to form first floor – Refuse 07/08/2006

Consultation Replies

Pollution Control – No objections.

Transportation – No objections subject to a condition to secure parking for three vehicles. The increase in the number of bedrooms can be accommodated on the driveway in accordance with policy T13.

Tree Officer – No objections. There is an early mature Horse Chestnut in a neighbouring property at 34 Knights Hill, it is not protected by a TPO or within a Conservation Area but is a significant tree of good form that has good public visual amenity. The tree would appear to be approximately 9.0m away from the proposed extension, this should be adequate enough distance for the proposal not be of significant detriment to the tree, the majority of the roots would be on the tree owner's property and any significant roots are less likely to exist under the more hostile environment under the tarmac driveway of the applicant's property. There may be a need to crown raise the tree over the driveway to allow access for larger vehicles but this could be achieved at any time under common law. The proposals are unlikely to have any significant implications for the Horse Chestnut tree.

Representations

Three letters of objection from neighbours concerned with the proposals effect on a nearby horse chestnut tree, the resulting underground pipe-work and the possibility of the plot becoming over-developed.

Determining Issues

- Appearance within the street scene
- Effect on Neighbouring Property
- Parking and Access

Observations

Appearance within the street scene

The street scene is that of diverse and individually designed dwellings set back from the highway on a staggered building line at a 40 degree angle to Knight's Hill. Despite the projection in front of the house it is considered that a development such as the one proposed would not have an adverse effect on the street scene as it is in keeping with the current appearance of the dwelling within the street scene and follows the staggered building pattern.

The Tree officer is satisfied that the proposals will not harm the health of the Horse Chestnut tree in the adjacent neighbouring property.

The design of the proposals matches that of the original dwelling despite neighbours concerns that the plot is overdeveloped it remains in keeping with the character of the original dwelling.

Effect on Neighbouring Property

The proposed extension would not comply with the Council's 45 degree policy. However, due to the staggered nature of the properties on Knight's Hill, the street scene as a whole does not comply with this policy. Further to this, the effects appreciated by neighbouring properties from the proposed extension would not be significant. There is no impact on privacy as there are no windows that would cause significant overlooking of the adjacent houses (w.c. and secondary lounge windows only in the side elevations) and as the proposal is single storey it will not significantly harm outlook. Given the orientation there is no significant impact on loss of light .

Impact on underground pipework is covered under building regulations.

A condition is recommended to prevent the extensions being utilised as independent living accommodation not related to the occupiers of the existing dwelling as this would require further consideration of the parking and amenity aspects of the proposals.

Parking and Access

The proposals enable adequate off street parking for the resulting number of bedrooms. This will be secured by a recommended condition.

Positive and Proactive working with the applicant

The agent has responded to any queries the Officer raised during the decision making process. The design is considered acceptable to enable support for the proposals.

Recommendation: Grant of permission subject to conditions.

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

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

2: This development shall not be carried out other than in accordance with the plans submitted alongside the application (dated 04/08/2016)
-Drawing Numbers SW-002 REV B

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

3: The walls and roof of the extension 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 the application, and shall be retained as such after completion of the development.

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

4a: Prior to the development first coming into use, the extended parking area to accommodate three 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.

4b: The parking spaces 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.

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: The building shall remain ancillary to the existing dwelling. It shall only be occupied by members of the immediate family of the occupier(s) of the existing house and/or a person(s) employed by them as the carer of a member of the family resident at the property, and shall not be let, sold, or otherwise used as a separate dwelling without the prior approval of a further planning application.

Reason: The site is not suitable for independent occupation because of the lack of separate amenity space, levels of privacy and parking normally required in a separate dwelling, and to comply with policy H10 of Walsall's Unitary Development Plan.

Notes for applicant: Transportation

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.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 13.

Reason for bringing to committee: Significant Community Interest

Location: 30, SKIP LANE, WALSALL, WS5 3LL

Proposal: PART- RETROSPECTIVE: DETACHED GARDEN SHED/STOREROOM IN REAR GARDEN

Application Number: 16/0661

Applicant: Mr Vinod Jain

Agent: R S Design Partnership

Application Type: Full Application

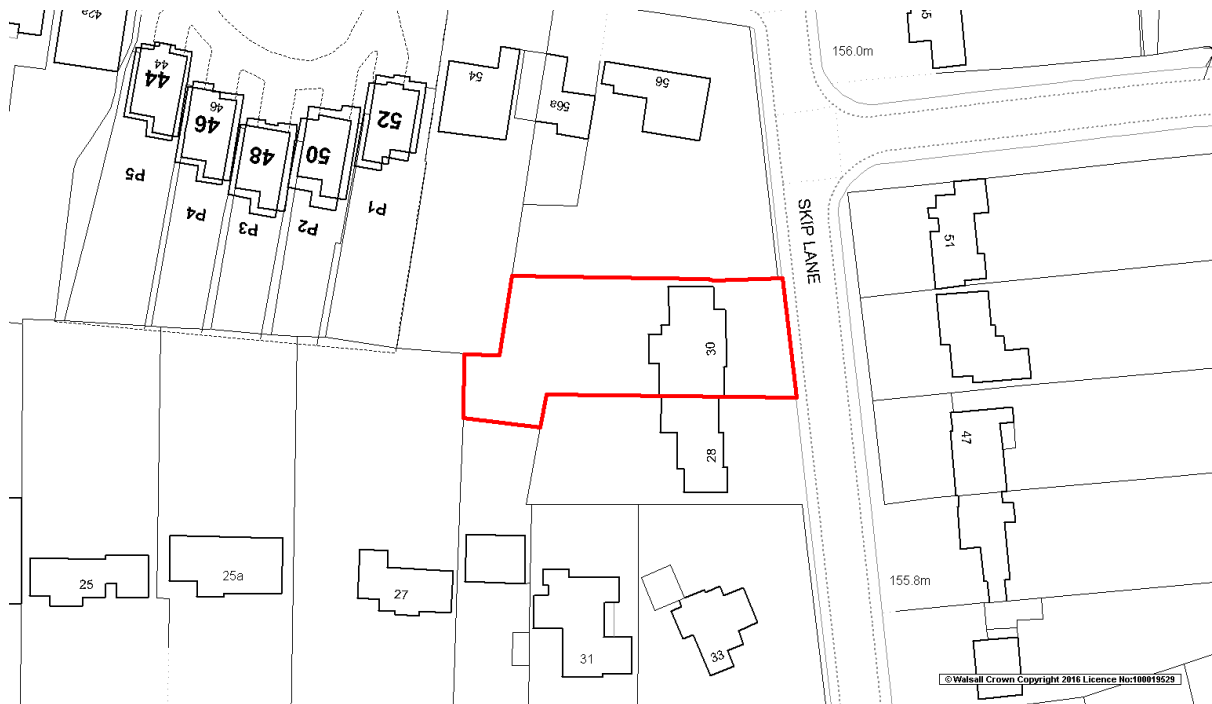
Case Officer: Helen Smith

Ward: Paddock

Expired Date: 23-Jun-2016

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This proposal is for the retention of an amended part built detached garden building located at the end of a rear garden. Planning application form states that the garden building will be used as a garden shed and storeroom.

