



Walsall Council

PLANNING COMMITTEE

Thursday, 10 March 2022 at 5.30 pm

In the Council Chamber at Walsall Council House

Public access to meeting via: <https://youtu.be/7oEYFQSMZvc>

MEMBERSHIP:

Councillor M. Bird (Chair)
Councillor G. Perry (Vice Chair)
Councillor G. Ali
Councillor B. Allen
Councillor P. Bott
Councillor S. Cooper
Councillor S. Craddock
Councillor C. Creaney
Councillor A. Harris
Councillor A. Hicken
Councillor K. Hussain
Councillor J. Murray
Councillor A. Nawaz
Councillor M. Nazir
Councillor W. Rasab
Councillor I. Robertson
Councillor S. Samra
Councillor M. Statham
Councillor A. Underhill
Councillor V. Waters

QUORUM:

Seven Members

AGENDA

PART I – PUBLIC SESSION

1. Apologies.
2. Declarations of Interest.
3. Minutes of the previous meeting – 10th February, 2022 – Copy **enclosed (pages 6 – 23)**
4. Deputations and Petitions.
5. **Local Government (Access to Information) Act 1985 (as amended):**

To agree that, where applicable, the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
6. Application List for Permission to Develop:
 - a) Items subject to Public Speaking;
 - b) Items 'Called-in' by Members
 - c) Items not subject to 'Call-in'

- Copy **enclosed (Pages 24 – 247)**
7. Development Management Performance Update – report of the Head of Planning and Building Control – Copy **enclosed (pages 248 – 263)**

PART II – PRIVATE SESSION

8. Development Management Performance Update – Table 3 only – Copy **enclosed (pages 264 – 273)**

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

The Relevant Authorities (Discloseable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

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

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

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

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

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

PLANNING COMMITTEE

10 February 2022 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor M. Bird (Chair)
Councillor G. Perry (Vice Chair)
Councillor G. Ali
Councillor P. Bott
Councillor S. Cooper
Councillor S. Craddock
Councillor C. Creaney
Councillor A. Harris
Councillor A. Hicken
Councillor K. Hussain
Councillor J. Murray
Councillor A. Nawaz
Councillor M. Nazir
Councillor W. Rasab
Councillor I. Robertson
Councillor S. Samra
Councillor M. Statham
Councillor V. Waters

In attendance:

Ms P. Venables – Director of Regeneration & Economy
Ms A. Ives – Head of Planning & Building Control
Mr M. Brereton – Group Manager – Planning
Ms S. Wagstaff – Principal Planning Officer
Ms A. Scott – Senior Planning Officer
Mr C. Gibson – Regeneration Officer, Trees
Ms L. Wright – Principal Planning Officer
Mr J. Grant – Environmental Protection Manager
Mr R. Ark – Senior Environmental Protection Officer
Ms K. Moreton – Head of Highways & Transport
Ms. A. Sargent – Principal Solicitor
Ms D. Smith – Senior Legal Executive
Dr P. Fantom – Democratic Services Officer
Ms S. Lloyd – Democratic Services Officer

15/22

Apologies

Apologies for absence were submitted on behalf of Councillors B. Allen and A. Underhill.

16/22 **Declarations of Interest**

The following declarations of interest were made:

Councillor M. Bird declared an interest in Agenda item 6 – Plans List Item No. 10 – Application Number 21/1458 – 123 Leighswood Avenue, Aldridge, Walsall, WS9 8BB. Councillor Bird confirmed that he and the applicant's father had previously had a company together.

Councillor S. Samra declared an interest in Agenda Item 6 – Plans List Item No. 8 – Application Number 21/0971 – 48 Mellish Road, Walsall, WS4 2EB. Councillor Samra confirmed that whilst he did not know the applicant, the property concerned was in proximity to his own place of residence.

17/22 **Minutes**

Resolved:

That the Minutes of the meeting held on 6 January 2022, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

18/22 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

19/22 **Local Government (Access to Information) Act 1985 (as amended)**

Exclusion of the Public

Resolved:

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

20/22 **Application list for permission to develop**

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

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

PLANS LIST ITEM NO. 10 – Application number 21/1458 – Proposed first floor side extension, loft conversion and roof replacement and garage conversion at 123 Leighswood Avenue, Aldridge, WS9 8BB

Councillor M. Bird, having declared an interest in this item, left the room during its consideration and neither participated in the discussion nor voted.

In Councillor Bird's absence, the meeting was chaired by the Vice-Chair, Councillor G. Perry.

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

The Presenting Officer was Ms S. Wagstaff, Principal Planning Officer, who advised the Committee of the background to the report and highlighted the salient points contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out in the tabled supplementary paper.

The Committee welcomed the first speaker on this item, Mr D. Callaghan, who wished to speak against the application.

Mr Callaghan's family had lived at 121 Leighswood Avenue for 30 years and he stated that both 121 and 123 were traditional detached properties. He highlighted that there were inaccuracies in the existing 3-D street view, which transposed onto the projections. There were no width measurements on the plans and whilst highlighted, no amendments to the plans were made. Regarding the street view, all properties in the Avenue with first floor garage extensions had garages adjacent to them; whereas what was proposed did not. It would be overbearing, overdeveloped and would look out of place relative to the street scene. The garage and proposed first floor extension would lie flush with the front of his property causing a terracing effect, and this would further emphasise the closeness of the side elevation to his property. This was only 200 mm (as indicated in a planning report dated 4 February), and would prevent future maintenance to that side of his detached property. The shape of the roof, modified (and not in keeping with the street scene), with no guttering, would still be overbearing and, due to the closeness and height of the roof, water would flow onto his roof resulting in further problems to the property. Rear garden light would also be compromised. He expressed dismay that the proposed build would be so close to his property and requested a deferral so that a site visit could be arranged.

The Committee welcomed the second speaker on this item, Ms D. Day, who wished to speak against the application.

Ms Day asserted that the plans submitted did not provide a true representation of the impact the proposal would have on Mr Callaghan's property, and on the Avenue itself. She had conducted a site visit and urged deferral pending a site visit being carried out. Reference was made to the variety of housing as shown in the street scene, with a number of properties having extensions to the side with varying styles and gaps to the boundary; however, no gap would be evident to the side of this extension and it would give rise to boundary issues.

She emphasised that Mr Callaghan was not against the building of an extension; he sought an amendment to avoid the terracing effect, to enable maintenance of his property and for the extension to be in keeping with the other properties in the area.

The Committee welcomed the third speaker on this item, Mr J. Malkin, who wished to speak in support of the application.

Mr Malkin maintained that the proposed alterations to Mr Moran's property were acceptable in planning terms, with the design sitting acceptably alongside the character of the existing dwelling and the mixed context of the area. He noted that Mr Moran had worked with the officers to meet the requirements to ensure the extension allowed for a set in from the boundary at first floor level to protect the amenities of neighbouring residents and remove the terracing effect. A separation distance to the properties of 33.5 m would alleviate overlooking and the 45-degree code had not been breached with there being no loss of light or overbearing impacts on neighbouring properties. Three parking spaces would be provided at the property. He argued that the majority of comments raised non-material planning considerations not relevant to the determination of the proposal. Further to the comments of Mr Callaghan, he asserted that the plans were correct, to scale and readily available.

The Committee welcomed the fourth speaker on this item, Mr P. Moran, who wished to speak in support of the application.