The application house is located within a residential area characterised by large detached houses and bungalows of individual design. No. 30 occupies a large plot which is 19.6 metres wide and 54.7 metres long with a number of trees along the rear garden boundaries that are not subject to Tree Preservation Orders.

The revised garden building would;

- Would be between 3.26 and 2.47 metres high as the ground level reduces in a westerly direction
- 12.45 metres wide
- 4.5 metres deep
- have a tiled roof
- have two entrance doors to a single internal open space
- Exterior render finish to front elevation, with brick to the sides and rear elevations
- Reduced height of the existing structure from 5.05 metres to 3.7 metres on the west facing elevation
- Have two windows facing the rear garden of no. 30
- Have a footprint of 56 square metres
- Plans show an existing 1.8 metres high boundary fence to the rear of the outbuilding

Neighbouring properties are as follows;

29 Beacon Road

The existing part constructed structure has been built along the full width of the rear garden boundary of 29 Beacon Road. This neighbouring property is located to the south of the proposal and has a separation distance of 18 metres between rear facing habitable room windows and their rear garden boundary.

The rear garden level of 29 Beacon Road reduces in a westerly direction (across the width of their garden) by approximately 0.8 metres.

31 Beacon Road

This property is located to the south of the proposal and faces the rear garden of 28 Skip Lane and has a separation distance of 24 metres to the garden boundary with 30 Skip Lane.

27 Beacon Road

This house is to the south west of the proposed garden building and is separated by a distance of 25 metres to the garden boundary of 30 Skip Lane.

28 Skip Lane

There is a 20 metres separation distance between rear facing habitable room windows and the adjoining rear garden boundary with 30 Skip Lane. This neighbouring property sits to the east of the garden building.

54 Park Road

This property is located to the north of the proposed garden building and is separated by a distance of 36.2 metres from the garden boundary of 30 Skip Lane.

52 Park Road

No. 52 is to the north of west of the application house and does not share a boundary with 30. There is a separation distance of 34 metres (across the rear garden of no. 54 Park Road) to the garden boundary of no. 30.

56a Park Road

No. 56a sits to the north of the garden building and faces across the rear garden of 56 Park Lane with a separation distance of 24 metres between no. 56a and the garden boundary with 30 Skip Lane.

56 Park Road

This neighbouring house is to the north of 30 Skip Lane with a separation distance of 25 metres between no. 56 and the rear garden boundary with no. 30.

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

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.

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.

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.

Relevant Planning History

03/2156/FL/H4 – Rear games room, conservatory and dormer (amendment to 03/0805/FL/H4) – granted subject to conditions 15/01/04

03/0805/FL/H4 – Rear games room, conservatory, and dormer – granted subject to conditions 02/07/03

Consultation Replies

None

Representations

Objections and comments have been received to the original and amended plans from residents of eight addresses on the following grounds (*officer comment in italics*);

1. Building already in its advanced stages before planning permission is being sought
2. No way commensurate to a garden shed as described
3. Why are sky lights needed when there are two windows? Lighting from the proposed roof lights may be intrusive. The proposed roof lights will cause the sun to reflect brightly into the garden and property at 54 Park Road. Roof lights don't seem appropriate for a shed (*skylights have been removed from the amended proposal*)

4. Untrue that there are no surrounding trees that could be affected (*the case officer has made a site visit and this comment has been noted*)

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5. Some residents will experience difficulty mending or replacing fencing as there is no access (*access for maintenance is not a material planning consideration in this instance. This is a private matter between land owners*)
6. In autumn and winter when the trees are bare the building will be in direct view of the lounge at no. 56a Park Road
7. Interferes with the pleasure and solace enjoyed from the garden at Greenacre
8. Clearly being built as one or two homes and not a shed
9. Large roof and concerns about drainage for neighbouring gardens (*rainwater goods would be a matter for building regulations*)
10. Noise, smell and disruption when the building is in use as the residents have large parties (*the proposal is for a garden shed and any noise issues can be reported to environmental health for investigation by residents*)
11. Saddened that extensive trees and bushes have been felled (*there are no protected trees on or adjacent to this site and development and this is a private civil matter between neighbours*) Tree branches and foliage have been removed to accommodate the development without consultation with neighbours (*this is a private civil matter between neighbours*)
12. Large and overbearing building not in keeping with the area
13. *Huge number of windows which are double glazed (amended plans reduce the proposed number of windows from 6 to 2)*
14. *No drainage survey of the land was carried out and they have cut tree roots (For the scale of development a drainage survey would not be required or be a material planning consideration, rather a matter for the building inspectors)*
15. The historic stream/spring running from the Beacon through the gardens of Beacon Road and Park Road has not been draining as normal
16. The garden at no. 52 Park Road have boggy gardens than normal and the grass lawn is dying clearly pointing towards a change of drainage caused by the tree roots being cut
17. Back wall is too high (*The proposal has been amended including reducing the back wall by 1.26 metres*)
18. Concerns about future use as it could be a house in the garden if gas and water supplies are connected (*The planning application is for a garden shed. The Council must determine the planning application before them, rather than what it may or may not be in the future*)
19. Building regulations should be enforced as this is definitely not a shed (*this development has been referred to Building Control to investigate*)
20. Why has no. 52 Park Road not been notified of the planning application for a huge dwelling (*The proposal is for a garden shed. The national legislation requires the Council to only notify directly adjacent neighbours. No. 52 is not directly adjacent to the application houses and was considered to be far enough from the garden shed development not to be directly affected. Any resident may comment upon any planning application and following initial comment received, this neighbour was subsequently notified of the amended plans*)
21. Impact on privacy for the windows and bedroom balcony of no. 52 Park Road
22. Fail to see how this application can be determined with factually incorrect statements which have not been corrected. Works started in December 2015 rather than April 2016 (*a site visit is made by case officers to all planning applications. In this instance, confirming that trees and shrubs have been removed. The alleged start date is noted and the Council has received conflicting evidence regarding the start on site from neighbours. This has limited weight in the determination of this planning application to regularise the planning position. Operational development must be in situ for 4 years before becoming lawful following the passage of time*)