Mr Moran thanked the officers for their help and communication during the process and welcomed any questions from Members.

Further to a reference to an earlier planning application, the Vice-Chair informed the parties that each application was considered on its own merits. In relation to the request for a site visit, he advised that site visits were not undertaken, which was why photographs were required in the presentations made to the Committee.

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

- Further to a question concerning whether the extension would be set back or level, and the creation of the terracing effect, it was confirmed that the garage of 123 Leighswood Avenue was slightly forward and would therefore be flush, so a terracing effect would result.
- Regarding the issue of the maintenance to both properties and how this would be carried out given the small gap that would be between them, Mr Moran stated that this had not been noticed and allowance for this would have to be incorporated into the plans. Materials to be used would be sympathetic with those used on the existing building.
- Concerning the issue of drainage from the roof adjacent to the property of Mr Callaghan, and how the rainwater would be ducted away, it was stated that the guttering had been omitted from the latest revision but had been shown in the earlier drawings and could be amended.
- Regarding the terracing effect, it was noted that had an earlier planning application been granted, the same effect could have occurred.

Committee Members then asked a number of questions of officers.

- In relation to the need to update plans, it was noted that if there was a recommendation to delegate to the Head of Planning and Building Services, and there was not a material change then this could be dealt with as part of the amended planning conditions.
- It being noted that whilst there were representations from neighbours, there were some from further afield. The details of the representations received were read out for the benefit of the Committee.

It was **Moved** by Councillor S. Samra and **Seconded** by Councillor P. Bott, and upon being put to the vote was:

Resolved (13 in favour and 1 against):

That the Head of Planning and Building Control be delegated authority to grant application 21/1458, subject to the amendment and finalising of conditions, as contained within the officers report and the supplementary paper, to enable the officers to ensure that up-to-date plans ensured that guttering was added to the side of the property.

22/22

PLANS LIST ITEM NO. 11 – Application number 20/0550 – Proposed change of use from Nursing Home (Use Class C2) to providing housing of multiple occupancy (HMO – Sui generis) for vulnerable homeless people with associated amenity, recreation, training and signposting at 42 Slaney Road, Walsall, WS2 9AF

Councillor M. Bird returned to the meeting and resumed the Chair.

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

The Presenting Officer was Mr M. Brereton, Group Manager – Planning, who advised the Committee of the background to the report and highlighted the salient points contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out in the tabled supplementary paper.

The Committee welcomed the first speaker on this item, Ms L. Goodall, who wished to speak against the application.

Ms Goodall stated that she was speaking on behalf of residents to express frustration and disappointment and urged that the proposal for change of use to a 37 unit HMO for vulnerable and homeless people be refused. The arguments presented were that there were already similar HMOs on Slaney Road with the same profile as that at the proposed site. She recounted that local people had experienced both antisocial behaviour and racial abuse from some of the residents of the existing HMOs and were extremely nervous about the possibility of a further HMO being established. The nature of the parking problems encountered by residents of Slaney Road, together with the access difficulties for emergency vehicles, was also expanded upon.

The Committee welcomed the second speaker on this item, Councillor N. Gultasib, who wished to speak against the application.

Councillor Gultasib stated that as well as representing the area, she was a resident of Pleck, which was an area with high levels of crime, deprivation and antisocial behaviour, and that this had a commensurate impact upon the quality of life, together with home and car insurance for local residents. She urged the Committee to reject the proposed change of use being proposed.

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

- A question was raised regarding whether the building had been the site of one of the largest cannabis farms in the West Midlands, and it was confirmed that this had been the case.
- Further to questions concerning the impact of crime, antisocial behaviour, racist behaviour, and parking difficulties on local residents, it was confirmed that there were already two registered HMOs and two unregistered HMOs in close proximity. It was noted that people with alcohol and drug addictions resided in these HMOs and that because of the behaviour encountered, including racial abuse and loud noise, many elderly people were afraid to leave their homes. It was pointed out that this proposal having been previously considered by the Committee, no adequate changes had been made to address concerns identified previously.
- Following a request to confirm the number of residents in the existing HMOs, it was noted that there were 16 people living in four properties; together with other persons residing in shared housing and supporting housing in the area.
- Concerning the number of occasions when the Police had been called to Slaney Road, it was suggested that the majority of incidents were connected with the HMOs, and it was added that emergency vehicles encountered difficulties because of the parking issues and this led to the road being blocked.

Committee Members then asked a number of questions of officers.

- It was noted that there was a legal obligation to consult with partners and outside bodies, and that concerns had been raised by Housing Standards Officers. On the matter of whether this was a material planning consideration, it was confirmed that were the proposal to be approved, a licence from Housing Standards Officers would be required; and in relation to the overall policy permission, the Committee could refuse the proposal.
- Further to questions concerning crime and the availability of Police statistics, with it being suggested that the area experienced significant illegal activity, it was noted that fear of crime constituted a material planning consideration.
- Regarding the amount of time taken for the report to be brought before the Committee, with the matter being ongoing for a number of years, an explanation of the reasons for this was provided by the Chair.

During discussion, and regarding the proposal's deficiencies in terms of the detail of how the HMO would be managed, it was pointed out that in other local authority areas some HMOs were under investigation due to inadequate management. It was noted that if there were five or more residents of a HMO, a licence was required and that the Authority was successful in prosecuting those who did not comply with the required standards. Furthermore, one of the reasons for the introduction of the Council's Cumulative Impact Policy was to curtail an excessive number of HMOs.

Councillor K. Hussain moved that the proposal should be rejected for the reasons that:

- The location was unsuitable, given the number of existing HMOs;
- Due to the aforementioned HMOs, there had been an increase in antisocial behaviour and crime with residents experiencing considerable anxiety and distress;
- The area had a number of difficulties, including parking problems that would be further impacted by the proposal;
- There had been objections from other agencies and a petition from in excess of 300 residents who believed that the proposal would have an adverse effect on their lives.

The Chair added that fear of crime could also be included, supported with evidence from the Police, and that the HMO would exacerbate parking difficulties already known to exist in Slaney Road. This was supported by the Vice-Chair who also evidenced the operation of the Cumulative Impact Policy in the locality.

This was supported by Councillor A. Nawaz, who asserted that with the number of units contained in the proposal, this would in effect create a 'super HMO' that would have a detrimental impact on local people and their families.

Councillor S. Samra enquired whether the provisions of Section 70 of the Town and Country Planning Act 1990 could be applied should a further application be made in this matter.

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

Resolved (unanimously):

1. That planning application number 20/0550 be refused on the grounds of the three reasons as set out in the officer report and the supplementary paper, together with additional reasons and the amended reasons set out in the supplementary paper;
2. That the officers investigate whether Section 70 was relevant and if it could be applied in this matter.

PLANS LIST ITEM NO. 2 – Application number 20/1289 – Outline application for erection of a part five-storey, part three-storey building to form a mixed use commercial and leisure development at the former site of Jabez Cliff and Co. Ltd., Lower Forster Street, Walsall, WS1 1XA

Councillor P. Bott and M. Nazir and Councillor K. Hussain left the room for part of this item and so did not vote.

The report of the Head of Planning and Building Control was submitted (see annexed). It was noted that this application had been considered at the Committee's meeting on 4 November 2021 (Minute No. 181/21 refers), with the Committee's decision being to defer to enable the applicant to work with officers to present a more acceptable design having regard to the location of the site within a conservation area.