23. A number of statements by the applicant are misleading and false (*the application form has been completed by a planning agent on behalf of the applicant. It was noted at the site visit trees had been removed. It is noted that neighbours dispute the date that the works initially commenced*)
24. Render cannot be applied retrospectively to the remaining 3 walls
25. Access ramps partly constructed but not shown on the plans and why are two needed
26. The ground floor proposal indicates a rectangular construction yet the dimensions stated belie this: 4000mm x 11950mm x 4500mm x 12450mm which cannot form a rectangle (*the amended plans include both exterior and interior dimensions*)
27. Maximising the extent to which an outbuilding can be accommodated and within centimetres of all 3 surrounding boundaries having a detrimental impact on neighbour's aspects (*The Governments National permitted development rights would allow a land owner to construct a detached garden building up to 50% of the original space around the dwelling. There is no evidence to suggest the proposal would overhang neighbouring boundaries. Should the structure overhang a neighbours boundary, it would be a private civil matter between neighbours*)
28. Contravenes the UDP governing the height of outbuildings and policy GP4 as the development is not in keeping with the stated use (*The Council's UDP development plan does not have a policy governing the height of outbuildings. Following the Government publishing the National Planning Policy Framework [NPPF], UDP Policy GP4 is not in force any more as it was non complaint with the NPPF*)
29. This is more akin with a walk in/out facility than a garden shed/store room (*the use can form part of a planning condition*)
30. The proposed development will give in excess of 140,000 litres of storage space based on scaling to the eaves height of 2.5 metres only. On what basis is this vast amount of capacity requirement justified? (*this is a matter for the applicant and not a material planning consideration in this instance subject to the proposal being acceptable in all other aspects*)
31. Obvious that this construction would never meet the qualifying criteria of permitted development (*It doesn't meet the Governments National Permitted Development Rights, consequently, it requires planning permission from the Council, which is the subject of this planning application*)
32. We have a right to know why an application dated 28/04/16 has taken until June 13th to manifest into a notification of a planning application (*this is a matter between the Local Planning Authority and the applicant and not material to the determination of this planning application*)
33. Fences are party fences between no. 30 and 28 Skip Lane and leaves an issue with fulfilling the requirements of the covenants and not just in relation to no. 28 Skip Lane (*Covenants are private civil matter between land owners and not material planning considerations*)
34. An application to change the use may be submitted at a later date for a use that is not incidental (*The planning application is for a garden shed. The Council must determine the planning application before them, rather than what it may or may not be in the future*)
35. Invades the privacy of no. 54 Park Road as the building directly faces the rear of this house and into the rear garden
36. The submitted plans do not include street view elevations which will further emphasise how the structure is overbearing and invading the privacy of no. 54 Park Road
37. The family at no. 54 Park Road will be the victim of a loss of outlook, loss of sunlight to their rear garden and cast a shadow
38. Detrimental impact on the flora, fauna and wildlife of this semi-rural location (*there are no protected trees in falling distance of the proposal and the site is not designated as a site of local important nature conservation*)

39. More akin to an industrial unit (*the amended plans have revised the design and height of the proposal*)
40. No details as to how the vast space will be divided (*the plans indicate that this building will be a single, open space*)
41. typically a shed would be open to the roof rafters and would have double doors rather than two separate doors (*detached garden buildings can have many different built forms, this is a matter of personal preference for the applicant*)
42. walls are double skinned and insulated but is believed not to have a damp proof course or wall ties (*this is not a material planning consideration in the determination of this planning application and would be a matter for building regulations*)
43. building is visible from all windows of the 56 Park Road and when the trees are bare it dominates the view
44. fence at the rear is in poor condition and is inaccessible for maintenance (*this is a private matter between land owners*)
45. unclear why the applicant failed to seek planning permission before erecting the building (*the Local Planning Authority does not have this information and it is not material to the determination of this planning application*)
46. The shed was started in November 2015 (*Whilst the comment is noted, the Council has received conflicting start dates from neighbours. This has limited weight in the determination of this planning application to regularise the planning position. Operational development must be in situ for 4 years before becoming lawful following the passage of time*)
47. A stop notice and enforcement notice for removal of the building has been served following a site visit by the planning officer (*This is factually incorrect. Neither a stop notice or enforcement notice have been served and the applicant stopped building work and submitted a planning application following the visit by a planning enforcement officer in a bid to regularise the planning position, in line with the Governments guidance for planning enforcement cases of this nature*)
48. damage to boundary fence (*this is a private civil matter and not a material planning consideration*)
49. materials information is incomplete
50. no supporting detailed plans and only one document provided entitled "Plans and Elevation" and the electronic and hard copy are illegible and are inaccurate e.g. the drawing does not identify the cavity walls and floor joists (*the amended plans are considered to be sufficient for the Council to determine this planning application and details of cavity walls and floor joists are not a material planning consideration in this instance*)
51. the rear wall height is 5.5 to 6 metres and significantly higher than shown (*amended plans received reduce the proposed height of the garden building*)
52. the location plan fails to properly identify adjacent properties that are affected disguising the proximity of the building and underplays its adverse impact on multiple properties
53. Building resembles two bungalows (*The planning application is for a garden shed. The Council must determine the planning application before them, rather than what it may or may not be in the future. The use can be conditioned to remain ancillary to the existing house*)
54. structure is twice as large as an average UK house which measures 78 square metres however the shed is 40 times larger (*the floor area of the garden building is 56 square metres which is less than 78 square metres*)
55. overpowering, intrusive and undermines the use and enjoyment of the garden at 29 Beacon Road and the problem would worsen if planning permission was granted
56. will hazardous or flammable materials be stored (*this is not a material planning consideration in this instance and there is no evidence to suggest that this will be the case*)