The Presenting Officer was Ms S. Wagstaff, Principal Planning Officer, who advised the Committee of the background to the report and highlighted the salient points contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out in the tabled supplementary paper.

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

Mr Malkin informed the Committee that significant changes had been made to the proposal, which he proceeded to explain. This included a reduction by 3m, the removal of a floor and the introduction into the design of red brick, to address concerns and as requested at the previous meeting. However, should further changes be required, then the scheme would cease to be viable, which would mean the loss to Walsall of considerable investment and job opportunities. He cited the National Planning Policy Framework and asserted that these benefits of the scheme should be balanced against the other considerations such as the heritage impact of the scheme.

The Committee welcomed the second speaker on this item, Mr J. Singh, who wished to speak in support of the application.

Mr Singh referred to the scheme's practical elements and the global interests that it would attract to Walsall. Should the application not be approved, he felt that there would be a considerable loss to the town centre, and that on balance the benefits mentioned outweighed the conservation issues.

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

- When asked to comment upon the proposal's impact on buildings such as the Queen Mary's High School site, the speakers stated that the architects had worked hard to amend the design. The intention was to create a building that Walsall could be proud of, and it would be a 21st Century building incorporating the requested more traditional elements.
- In addressing the previous concerns regarding the significance of the area, and why it had not been possible to raise the red brick façade further, the speakers related that advice had been obtained from the

officers and reference made to the master plan and the Giga Port Strategy. Accordingly, red brick had been introduced, but to extend this beyond the revision would be to dilute the overall modernity of the design and appearance of the building.

- Concerning how long the existing building had been derelict, it was reported that this was approximately ten years and that during this time the site had been vandalised and was frequented by drug users.
- Further to questions concerning the type of bricks, and that these could be a condition of approval, the speakers noted the subjective nature of the design and emphasised that the best efforts had been made to accommodate the requirements of the Council.

Committee Members then asked a number of questions of officers.

- Regarding the weight given to conservation when compared to the economic benefits of inward investment, officers noted that the weighting was significant in relation to planning and heritage. This was to ensure that inappropriate development and the misuse of planning assets was prevented.

During the discussion, Members acknowledged that a fine line was to be drawn in considering regeneration as a planning consideration and the development of iconic buildings for the future. Should the application be approved, it was suggested that a condition could be specified that the bricks used were to be as near a match as possible to those in the Queen Mary's High School building and the Walsall Arboretum.

A Member raised the concern that as a carbon-neutral Borough, there was no reference to the buildings to be energy efficient. The officers responded by noting that the design incorporated features in the building's roof. Arising from this, the Chair requested that in future all reports should detail the green credentials in relation to the applications being placed before the Committee.

A Member expressed the view that the steps taken to amend the proposal were disappointing and that there was room for further compromise in the design. He felt that it would be detrimental would effectively create a visual wedge between the Queen Mary's High School and the Arboretum.

It was noted that should there be approval, contrary to the recommendation in the officer report and the supplementary paper, it would be for reasons of the employment to be brought to the area, the regeneration of a derelict site and the inward investment. There was consideration of whether the design of the scheme would complement the adjacent conservation area, and if the impact on the conservation area of the proposed design would be negligible. It was noted that the applicant had asserted that they had gone as far as possible to accommodate the changes by reducing the mass and increasing the building's aesthetic value.

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

Resolved (14 in favour and 1 against):

That, contrary to the recommendation in the officer report and the supplementary paper, the Head of Planning and Building Control be delegated authority to grant application 20/1289, subject to the conditions that the bricks match those of the adjacent Queen Mary's High School buildings, which are listed buildings, and the Walsall Arboretum, and subject to conditions relating to materials generally, hours of operation and highways arrangements (with it being possible that a travel plan was required).

24/22

PLANS LIST ITEM NO. 4 – Application numbers 13/1567/FL and 13/1569/LB – Restoration and alterations to Great Barr Hall Grade II Listed Building and Grade II Registered Park, Suttons Drive, Great Barr, B43 7BB

In response to a question from a Member regarding whether a named vote could be taken on this item, the Chair outlined the procedure for doing so, which was in accordance with the Council's Constitution, and would require that the request be made by five Members of the Committee.

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

The Presenting Officer was Ms A. Scott, Senior Planning Officer, who advised the Committee of the background to the report and highlighted the salient points contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out in the tabled supplementary paper.

The Committee welcomed the first speaker on this item, Mr R. Winkle, who wished to speak against the application.

Mr Winkle stated that he was speaking on behalf of local residents, and was aware of 250 letters and objections, including those from Walsall South MP, Valerie Vaz, and the former West Bromwich East MP, Tom Watson. Since its sale in 1978, the state of dereliction of the Hall was in his view attributable to the decisions of the Hall's owners who had gambled that they could exploit the situation in order to use the parkland to build luxury homes. In consequence, English Heritage had downgraded the status of the Hall. He maintained that the application was not about restoring the Hall; on the contrary, it was about building 57 properties in green belt on the back of a promise to build a copy of the Hall that could be used as a wedding venue. A number of questions had been posed, which were unable to be answered, as there were no valid material planning reasons to support the proposals. Neighbouring development was not supported, as Historic England had advised that the venture could not be supported by a neighbouring development and the estimated costs of £16-20M in 2016 would have to be financed privately. He urged the Committee to act in accordance with the legal guidance and the officer recommendations.

The Committee welcomed the second speaker on this item, Reverend M. Rutter, who wished to speak against the application.

Reverend Rutter stated that St Margaret's Church was adjacent to the north end of the site and would be affected by what was proposed. He stated that a lot had changed since the application was first made, with the fields adjacent to Chapel Lane now containing underground electric cables and pylons, water pipes and systems, which would present difficulties for any neighbouring development. The Church had an interest in the conservation of the parkland, and there were issues concerning rights of access to the Churchyard, as it was believed that the road was not owned by the owners of the Hall. It was evident that the lakes had recently been refurbished due to national waterways policy.

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

- Further to questions concerning what the speakers would wish to happen to the site, it was noted that since the sale to Bovis in 1978, there had been the opportunity to purchase the parkland and Hall (which eventually became St Margaret's Hospital). It was felt that the parkland should be retained for reasons including its proximity to the Sandwell Valley extension. The Chair noted that the recent thinking was to leave the Hall (which had been downgraded to grade 2) as it was. Members also noted the significant historical heritage of the Hall and its parkland, with such eminent groups as the Lunar Society and individuals such as Lancelot 'Capability' Brown being associated with it.
- Concerning whether the site was land-locked, it was stated that when part of it was the location of a hospital local people were employed there and, whilst not a right of way, there was access to the site and a long history of involvement by local people.
- Regarding the parkland, this was felt to provide a 'green lung' for the community and development would remove access to an area of notable and flourishing wildlife and flora and fauna.
- The question of whether Great Barr Hall could be restored to its original condition was raised, but the speakers felt that the building was now past redemption with little remaining historic value, that the costs of attempting to do so would be considerable, and the result would be to create a pastiche of what had been there before. It was also noted that the Hall had been designed and built in several phases, which created complications. Therefore, it would be better for it to remain as a ruin, which could be used as a focus for local history regarding the Scott family and the Lunar Society, and for the parkland and lakes to be put to better use as these were now more important to local people.