57. a devastating impact on 29 Beacon Road
58. more visible to neighbours' than the applicant with the smallest wall nearest to no. 30
(the siting of the garden building is a matter for the applicant and the planning application is assessed as submitted and amended)
59. view from rear windows of 29 Beacon Road and enjoyment harmed
60. properties in this area of Walsall are exclusive and scenically highly attractive and this building undermines its surroundings and key characteristics of the area *(this development is not visible from public vantage points and the design is considered as part of the planning assessment)*
61. Real danger of setting an undesirable precedent and causes environmental concerns *(Each householder can utilise the Governments National Permitted Development Rights to construct garden buildings. Planning applications are determined on the merits of the individual case without setting a precedent and environmental impacts that fall within planning legislation are considered as part of this assessment)*
62. unknown whether underground pipes or mains have been laid or the condition of the foundations and whether these are safe *(these concerns are not a material planning consideration and will be a matter for building regulations to consider)*
63. concerns of a risk of collapse as no planning or building regulations input *(this matter has been referred to Building Control Officers)*
64. Quality of workmanship *(not material to the determination of a planning application. This is a matter for the land owner themselves)*
65. unknown whether the adjacent land has been contaminated *(no evidence of contamination has been provided and consequently little weight can be afforded to this comment)*
66. Respectfully request the planning department orders the demolition of the structure and the making good of the damage to the fence along 29 Beacon Road. Replacement of trees, hedges and shrubbery destroyed during the erection of the building and removal of felled trees and debris *(The Council must determine the planning application on its merits. Should the application be refused, the land owner has the right of appeal. Should this appeal be refused, the Council would need to consider whether the demolition of the building is appropriate through the enforcement powers or whether the land owner amends the garden building to meet the Governments National permitted development rights)*
67. no revised application form has been submitted with the revised drawings *(sufficient information has been submitted which when coupled with the case officer's site visit to determine this planning application)*
68. the amended plans do not accurately show the ground position of the building as the applicant first built up the base height of the building *(the Council assesses the proposal as submitted and as seen on site which forms the basis of the planning application)*
69. concerns about the depth and quality of the foundations which are deemed to be inadequate and photographs were provided with the letter dated 1/7/16 *(this is a matter for a building regulations application)*
70. the size of the wall is underplayed and is the size of a wall to a detached bungalow *(dimensions are shown on the scale drawings and the application is determined from the amended plan and a site visit)*
71. wider than the bungalow at 29 Beacon Road *(each planning application is assessed on its own merits and this development is smaller than other garden buildings that have been built in the borough using the Governments National permitted development rights)*
72. revised drawing does not correctly show the pitched roof height which is considered will be far too extensive than that shown and worsening the impact on no. 29 Beacon

Road (*dimensions are shown on the scale drawings and the application is determined from the amended plan and a site visit*)

73. the true pitch of the roof will be greater than shown (*the amended plan shows the roof pitch of the proposed development and any variation to this, if approved, may become vulnerable to enforcement action if considered expedient*)
74. Small changes do not improve the situation
75. Significantly taller than the fence at no. 29 Beacon Road (*this comment is noted but any structure is likely to be taller than a fence, including a structure built utilising the Governments National permitted development rights*)
76. Drawings wrongly understate the height actual height and length of the building and the true measurements are higher (*the site has been visited and the decision will be based on the heights shown on the amended plans*)
77. Only the lower heights have been included on the drawing and the extreme heights have been deliberately left off which is misleading and obfuscated. Cannot be reliably validated against what is being claimed in the proposed plans (*the amended plans are scale drawings and if approved, any variation may become vulnerable to enforcement action if considered expedient*)
78. Height of the right side of the building has been missed off and will be 4 metres which is wholly excessive and extreme (*the plans are scale drawings and key measurements have been shown*)
79. An abuse of process by the applicant as it is understood an enforcement notice has been served to take down the whole of the building in April 2016 and has been given ample opportunity to act (*this is incorrect and an enforcement notice has not been served*)
80. If a shed is to be allowed it should not exceed permitted development allowances (*If the garden building met the Governments National permitted development rights, there would be no need for a planning application to be determined by the Council or to notify adjacent neighbours, or to be able to condition the use of the building*)
81. Out of keeping with its surroundings (*the garden building is not visible from the public realm*)
82. Not in keeping with the Unitary Development Plan for the Park Hall Estate and would have a significant negative impact on neighbouring houses (*there are no specific UDP development plan policies for the Park Hall Estate*)
83. Amended plan only shows changes to roof height and one tree only (*the applicant was asked to reduce the height and roof design of the proposed development*)
84. Not a typical garden shed and includes drain pipes and has this question been asked by officers and planning committee (*The addition of rainwater goods is not a material planning matter on garden buildings*)
85. Why are re-submitted plans showing incorrect date stamps of April 16 when they were submitted in July 16 (superseded) and August 16? (*Initial plans were submitted on 29/4/16 with amended plans provided on 28/7/16 and revised again on 31/08/16. Planning is a process and revisions to drawings may be provided a number of times until the final determination is made*)
86. Why do the re-submitted plans from July 16 state for the Rear Elevation Proposed: "Existing 1.8m high fence and trees removed by neighbours not applicant"? to then be withdrawn from the August 16 plan (*this is an update made by the planning agent and as these comments relate to a private civil matter they are not a material planning consideration*)
87. No materials, specifications for the sub-base, footings and/or concrete raft to support a not inconsiderable construction (*this is not a material planning consideration. It is a matter for building regulations*)

88. Soffits, fascia and rainwater guttering and installation requirements of the Forticrete roof tiles (which as a minimum must project 50mm over the fascia board) would breach the boundaries on all three sides and so cannot be accommodated (*boundary issues are a private civil matter between neighbours*)
89. Forticrete Centurion roof tiles have a limited use below a pitch of 12.5 degrees with a minimum pitch of 10.5 degrees. This proposal is 10 degrees and the manufacturers guidelines cannot be met (*this is a garden shed and the suitability of the roof tiles is a matter for the owner not a material planning consideration. However the manufacturers guidance states that Centurion Low Pitch Roof Tiles can be laid as low as 10 degrees*)
90. Historic loss adjuster claims show that even where adhering rigidly to manufacturers installation guidelines roofs as low as 10 degrees are prone to water ingress and are not recommended (*not a material planning consideration*)
91. Materials are being specified on the Front Elevation drawing on the basis of Local Authority standards for residential properties but this is meant to be an outbuilding (*the Local Planning Authority has no policies or guidance for materials used in out-buildings. It is a matter to consider given the location and building type*)
92. Not clear to where Render to local authority sample approval will be applied and should be stated clearly on the plans
93. No details of any drainage...how will this be collected and taken away (*not a material planning consideration*)
94. Residents affected by this proposal still have not been provided with any explanation or mitigation as to why the applicant has progressed with the build to its present height of c4.5m without the required planning consents and subsequently submitted a retrospective application with a number of false statements (*it is not for the Local Planning Authority to explain the applicants intentions or actions and there is nothing in planning legislation to prevent anyone building before obtaining planning permission. To do so would be at the owners own risk*)

Determining Issues

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

Observations

Design of Extension and Character of Area

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

This garden building could not be built using current Permitted Development allowances because it is 0.54 metres taller than the permitted development rights allow for a structure in this position. The submission of a retrospective planning application allows the Local Planning Authority to assess the proposal and apply conditions if they are considered to be appropriate and reasonable. Householder permitted development allows in most instances for a garden structure to be built up to 2.5 metres high when measured from the natural ground level (at its highest natural ground level point), within 2 metres of a boundaries.