Committee Members then asked a number of questions of officers.

- In response to questions regarding access, it was pointed out that an application had been made by the Walsall Group of Ramblers to create a permanent right of way along Suttons Drive, which was along the northern boundary of the site.
- Regarding ecology, and reference was made to the existence of freshwater crayfish in the lake, it was confirmed that an up to date ecology report was not available.

- It was noted that due to its location on the border between Walsall and Sandwell, Sandwell MBC had also been consulted.

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

Resolved (unanimously):

That it be delegated to the Head of Planning and Building Control to refuse planning permission and refuse listed building consent in respect of application numbers 13/1567/FL and 13/1568/LB, and to amend and finalise the reasons for refusal, as set out in accordance with the officer report and the supplementary paper.

At 8.05 pm, the Committee agreed for there to be a brief recess. At 8.12 pm, the Committee resumed its proceedings.

25/22

PLANS LIST ITEM NO. 6 – Application number 21/0811 – Application for the erection of four-bedroom replacement dwelling with garage at 1 Barr Common Road, Aldridge, WS9 0SY

Councillors C. Creaney left the meeting before the introduction of this item.

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

The Presenting Officer was Ms L. Wright, Principal Planning Officer, who advised the Committee of the background to the report and highlighted the salient points contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out in the tabled supplementary paper.

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

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

Mr Singh advised that he was the agent acting on behalf of the applicant, and had been involved in this capacity for eight months. He stated that there had been delays in progressing this application, which was to apply for much needed family accommodation in an efficient and effective location, and the reason why it had been brought to the Committee. As a replacement dwelling, the proposal would add to the supply of housing and there had been no objections from the statutory agencies consulted. In terms of the other dwellings in the vicinity, it was noted that there were multiple styles and various materials had been used in the construction of these other buildings.

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

- Further to a question concerning the new permitted development rights, and why the application did not call for a new, additional floor, it was stated that the Government had changed the general development permitted order but there were to be no changes to the roof of the building.
- Regarding whether this would be a replacement dwelling, it was noted that there was no intention to replace; the application was for extension and alterations to the existing dwelling.
- It was confirmed that the applicant would be willing to have planning conditions attached in order that the concerns raised by officers could be addressed. For example, bin storage would be addressed via a planting scheme, and a hard or soft landscaping plan.
- With reference to the concern that the design did not reflect the area and other buildings, it was stated that these were not uniform and the road contained a mixture of styles. Moreover, it was a large site and was able to accommodate the proposed dwelling.

Councillor M. Statham left the meeting.

Committee Members then asked a number of questions of officers.

- The question being put whether the applicant had received all the required information beforehand, it was stated that there was frequent communication with the applicant and agent. Information had been requested from them for the calculations to undertake an assessment regarding the green belt, but this had now been provided until November 2021.
- It was confirmed that there had been movement in officer cases in recent months owing to staff shortages, and in terms of workload that each officer currently had between 70 and 100 cases.

The Committee received advice from the officers concerning the special circumstances required to overturn a recommendation relating to the green belt. In view of this, there was further discussion of the matter by Members, with reference to the Black Country Plan and whether this would be an inappropriate development in the green belt.

It was **Moved** by Councillor S. Samra and **Seconded** by Councillor A. Harris, that contrary to the officer recommendation, the Head of Planning and Building Control be delegated authority to grant application 21/0811. This was on the grounds of the size of the plot, that the properties in Barr Common Road were not unique, and that similar applications had been granted by the Committee.

Upon being put to the vote, there were 6 votes in favour and 9 against, and the motion was defeated.

The Committee proceed to consider the officer recommendation to refuse planning permission.

It was **Moved** by Councillor M. Bird and **Seconded** by Councillor G. Perry, and upon being put to the vote was:

Resolved (9 in favour and 0 against):

That planning application number 21/0811 be refused for the reasons and in accordance with the officer recommendation, as set out in the report.

26/22

PLANS LIST ITEM NO. 8 – Application number 21/0971 – Resubmission of application for part two-storey and part single storey rear extension plus garage conversion at 48 Mellish Road, Walsall, WS4 2EB

Councillor S. Samra, having declared an interest in this item, left the room during its consideration and neither participated in the discussion nor voted.

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

The Presenting Officer was Mr M. Brereton, Group Manager – Planning, who advised the Committee of the background to the report and highlighted the salient points contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out in the tabled supplementary paper.

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

Mr Sander informed the Committee that he and his family had resided at this property for 15 years, that his wife worked in the local community and that they had other family and friends in the locality. The reason for making the application was that his family required additional space to provide accommodation for his two elderly parents who now needed care and support, as well as for other family members.

The Committee welcomed the second speaker on this item, Mr M. Singh, who wished to speak in support of the application.

Mr Singh related the previous reasons given for refusal of the application and his response to each. Firstly, that the two-storey rear extension would present unacceptable detrimental harm to the character of the original dwelling and the surrounding street scene. He noted that the proposal was relatively modest given the size of the plot and of the neighbouring properties, and that in 2009, approval had been granted for an extension in which there was a substantial amount of similarities. Secondly, that the application failed to demonstrate the potential impact on protected Lime trees in the rear garden, with the concern being raised that the proposed extension would entail their removal. He noted that prior approval had been given for the single storey rear extension to be 8m from the original rear elevation, and it was now proposed to reduce this to 5m. Thirdly, that there would be an adverse effect on the privacy of 2 Rushwood Close. He proposed that a unilateral undertaking could be put in place that would ensure potential harm was mitigated by retaining existing vegetation.

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

- Further to a questions concerning whether the trees were there at the time of the original application, and what steps would be taken to prevent harm to them, it was confirmed that they were there and that a 'No dig' solution (i.e. hand-digging rather than mechanised digging) would be used to protect the tree roots. There would also be protective fencing and no building materials would be stored in the proximity of the trees.
- In terms of the unilateral undertaking, and how this would address the concerns raised, it was stated that neither the vegetation nor the brick wall would be removed and an undertaking made for the safeguarding of the view if planning permission were to be granted.
- Regarding the differences from previous permitted development, it was noted that prior approval had been via the Government's householder notification scheme, and was reduced from 8m to 5m.
- Concerning the steps to arrive at a solution with officers, it was pointed out that the matter had been ongoing since June 2021, and had been brought before the Committee for a more holistic view and assessment of the potential impact.

Committee Members then asked a number of questions of officers.

- Further to questions concerning the prior approval, it was confirmed that this was not the same as planning permission being granted. The process enabled details to be provided concerning the potential impact on the protected trees and the steps to be taken to protect them.
- In terms of the hand-digging solution, it was stated that there would still be consequences as the tree roots could still be severed and harm done to the trees.
- Regarding whether it was possible for conditions to be agreed for the agent and applicant to work with officers to investigate whether hand-digging techniques could be explored further, the possibility that the roots could be severed was reiterated.

It was **Moved** by Councillor K. Hussain and **Seconded** by Councillor A. Nawaz, that the Head of Planning and Building Control be delegated authority to grant application 21/0971, with the condition that the applicant and agent work with officers to ensure that the trees are protected.

Upon being put to the vote, there were 7 votes in favour and 7 against, and the motion was defeated on the casting vote of the Chair.

The Committee proceed to consider the officer recommendation to refuse planning permission.

It was **Moved** by Councillor M. Bird and **Seconded** by Councillor G. Perry, and upon being put to the vote was:

Resolved (7 in favour and 4 against):

That planning application number 21/0971 be refused for the reasons and in accordance with the officer recommendation, as set out in the report.

27/22

PLANS LIST ITEM NO. 7 – Application number 21/0053 – Application for proposed replacement of six bedroom 2.5 storey detached dwelling house with front and rear facing dormer windows to accommodate habitable second floor with double storey gallery porch at 38 Norman Road, Paddock, WS5 3QL

Councillors K. Hussain and G. Perry left the meeting before the introduction of this item.

Councillor S. Samra returned to the meeting.

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

It was **Moved** by Councillor M. Bird, **Seconded** by Councillor A. Nawaz and upon being put to the vote was:

Resolved:

That the Head of Planning and Building Control be delegated authority to grant planning application number 21/0053, subject to the following:

1. No new material considerations being received within the current consultation period;
2. The amendment and finalising of planning conditions, as contained in the officer report and the supplementary paper;
3. There being no further comments from statutory consultees raising material planning conditions not previously addressed.

28/22

PLANS LIST ITEM NO. 9 – Application number 21/0553 – Application for two storey side extensions to both sides of the dwelling, single storey rear extension, plus a detached front outbuilding at 27 St Austell Road, Walsall, WS5 3EF

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

It was **Moved** by Councillor M. Bird, **Seconded** by Councillor A. Nawaz and upon being put to the vote was:

Resolved:

That the Head of Planning and Building Control be delegated authority to grant planning application number 21/0553, subject to the amendment and finalising of planning conditions, as contained within the officer report and the supplementary paper.

29/22

PLANS LIST ITEM NO. 1 – Application number 21/0113 – Proposed new warehouse extension (Use Class B8 – Storage and distribution) at Euro Foods Group, Heath Road, Darlaston, WS10 8XL

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

It was **Moved** by Councillor A. Nawaz, **Seconded** by Councillor M. Bird and upon being put to the vote was:

Resolved:

That the Head of Planning and Building Control be delegated authority to grant planning application number 21/0113, subject to the following:

1. No new material considerations being received within the current consultation period;
2. The amendment and finalising of planning conditions, as contained in the officer report and the supplementary paper;
3. There being no further comments from statutory consultees raising material planning conditions not previously addressed;
4. Overcoming the outstanding objections raised by the Fire Officer.

30/22

PLANS LIST ITEM NO. 3 – Application number 21/0023 – Application for a self-storage warehouse (N8) with start-up business suites, external drive-up storage units, associated parking and landscaping at land between Wood Street and Lower Lichfield Street, Willenhall

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

It was **Moved** by Councillor M. Bird, **Seconded** by Councillor A. Nawaz and upon being put to the vote was:

Resolved:

That the Head of Planning and Building Control be delegated authority to grant planning application number 21/0023, subject to the amendment and finalising of planning conditions, as contained within the officer report and the supplementary paper.

31/22

PLANS LIST ITEM NO. 5 – Application number 21/0322 – Application for the construction of 15 dwellings (2 x two-bedroom and 13 – three-bedroom) and associated access road and parking at British Lion Works, Forest Lane, Walsall, WS2 7AX

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

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

Resolved:

That the Head of Planning and Building Control be delegated authority to grant planning application number 21/0322, subject to the amendment and finalising of planning conditions, as contained within the officer report and the supplementary paper.

32/22

Private Session

Exclusion of the Public

Resolved:

That, during consideration of the following items on the agenda, the Committee considered that the items for consideration were exempt information by virtue of Paragraphs 3, 6 and 7 of Schedule 12(A) of the Local Government Act 1972 (as amended) and accordingly resolved to consider that item in private session.

33/22

Minutes

Resolved:

That the minutes of the meeting held on 6 January 2022, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

[Exempt information under Paragraphs 3, 6 and 7 of Part 1 of Schedule 12(A) of the Local Government Act 1972 (as amended)].

Termination of meeting

There being no further business, the meeting terminated at 9.23 pm

Signed

Date



Development Management Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

CONTENTS

Item	Planning Application Number	Planning Application Site Address	Planning Application Proposal	Officer Recommendation
1	21/0184 Pages 31 - 60	LAND CORNER OF KING CHARLES AVENUE, WALSALL Ward: Bentley And Darlaston North	RESERVED MATTERS APPLICATION FOR 23 RESIDENTIAL DWELLINGS, TOGETHER WITH CAR PARKING, CYCLE AND BIN STORES, LANDSCAPED COMMUNAL AREAS AND ASSOCIATED WORKS. THE RESERVED MATTERS WE ARE SEEKING ARE SCALE, APPEARANCE, LANDSCAPING AND LAYOUT	Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to: <ul style="list-style-type: none"> • The amendment and finalising of conditions; • No further comments from a statutory consultee raising material planning considerations not previously addressed; • Overcoming the outstanding objection raised by Clean and Green
2	21/1240 Pages 61 - 93	MALI JENKINS HOUSE, THE CRESCENT, WALSALL, WS1 2DE Ward: Paddock	ERECTION OF 3 STOREY 18 NO. AFFORDABLE ONE AND TWO BEDROOM APARTMENTS WITH ASSOCIATED PARKING AND LANDSCAPING	Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to and subject to:

				<ul style="list-style-type: none"> • No new material considerations being received within the consultation period; • The amendment and finalising of conditions; • No further comments from a statutory consultee raising material planning considerations not previously addressed
3	20/1582 Pages 94 - 116	115-119, WEDNESBURY ROAD, WALSALL, WS1 4JQ Ward: Palfrey	PROPOSED RESIDENTIAL DEVELOPMENT OF 14 NO. 2 BEDROOM APARTMENTS WITH 21 ASSOCIATED PARKING SPACES, CYCLE STORAGE AND AMENITY SPACE	<p>Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and secure a Section 106 Agreement for an off-site public open space contribution and subject to:</p> <ul style="list-style-type: none"> • The amendment and finalising of conditions
4	20/1651 Pages 117 - 133	120, ELMORE GREEN ROAD, BLOXWICH, WALSALL, WS3 2HS Ward: Bloxwich West	FULL APPLICATION FOR THE CONSTRUCTION OF A 3 STOREY RESIDENTIAL DEVELOPMENT COMPRISING 14 NO DWELLINGS (10 1 NO. BEDROOM AND 4 NO. 2 BEDROOM) WITH ASSOCIATED PARKING AND LANDSCAPING	<p>Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and s106 to secure an Urban Open Space Contribution of 12,330.00 and subject to</p> <ul style="list-style-type: none"> • No new material considerations