The amended proposal would reduce the height of the existing structure to 3.04 metres when measured from the highest ground next to the building. The ground level slopes down to a lower level which would give a height of 3.7 metres on the western elevation.

The garden building, if measured 2.5 metres high (on the highest ground point) would have been within the size and location constraints of Schedule 2 Part 1 Class E *buildings etc. incidental to the enjoyment of a dwellinghouse* of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The fall-back position for the applicant is that if this planning application is refused planning permission, they could their building by 0.54 metres in height than the current proposal to meet the National permitted development allowances. Consequently, the determination of this planning application is whether the additional 0.54 metres in height beyond that of permitted development rights, does it have significant impact on the character of the area to warrant refusal of the planning application.

The rear elevation of the garden building is of brick and is considered to be of a reasonable standard. The side elevations are of breeze block and are mostly screened by existing trees and planting whilst the front elevation would have a render applied.

Overall, it is considered, when taking into account the permitted development fall-back position, the harm to the character of the area is not significant enough to warrant refusal of the planning application. Turning to the design of the garden building which is of a simple utilitarian nature, it is considered that the building reflects the simple nature of a traditional garden building and any perceived harm is not sufficient to warrant refusal of the planning application for design.

Amenity of Nearby Residents

The garden building sits to the north and is separated by a distance of 18 metres from ground floor rear habitable room windows in no. 29 Beacon Road. This orientation is considered limits the impact on neighbours' existing light available to rear windows and the garden area once the garden building is reduced by 0.54metres.

Whilst it is recognised, that the loss of planting along the rear boundary has changed the visual amenity of the occupiers of 29 Beacon Road and replaced it with a brick garden building, that will be reduced by 1.26 metres. It is considered that this change and its impact is limited by the 18 metre separation and reduced height of the garden building. In coming to this conclusion, the Council has taken into account the applicant's fall-back position of permitted development rights to build a structure next to the boundary without planning approval that would still be taller than the existing fence and visible to the occupiers of number 29.

Neighbours at no. 29 Beacon Road have objected stating that this development would be overpowering, intrusive, and has a devastating impact on the use and enjoyment of the rear garden. Appendix D of Designing Walsall Supplementary Planning Documents recommends a minimum separation distance of 16 metres between habitable room windows and blank walls in excess of 3 metres high and this development would meet this guidance. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

It is considered that this difference in height between permitted development rights and the reduced garden building in this planning application, the separation distance exceeding the Council's SPD annex D guidance would not have a significantly worse impact on neighbours' amenity at no. 29 Beacon Road to sustain a refusal in this instance. Considering the loss of foliage from the rear boundary of number 29 is disappointing. Unfortunately, as this foliage was not protected, it is outside the scope of the Council to pursue. This is a private civil matter between land owners to resolve and secure some form of replanting which may soften the visual appearance of the garden building.

The northerly orientation of this development and separation distances of 24 and 25 metres from rear habitable room windows in no's 31 and 27 Beacon Road respectively is considered would result in this proposal having little additional impact on neighbours' existing light and amenity. These separation distances exceed minimum separation distances of 16 metres between habitable room windows and blank walls in excess of 3 metres high as referred to in Appendix D of Designing Walsall.

The 20 metres separation distance between rear facing habitable room windows and the adjoining rear garden boundary with 30 Skip Lane is considered to be sufficient to prevent this proposal having a detrimental impact on neighbours existing light and amenity.

Numbers 52, 54, 56a and 56 Park Road sit to the north of the proposed development with separation distances from the rear garden boundary of 30 Skip Lane in excess of 24 metres. These distances between rear facing habitable room windows and the rear garden boundaries with 30 Skip Lane are considered to be sufficient to prevent this proposal having a detrimental impact on neighbours existing light and amenity. Existing planting along garden boundaries of houses on Park Road and Skip Lane provides screening and although deciduous trees will be bare during the winter it is considered that this impact will be offset by the separation distance in excess of 24 metres.

The separation distance of 40 metres between rear habitable room windows and the bedroom balcony at 52 Park Road to the garden building exceeds the minimum recommended separation distance of 24 metres, as referred to in Appendix D, between facing habitable room windows by 16 metres. However as this is a non-habitable structure it is considered that the impacts on neighbours' privacy will be limited.

The separation distance of 43 metres between rear habitable room windows at 54 Park Road to the garden building exceeds the minimum recommended separation distance of 24 metres, as referred to in Appendix D, between facing habitable room windows by 19 metres. However as this is a non-habitable structure it is considered that the impacts on neighbours' privacy, outlook and sunlight will be limited.

Planning guidance protects neighbours' habitable room windows from the impacts of developments as outlined in Appendix D of Designing Walsall however impacts on the light available to gardens and shading to gardens does not form part of this guidance.

The separation distance of 48 metres between rear habitable room windows at 56 Park Road to the garden building would be more than twice the minimum recommended separation distance of 24 metres. However as this is a non-habitable structure it is considered that the impacts on neighbours' privacy, outlook and sunlight will be limited. There is no right to a private view in current planning legislation.

The garden building is located within a rear garden and is not visible from street. The provision of a street scene drawing would confirm that the proposal is not visible from the street.

The use of the outbuilding can be conditioned to be incidental to the residential use of the existing dwelling house to protect neighbours amenity. As there is no independent access to the building and access can only be secured through the main house, there is no evidence to suggest that this structure would be used as living accommodation.

The proposal has been assessed in relation to Policies GP2 Environmental Protection and ENV32 Design and Development Proposals of the UDP and is considered accords with the aims and objectives of relevant Council policy and guidance. The UDP does not specifically govern the height of buildings. Permitted Development allowances detailed Schedule 2 Part 1 Class E *buildings etc. incidental to the enjoyment of a dwellinghouse* of the Town and Country Planning (General Permitted Development) (England) Order 2015 specify height criteria but each planning application is assessed on its own merits.

Following the publication of the National Planning Policy Framework UDP Policy GP4 was not saved and is not in force anymore.