				<p>being received within the consultation period;</p> <ul style="list-style-type: none"> The amendment and finalising of conditions
5	<p>21/1065</p> <p>Pages 134 - 146</p>	<p>LAND ADJACENT KEBRELL NUTS AND BOLTS, HEATH ROAD, DARLASTON, WALSALL</p> <p>Ward: Bentley And Darlaston North</p>	<p>CHANGE OF USE OF VACANT SITE TO WASTE TRANSFER STATION INCLUDING THE CONSTRUCTION OF A WASTE STORAGE BUILDING AND OFFICE</p>	<p>Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to ...</p> <ul style="list-style-type: none"> The amendment and finalising of conditions
6	<p>21/0510</p> <p>Pages 147 - 158</p>	<p>22, BASSETT STREET, WALSALL, WS2 9PZ</p> <p>Ward: Pleck</p>	<p>OUTLINE: DEVELOPMENT OF 2 DETACHED HOUSES WITH 1 NO. DETACHED GARAGE AT THE REAR OF 22 BASSETT STREET WITH ACCESS, LAYOUT AND SCALE FOR DETERMINATION - ALL OTHER MATTERS RESERVED (RESUBMISSION OF PLANNING APPLICATION 20/0540)</p>	<p>Refuse</p>
7	<p>21/1624</p> <p>Pages 159 - 171</p>	<p>3, CHARLEMONT ROAD, WALSALL, WS5 3NG</p> <p>Ward: Paddock</p>	<p>PROPOSED NEW 6 BEDROOM TWO STOREY DETACHED DWELLING WITH LOFT ROOMS AND A DETACHED DOUBLE GARAGE TO THE REAR WITH NEW VEHICULAR</p>	<p>Refuse</p>

			ACCESS FROM CANBERRA ROAD.	
8	21/1540 Pages 172 - 186	117 SANDRINGHAM AVENUE, WILLENHALL, WV12 5TG Ward: Willenhall North	PART RETROSPECTIVE APPLICATION UNDER S73A FOR A PROPOSED 4 BEDROOM DWELLING WITH ASSOCIATED PARKING AND PRIVATE AMENITY SPACE	Refuse
9	21/1258 Pages 187 - 195	PLECK PARK CAR PARK, MONTFORT ROAD, WALSALL, WS2 9DE Ward: Pleck	ERECTION OF A WOODEN CLAD STORAGE CONTAINER TO STORE CYCLING EQUIPMENT	Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to: <ul style="list-style-type: none"> • The amendment and finalising of conditions
10	21/1038 Pages 196 - 202	BROWNHILLS ACTIVITY CENTRE, CHESTER ROAD NORTH, BROWNHILLS, WALSALL, WS8 7JW Ward: Brownhills	ERECTION OF A WOODEN CLAD STORAGE CONTAINER TO STORE CYCLING EQUIPMENT	Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to: <ul style="list-style-type: none"> • No new material considerations being received within the consultation period; • The amendment and finalising of conditions; • No further comments from a statutory consultee raising material planning

				considerations not previously addressed
11	21/1039 Pages 203 - 209	PAVILLION, WILLENHALL MEMORIAL PARK, PINSON ROAD, WILLENHALL, WV13 2PW Ward: Willenhall South	ERECTION OF A WOODEN CLAD STORAGE CONTAINER TO STORE CYCLING EQUIPMENT	Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to: <ul style="list-style-type: none"> • The amendment and finalising of conditions; • No further comments from a statutory consultee raising material planning considerations not previously addressed
12	21/1239 Pages 210 - 215	THE GRANGE, KING GEORGE VI AVENUE, WALSALL Ward: Paddock	ERECTION OF A WOODEN CLAD STORAGE CONTAINER TO STORE CYCLING EQUIPMENT	Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to: <ul style="list-style-type: none"> • The submission of an amended siting of the storage container to an acceptable location; • No new material considerations being received within the consultation or re-consultation period; • The amendment and finalising of conditions;

				<ul style="list-style-type: none"> No further comments from a statutory consultee raising material planning considerations not previously addressed
13	21/1040 Pages 216 - 222	REEDSWOOD SONS OF REST, TALBOT HOUSE, BENTLEY LANE, WALSALL, WS2 8SP Ward: Birchills Leamore	ERECTION OF A WOODEN CLAD STORAGE CONTAINER TO STORE CYCLING EQUIPMENT	Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to: <ul style="list-style-type: none"> No new material considerations being received within the consultation period; and The amendment and finalising of conditions
14	21/1606 Pages 223 - 230	16, BRAMBLE CLOSE, WILLENHALL, WV12 5AH Ward: Willenhall North	TWO STOREY SIDE AND REAR EXTENSION, SINGLE STOREY FRONT AND SINGLE STOREY REAR EXTENSIONS	Grant Planning Permission Subject to Conditions
15	21/1009 Pages 231 - 239	72 SELSDON ROAD, BLOXWICH, WALSALL, WS3 3UE Ward: Bloxwich West	PROPOSED 2-STOREY SIDE AND SINGLE STOREY REAR EXTENSION	Refuse
16	21/0686 Pages 240 - 247	33, LITTLE ASTON ROAD, ALDRIDGE, WALSALL, WS9 0NP	PROPOSED DETACHED GARAGE	Refuse

		Ward: Aldridge Central And South		
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Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 1

Reason for bringing to committee

Major Application

Application Details

Location: LAND CORNER OF KING CHARLES AVENUE, WALSALL

Proposal: RESERVED MATTERS APPLICATION FOR 18 RESIDENTIAL DWELLINGS, TOGETHER WITH CAR PARKING, CYCLE AND BIN STORES, LANDSCAPED COMMUNAL AREAS AND ASSOCIATED WORKS. THE RESERVED MATTERS WE ARE SEEKING ARE SCALE, APPEARANCE, LANDSCAPING AND LAYOUT.

Application Number: 21/0184

Case Officer: Leah Wright

Applicant: M&E Consultancy (UK) Limited

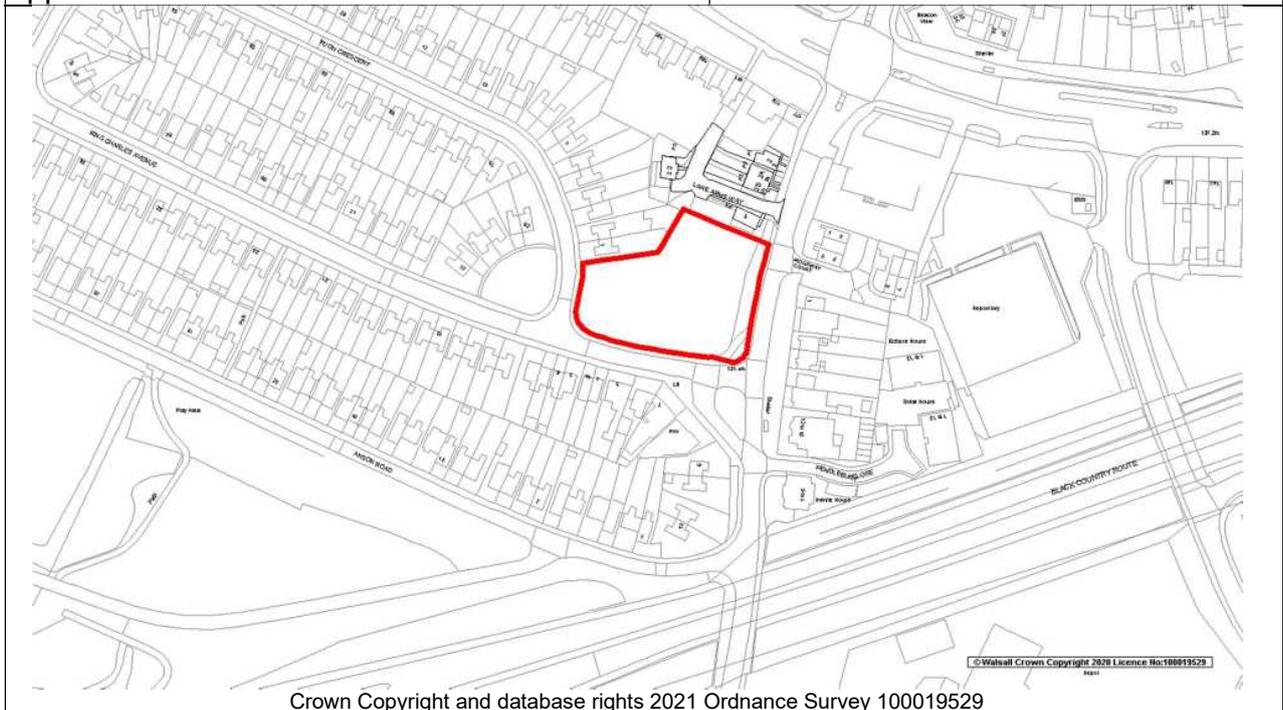
Ward: Bentley And Darlaston North

Agent: Hannah Fawdon

Expired Date: 14-Jun-2021

Application Type: Reserved Matters: Major Application

Time Extension Expiry: 23-Jul-2021



Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to:

- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Overcoming the outstanding objection raised by Clean and Green.

Proposal

This application follows outline consent (16/0290) for residential development where access was the only point considered. The outline permission was approved on 19-06-2018. This reserved matters application seeks to determine the outstanding matters for consideration which are scale, appearance, layout and landscaping.

The application includes the following information:

Submitted plans- There are a variety of plans to support this application, including a suite of amended plans submitted on 17th December 2021 which required further consultation.

Planning Statement- Sets out the site and surroundings, Proposal, Local and National Policy, Planning assessment, Explains that this application also comprises of details to satisfy Conditions 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the Decision Notice attached to the outline application (16/0290).

Citrine Product Sheet- Summary of the external lighting that is proposed at the site.

Coal Mining Risk Assessment, Mine Entry Foundation Section and Mine Entry Location Plan- Report presents a desk-based review of all available information on the coal mining issues relevant to the application site. Identifies and assess the risks, sets out appropriate mitigation measures and demonstrates to the LPA that the application site is, or can be made safe.

Covering Letter- Summarises the description of development, enclosed documents, drawings and fee.

Design and Access Statement- Describes the site location, context, transport links, analysis and design.

Flood Risk Technical Note- Assesses risk of flooding at the site and identifies the site within Flood Zone 1 (low risk of fluvial, surface water, ground water, tidal and reservoir flooding). Minor surface water flood risk is noted adjacent to the site; it is considered the correct drainage and proposed site level design will avoid this flood risk migrating to the development boundary.

Drainage Strategy- The initial strategy for surface water drainage is via collection channels and gullies to an underground drainage system with a controlled discharge rate of 2L/s. An attenuation system will hold back flows beyond the limits of the flow control device. Principles of the design approach are detailed on the drainage strategy drawing. A new private foul system is detailed to cater for the new development drainage designed in accordance with BS EN 752 and building regulations part H. There are opportunities at site to accommodate new and utilize existing SuDs features.

Energy Statement- Presents the energy strategy for the scheme. Priority has been given to energy reduction and efficiency whilst renewable and low carbon technologies have also been considered.

Soft and Hard Landscape Proposals- Details the soft and hard landscaping strategy for the site.

Remedial Strategy and Verification- Specifies the outline remedial and verification works required to facilitate the proposed development. The remedial works will ensure that upon completion of the scheme the ground conditions will not pose a significant risk to future site occupiers.

Report on Site Investigation- A Phase I and Phase II ground investigation has been carried out to assess the prevailing physical and chemical ground conditions with regards to geotechnical/ foundation design, historical coal mining, ground gases and a Contaminated Land Exposure Assessment (CLEA) for the proposed development. The report contains a description of the site and its history, anticipated geology and strata encountered together with comments and recommendations upon the geotechnical design parameters.

Tree Protection Plan, Tree Survey and Tree Constraints Plan- Identifies the tree species, constraints and provides notes and recommendations.

Site and Surroundings

The application site is a parcel of land at around 0.45 hectares located on the corner of King Charles Avenue, Bentley Road North and Pugh Crescent, in Bentley, Walsall previously occupied by 10 x bungalows which were demolished post 1970s. The site has since largely greened over.

A further parcel of land directly to the north is currently being developed for residential purposes along with the Grade II Listed Bentley House further to the North. The remainder of the surrounding area is predominantly traditional two storey residential houses of simple design with a mix of hipped and pitched roofs, some with front gable features. Modern three storey flats are present along King Charles Avenue and convenience stores, a hot food takeaway and a church opposite the site along Bentley Road North and King Charles Avenue.

Relevant Planning History

21/0786- Section 73 application to vary Condition 6a of planning permission 16/0290 to reduce the stand off area/no build zone to 6 metres- Undetermined

It should be noted that the no build zone considered under this application is 15m.

16/0290- Outline application to seek approval of main vehicle access off King Charles Avenue only, all other matters reserved- GSC 19.06.2018.

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
- 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 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF 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

www.walsall.gov.uk/ldf_core_strategy

- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Unitary Development Plan

www.walsall.gov.uk/unitary_development_plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV27: Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- H1: Renewal of Existing Residential Areas
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces

Site Allocation Document

HC1: Land allocated for New Housing Development (Under site reference HO37)
HC3: Affordable Housing and Housing for People with Special Needs
OS1: Open Space, Sport and Recreation
EN1: Natural Environment Protection, Management and Enhancement
EN3: Flood Risk
T4: The Highway Network

Supplementary Planning Document

www.walsall.gov.uk/ldf_supplementary_planning_documents

Conserving Walsall's Natural Environment

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

Page 35 of 263

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures
- Survey standards
 - NE4 – Survey Standards
- The natural environment and new development
 - NE5 – Habitat Creation and Enhancement Measures
 - NE6 – Compensatory Provision
- Development with the potential to affect trees, woodlands and hedgerows
 - NE7 - Impact Assessment
 - NE8 – Retained Trees, Woodlands or Hedgerows
 - NE9 – Replacement Planting
 - NE10 – Tree Preservation Order

Designing Walsall

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

Open Space

- OS1: Qualifying Development
- OS2: Planning Obligations
- OS3: Scale of Contribution
- OS5: Use of Contributions

Affordable Housing

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

Air Quality SPD

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

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

Consultation Replies

Archaeology and Historic Environment Officer-No archaeological implications for this proposal.

Clean and Green -Concern regarding site access for a RCV. Information on what bins should be purchased provided.

Coal Authority – no objections

Conservation Officer - A statement of heritage significance should be submitted. The proposed residential development would have less than substantial harm to the significance of the listed building, Bentley House and that scale of harm would be weighed as medium. The proposal would need to be weighed against public benefits, as set out in para 202 of the NPPF.

Environment Agency -No comment.

Environmental Health - No adverse comments.

Environmental Protection - Conditions provided to address ground gas and contaminated land issues, construction management to minimise impacts on neighbouring residential premises, and for properties with habitable room facades fronting onto Bentley Road North to incorporate improved acoustic glazing and acoustic ventilation.

Historic England - No comment.

Housing Standards - No comment.

Local Highways Authority - Support subject to conditions.

Local Lead Flood Authority - No objection- support the granting of planning permission.

Natural England - No comment.