Any steps, decking or access ramps not included on the proposal require planning permission if these are in excess of 300mm high.

The floor area of the garden building exceeds the limit of 30 square metres threshold for requiring Building Regulations. This matter has been referred to Building Control Officers separately.

The application house and neighbouring houses on Park Road, Skip Lane and Beacon Road are not located with a Flood Zone. Neighbours concerns about land drainage are noted. These issues are of a private civil nature. Residents may contact the Agricultural Land Tribunal if flooding is being caused by inadequately drained land as the tribunal has powers (under the Land Drainage Act 1991) to give authorisation to carry out works on a neighbour's land in order to protect their property. It is currently free to make an application to the Agricultural Land Tribunal. Flooding can also in certain circumstances be found to be a "nuisance" under common law leaving open the opportunity for civil law proceedings.

The Council's assessment of planning applications includes an officer site visit to assess the relationship between the proposal and neighbouring properties, plus utilises map based software which details the position of all neighbouring houses when assessing planning proposals.

Neighbours comments requesting the demolition of the garden building are noted. The applicant has submitted a planning application for an amended scheme for assessment there is no reason to require demolition of this building unless there is a genuine environmental impact to justify demolition. Should the planning application be refused, the applicant may appeal the decision. If this is refused and the Council chooses to pursue enforcement action, the Council would only be able to pursue the reduction of the structure to meet permitted development rights.

Whilst residents believe the facts to be different the Council has to take the application at face value.

The comments made by neighbours have been noted and have formed part of the assessment of this proposal.

Conclusion

In considering this planning application, the Council has taken into account, residents' concerns, the location of the garden structure, the land levels and that the amended structure would be 0.54metres higher than permitted development rights. The retention of the revised retrospective garden building is considered to be acceptable in this instance particularly as this is not visible from the public realm and would be 0.54 metres higher than current permitted development allowances.

In this instance whilst the development would be 0.54metres higher than permitted development allowances it is considered the height difference would not significantly worsen the situation over and above the land owner using permitted development. Consequently it is considered that the proposed development is acceptable and is recommended for approval subject to conditions.

The matters of the loss of foliage along the boundary with number 29 and the maintenance of the fence are private civil matters outside the scope of the planning legislation that the occupier of number 29 Beacon Road will need to pursue separately.

Positive and Proactive working with the Applicant

Officers have spoken with the applicant's agent regarding discrepancies on the submitted drawings and these concerns have been addressed.

Recommendation: Grant permission subject to conditions

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

- Plan and Elevation Proposed Garden Shed/Store room drawing no. 01 Issue B, deposited 31/08/16

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

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

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

3: The garden building shall remain ancillary to the existing dwelling and shall not include any kitchen or cooking facilities at any time and shall not be used as an independent living unit or utilised for business or community purposes at any time.

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

Note for Applicant

Notwithstanding the information provided any raised decking, ramps, platform or steps to provide access into the garden building in excess of 300mm high will require planning permission.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 14.

Reason for bringing to committee: Contrary to Policy

Location: 23, RESERVOIR CLOSE, WALSALL, WS2 9TH

Proposal: TWO STOREY SIDE EXTENSION AND LOFT CONVERSION.

Application Number: 16/1168

Applicant: MR C ALLEN

Agent:

Application Type: Full Application

Case Officer: Jenny Townsend

Ward: Pleck

Expired Date: 12-Oct-2016

Time Extension Expiry: 10-Nov-2016

Recommendation Summary: Grant Permission Subject to Conditions



This application is for extensions to an end of terrace house that would add a porch and a two storey side extension that would include a family room, new kitchen at ground floor with a bedroom and ensuite shower room built above. The loft is to be converted to create a 4th bedroom and a further bathroom. The original plans proposed dormer windows to the front and rear roofslopes to serve the new loft rooms but these have now been omitted and amended plans received which proposed velux windows in the roof instead.

The application site is in a residential area at the end of a cul-de-sac of similar styled houses and bungalows. The house is in a terrace of three which is set at an angle to the turning area of the cul-de-sac and backs onto an embankment approximately 6 metres high which runs along the full length of the western side of Woodward's Close.

The existing garden at the house is mostly to the side next to number 25 Reservoir Close with the rear garden triangular in shape and a maximum of 5 metres long adjacent to the boundary with number 21 reducing to approximately 1.5 metres at the corner of the house. The rear and side garden is approximately 62.5 m² and the plans state that the total garden area remaining after the extension is built would be 36m².

There is a 2 metre high fence along the rear boundary at the top of the embankment and the whole of the front driveway is paved.

The application house is a plain design with a gable roof and a flat roofed porch to the side over the main access door. A sloping canopy over the bay window and front door has been added across the full width of the front elevation of the middle house, number 21 Reservoir Close.

The proposed porch would be 0.8 metres deep, 1.7 metres wide and have a sloping roof over. A bay window is proposed at ground floor to the front of the side extension and the sloping roof would be continued over this.

The two storey part of the side extension would be in line with the existing front wall of the house with the rear 1.4 metres forward from the existing rear wall of the house. The extension would be 3.4 metres wide with a gable roof the same height as the existing roof.

A triangular shaped single storey section is proposed to the side of the two storey extension that would follow the angle of the side boundary next to number 25 but would be set in 0.9 metres from the 1.8 metre high boundary fence. This section would be parallel with the side wall of number 25 and would have a 3.1 metre high flat roof.

Number 25 is a bungalow and lies to the south and forward from the rear corner of the application house. There is a habitable room window on the rear and a 1.0 metre wide gap to the side next to the boundary.

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 SPD are consistent with the NPPF.

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

Relevant Planning History
None.

Consultation Replies

None.

Representations

None.

Determining Issues

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

Observations

Design and Character of Area

The design of the extension would be compatible with the existing house and would merely lengthen the existing terrace of houses. The repositioned porch and front bay window with sloping roof over would reflect the roof shape of the main house and would be similar to that added at the front of the neighbouring house number 21.

The position of the house in the corner of the cul-de-sac and angled back from the front of the line of bungalows results in the proposed single storey part of the extension being barely visible from the road and is considered would have little impact on the appearance of the house or the area.

The insertion of velux windows in the original roof slopes of the house would be permitted development. The velux windows proposed in the extension would follow the slope of the existing roof and are considered would not unduly harm the appearance of the house or the area.

The remaining garden area would be 36m² which is approximately half of the size normally required by policy. However consideration has been given to the fact that the existing rear and side garden is already less than the 68m² required by policy and the applicants have chosen to reduce their available outdoor space in preference to maximising internal space to accommodate family needs. On balance and in this context, it is considered that the reduction in the side part of the garden would not significantly harm the character of the area as the rear gardens in this part of the Close are already smaller than average.

Amenity of Nearby Residents

The proposed extension would be to the north of the bungalow, number 25 and would comply with the 45 degree code measured from the quarter point of the nearest habitable room window on the rear of number 25.

There would remain almost 2 metres between the single storey part of the extension and the side of number 25 with the existing tall fence remaining on the boundary between them. On

balance and in this context it is considered that the proposed extension would have little impact on the light, outlook or amenity of the occupiers of number 25.

The extension would not project beyond the rear of the existing house and would have no impact on the amenity of the occupiers of number 21, the adjoining house.

The new first floor windows on the rear elevation would be closer to the garden of number 25 than the existing first floor windows at the application house but the closest window is to a non habitable room (ensuite) and the next window is a secondary one to the new bedroom. It is considered that the new windows would have little additional impact on the privacy of the occupiers of number 25 sufficient to warrant refusal of the application for this reason alone.

The velux windows proposed in the roof slope of the extension would serve a bathroom which is a non habitable room and is considered would have little impact on the privacy of the neighbouring properties or vice versa.

Parking

The existing paved front driveway would provide 3 parking spaces which would accord with UDP policy for a house with 4 or more bedrooms.

Positive and Proactive working with the applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding design, amended plans omitting the proposed dormers on the front and rear have been submitted which enables full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

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

Existing elevations and floor layout plans drawing 1675.1 deposited 18 August 2016;
Proposed elevations and floor layout plans drawing 1675.2A deposited 17 October 2016;
Location plan, block plan, proposed second floor layout and roof plan drawing 1675.3A deposited 17 October 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 those which are used in the existing building as it exists at the date of this permission, 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.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 03-Nov-2016

Plans List Item Number: 15.

Reason for bringing to committee: Significant Community Interest

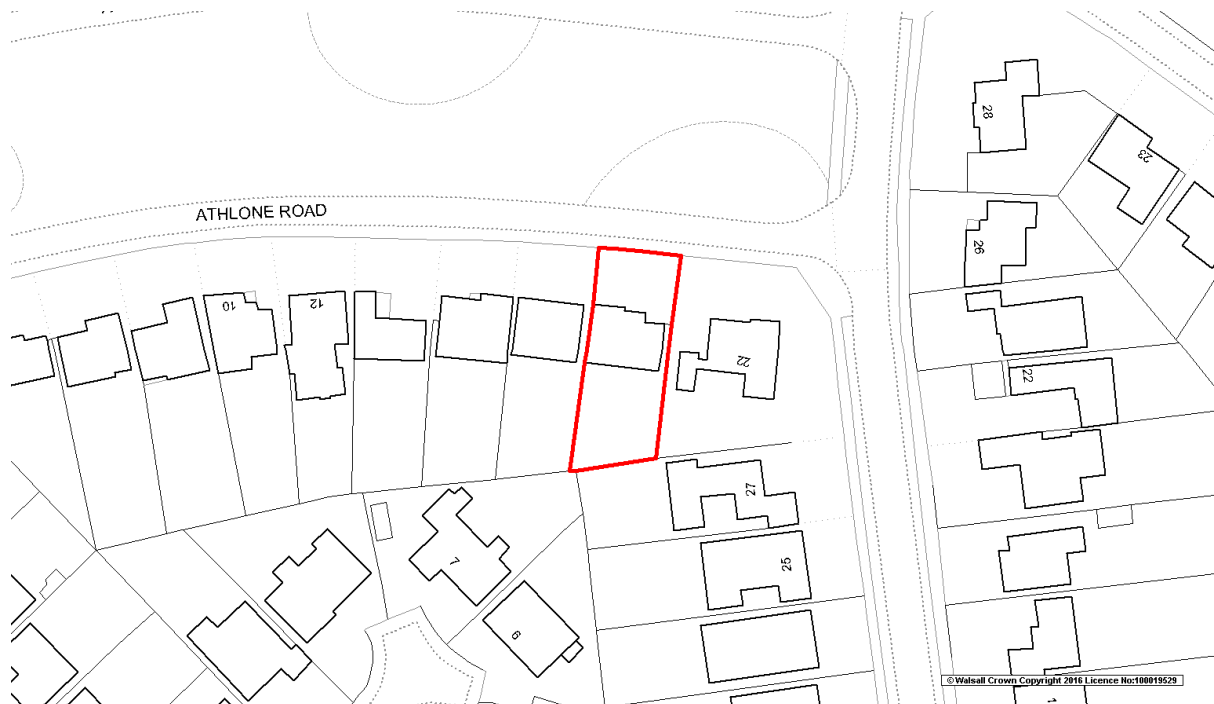
Location: 20, ATHLONE ROAD, WALSALL, WS5 3QX

Proposal: SINGLE AND TWO STOREY REAR EXTENSIONS (AMENDMENT TO APPLICATION NO. 15/0321/FL TO INCREASE THE SIZE OF THE PROPOSED FIRST FLOOR EXTENSION)

Application Number: 16/0783
Applicant: Mr Bobby Verma
Agent: Anthony Spruce
Application Type: Full Application

Case Officer: Helen Smith
Ward: Paddock
Expired Date: 25-Aug-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application seeks consent for an amendment to the previously approved scheme (15/0321/FL), which was approved by 11/06/15 Planning Committee subject to conditions.

The 11/06/15 (15/0321/FL) committee report assessed the merits of the overall proposed scheme. This report will focus upon the proposed amendments to the overall scheme.

This proposal would increase the width and the height of the approved first floor extension to enlarge an existing bedroom and bathroom.

The approved first floor gable roof has been amended to show a pitched roof with a ridge height which would match the height of the existing house. The proposed width of the extension would increase from 6.4 metres to 8.3 metres. The proposed depth would remain at 3.5 metres.

Two rear facing bedroom windows and a bathroom window would be installed at first floor and the existing second floor rear facing window would be removed.

The length of the remaining rear garden at no. 20 (excluding the rear garden at no. 18) would be 14 metres with an area exceeding 68 square metres at 86 square metres.

Neighbouring properties are as follows;

22 Athlone Road

This is a bungalow with a garage to the side nearest to no. 20 and has a side facing, secondary lounge, French windows opposite the shared side boundary with 20.

18 Athlone Road

This house has a rear conservatory near to the shared boundary with no. 20 and a bedroom window above. This house is approximately 0.5 metres lower ground level than no. 20. Garden fencing between no's 18 and 20 has been removed to create a shared amenity area for these two houses.

7 & 6 Connaught Close

The proposed first floor extension would face no's 7 and 6 Connaught Close across separation distances of 27.5 and 36 metres respectively. No's 6 and 7 are bungalows which are to the south west of 20 Athlone Road and face the rear elevation of the application house at an oblique angle.

27 Greaves Avenue

This a bungalow with rear facing habitable room windows at right angles to the application house.

Relevant Policies

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf **National Planning Policy Framework (NPPF)** www.gov.uk

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

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

- Find ways to enhance and improve places in which people live their lives
 - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Key provisions** of the NPPF relevant in this case:
- **NPPF 7 - Requiring good design**

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 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 Black Country Core Strategy (BCCS) (2011)

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

The relevant policies are:

CSP4: Place Making

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.

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 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 SPD

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.

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 SPDs are consistent with the NPPF.

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

15/0321/FL – Single and two storey rear extensions – granted permission subject to conditions 12/06/15

12/1582/FL – Retrospective – Single storey side extensions to no's 18 and 20 Athlone Road to provide access to both properties – refused permission on 5/4/13 and allowed on appeal by the Planning Inspectorate on 21/8/13 (reference: APP/V4630/D/13/2200671)

12/1365/FL - Ground floor side extension, roof extension and first floor rear extension at 20 Athlone Road - refused permission 5/4/13 as the cumulative increase in building mass would have a detrimental impact on the appearance of the existing house, neighbours' amenity and views from Greaves Avenue.

12/0738/FL - Two storey rear extension and front first floor extension with first floor link bridge to 20 Athlone Road - refused permission on 16/08/12 on the grounds that the proposed flat roofed first floor link bridge have a detrimental impact on the appearance of the existing house and would be out of character with the street scene.

12/0733/FL - First floor rear extension and loft extension with first floor link bridge to 18 Athlone Road, Refused 16/08/12 and an appeal was allowed on 21/08/13

BC36435P – Kitchen and lounge extension to rear with 2 additional bedrooms at first floor to side and canopy to front – granted permission subject to conditions on 30/7/92

BC38858P – Covered way, laundry and storeroom, pitched roof over existing rear extension – granted permission subject to conditions – 14/10/93

Consultation Replies

Transportation – No objections

Representations

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

- Proposal allows greater unfettered visibility from the first floor and higher over the back garden on 22 Athlone Road having a detrimental impact on privacy
- No. 22 Athlone Road is a bungalow which does not allow recourse to assuage the unfavourable effect upon privacy
- The fitting of a side window is considered likely because it has previously occurred (*the installation of this roof light would have been permitted development and did not require the submission of a planning application*)
- Density leaves little rear garden and may set a precedent for other developments (*planning applications are assessed on their own merits*)
- Visual appearance is not good with so many large windows on the third floor (*the existing "third" floor rear facing window would be removed as part of this proposal*)
- Getting nearer to the boundary with Connaught Close (*the depth of the proposed first floor extension is no greater than the previously approved extension*)
- Parking a problem on Athlone Road as driveways not large enough to take all cars
- Current size of the property is enormous and overbearing on bungalows at the rear (*the proposed extension is not dissimilar from other extensions that have been considered in the surrounding area*)
- The boundary line will be reduced making less area for their children to play in which means the noise from playing will be closer to my property thus invading their privacy (*the existing boundaries would not change as a result of this proposal and the proposed extension does not affect the amenity space and is considered would not result in any increased level of noise and disturbance over and above that expected for a residential dwelling*)

Determining Issues

Material changes in planning circumstances

- Conditions

Observations

Material changes in planning circumstances

The principle of the development, design, character of the area and the impact on the amenity of nearby residents were considered acceptable and appropriate when assessed for

planning application reference 15/0321/FL and was in accordance with current planning policy and guidance. This report will focus upon the proposed amendments to the scheme.

The increased width of the approved first floor extension by 1.9 metres and the increased roof height by 1.5 metres to match the roof form and height of the existing house are considered to be changes that would reflect the design of the existing house and particularly when viewed from public vantage points on Greaves Avenue.

The rear elevations of the application house and those at no's 18 and 22 face south and it is considered that the orientation of the proposed first floor rear extension would have a limited impact on neighbours' existing light and amenity.

No side facing windows are proposed for the first floor extension which is considered would not increase overlooking of the rear garden of no. 22 Athlone Road as the application house already has a rear bedroom window closer to the shared boundary than those proposed for this extension.

No's 6 and 7 Connaught Close are positioned to the south of no 20. It is considered that the angled position of these bungalows, in relation to the rear elevation of no. 20, and the habitable room window to window separation distances of 27.5 (no. 7) and 36 (no. 6) metres would limit the impact of this proposal on neighbours' visual amenity and privacy. This amendment would not extend any closer to no's 6 and 7 Connaught Close than the previous approval in 2015.

This extension would exceed the Council's minimum recommended habitable room window to window separation distance as referred to in Appendix D of Designing Walsall SPD. This advice is the Council's tool to guide development and planning applications in relation to neighbour's privacy.

The rear facing habitable room windows in no. 27 Greaves Avenue are at right angles to the application house and it is considered this proposal would have little additional impact on neighbour's privacy.

The proposed changes are considered would have a limited impact on neighbours' amenity and existing light beyond the previous approval.

The length of the remaining rear garden at no. 20 (excluding the rear garden at no. 18) would be 14 metres with an area of 86 square metres. This provision exceeds the minimum guidance for private amenity space referred to in of Appendix D Designing Walsall SPD.

This proposal would enlarge an existing bedroom and consequently no additional off-street parking provision would be required. There is provision for the off-street parking of at least three vehicles on the front hard-surfaced driveway which meets the requirements of UDP Policy T13. There are no Highway objections to the proposal.

Conditions

The previously approved conditions remain relevant to the current proposal and their retention is recommended subject to an amendment to Condition no. 2 in respect of revised plans.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised as the plans detailed the earlier approved extension as built when this is not the case. Amended plans have been submitted which enable full support to be given to the scheme.

Recommendation: Grant permission subject to conditions

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

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

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

- Proposed Single and First Floor Rear Extension, drawing no. 1745A, deposited 03/10/16
- Existing and Proposed East Side Elevation, deposited 18/05/16

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: 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.

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no additional second floor (*above first floor*) rear or side facing windows or doors or rear facing windows in the single storey rear extension, 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.