Severn Trent Water - No objection subject to condition regarding a drainage scheme for the disposal of foul and surface water flows. Notes to applicant regarding public sewers to be included on any decision notice. Drainage condition on the outline should not be discharged at this point and as such should be imposed on the reserved matters application.

South Staffs Water - No comment received.

Strategic Planning Policy - This is a reserved matters application following the granting of outline planning permission, the current application raises no strategic planning policy issues.

Tree Preservation Officer - No objection to layout of the site. Landscape plans refer to a different layout and as such a condition requiring landscaping details prior to any construction works being undertaken on site will be necessary.

Waste Management (Clean and Green) - It is assumed that these properties will be serviced by a communal waste collection. They will require 1x 1100ltr and 1x 660ltr bin for general waste and 3x 1100ltr bins for recycling. The gates to the site must be open and bins accessible on the scheduled collection day. Concern regarding vehicle movements and bin collection need to be addressed.

West Midlands Fire Service-No objection. Note to applicant regarding Approved Document B, Volume 1, Dwellings, 2019 and gated access.

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

Representations

2 representations were received, 1 in support of the application and one with concern over the application. The comments are summarised as follows (Officer's comment are in italics):

- Houses will be an asset to the street as fly tipping is ridiculous at the moment.
- Are properties residential or social housing?- *The properties are residential dwellings. The Affordable Housing Contribution, including the percentage/mix to be provided on-site and/or the amount to be paid via commuted sum, shall be discussed and agreed with the Council prior to implementation works, as per Part 4 of the signed S106 agreement.*

Determining Issues

- Principle of Development
- Layout and Residential Amenity
- Scale and Appearance
- Amenity of Future Occupiers
- Landscaping
- Conservation
- Trees
- Ground conditions and Environment
- Highways
- Clean and Green
- Security
- Sustainability
- External Lighting
- Renewable Energy
- Planning Obligations
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The principle of redevelopment of this site for residential use and the access to the site was previously considered acceptable at the outline planning stage.

This site is located within a predominantly residential setting and is identified in the Site Allocation Document (SAD) as a housing site (reference HO37). Furthermore, re-development of a vacant and previously developed site is considered would provide positive regeneration benefits to the local and wider area and improve the visual amenity of the area.

The site is in an accessible and sustainable location and as such the current proposal is supported on planning policy grounds.

Core Strategy Policy HOU2 requires all new housing sites to provide a mix of housing sizes, whilst highlighting the need for family-sized housing. The proposal seeks to provide a range of dwelling sizes to meet local needs.

The proposed density of the development is in line with the suitable range as set out in Policy HOU2 (aim to achieve a minimum net density of 35 dwellings per hectare) which is informed by the level of accessibility by sustainable transport by residential services. There are numerous local amenities located within walking distance and there are two bus stops located adjacent to the site to provide access to Walsall.

Layout and Residential Amenity

The proposed buildings follow the established building lines of neighbours to the north on Bentley Road North and Pugh Crescent.

There was concern in the outline permission regarding the poor layout due to a portion of the site to the south-west being undeveloped which had the potential to attract anti-social behaviour and security risks. The layout has been amended since this outline application and Block B is sited in the south-west corner of the site, fronting King Charles Avenue, providing an entrance to the development. There is an area to the south-east of the site which has not been developed however this is due to a mine shaft and the Coal Authority have advised that they require a 'no build zone' with a radius of approximately 15m from the centre of the shaft. As such a communal garden and landscaping have been sited here to utilise the space.

It is considered that the proposed layout makes efficient use of the site. The housing types are mixed across the development and provide a varied and natural layout with distinct blocks providing a sense of cohesiveness and variation within the site.

The site layout aims to create a courtyard style development with dwellings facing onto private amenity space and car parking, increasing natural surveillance. There is a turning area provided for a large truck within the layout and security gates are provided at the access which are set back sufficiently from the public highway.

The main vehicle access would be off King Charles Avenue and was considered acceptable as part of the outline planning permission and is considered to not result in severe transportation implications. In terms of pedestrian access, this is located on the eastern boundary of the site, whilst access to the dwellings on the western boundary can be accessed directly from Pugh Crescent.

In general it is considered that the plot layouts are appropriate and provide sufficient space and separation distances.

In terms of residential amenity, it is considered that the scale and mass of the buildings would avoid significant levels of overshadowing.

The proposed development is surrounded by residential properties on King Charles Avenue, Bentley Road North and Pugh Crescent. There are no side windows proposed to Block A which would have the potential to give rise to overlooking on 1 Pugh Crescent or to Block C which would have the potential to look onto one another (due to being separated) and onto 1 Bentley Road North.

It's noted that there are habitable rooms of the development at first and second floor that would look onto residential properties at King Charles Avenue and on Bentley Road North. The separation distance between the windows of the proposed development to the south and King Charles Avenue is approximately 19.7m whilst the windows to the east would look onto Bentley Road North at a distance of 31.1m. Whilst its noted that the separation between the habitable room windows at first and second floor to the south elevation looking onto King Charles Avenue does not maintain the 24m separation distance as recommended in the Designing Walsall SPD for habitable room windows at two storeys and above it is noted that the standard is applied more robustly at the rear than across roads at the front and as such the shortfall is not considered to be detrimental and result in undue overlooking. It is therefore considered that the development would not result in a negative impact to neighbouring occupiers and the proposal would integrate into the surrounding urban fabric.

Scale and Appearance

The proposal has sought to respect and reinforce the pattern of development in the area by providing a mix of 2 and 3 storey blocks.

The outline application as approved indicated that the development would include up to 16 dwellings being accommodated on site. This application originally proposed 23 units which has now been reduced to 18 units.

The proposed development comprises a range of dwelling types and sizes and are detailed as follows:

- 3 no. 2 bedroom houses (16.6%)
- 2 no 3 bedroom houses (11%)
- 7 no 2 bedroom 3 person apartments (38.8%)
- 1 no 2 bedroom 4 person apartment (5.5%)
- 3 no 1 bed 2 person apartment (16.6%)
- 2 no 3 bed 6 person apartment (11%)

Block A comprises a two storey building with three pitched roofs, one being a “saw-tooth” roof and two dual pitched roofs. The block would measure 7.03m in maximum height with eaves of 5.18m. The block would measure 17.19m in width and 8.15m in depth. The block has multiple windows and doors at the front and rear elevation. There are no side windows proposed.

Block B comprises a three storey building with four dual pitch roofs measuring 10.5m in maximum height with eaves of 7.6m in maximum height. The block measures 33.75m in maximum width and 9.65m in maximum depth. To the front and rear elevation there are a variety of window openings and to the west elevation there are a number of windows proposed. There are no windows proposed to the east elevation. It should be noted that land slopes slightly to the south of the site.

Block C comprises of two separate buildings. The first block is a three storey building with three dual pitch roofs measuring 10.6m in maximum height with eaves of 8.15m. The block would measure 16.8m in width and 9.8m in depth. There are numerous windows and doors proposed to the front and rear elevation. There are no side windows proposed.

The second part of the block comprises of two semi-detached dwellings with hipped roofs measuring 7.9m in height with eaves of 5.4m. The dwellings measure a combined width of 11.6m and a depth of 9.8m and consist of a variety of windows and a front door to the front elevation with stairs for access and to the rear elevation windows and a set of bi-fold doors with a stepped patio allowing access to the rear gardens.

There was concern that the immediate location is mostly characterised with semi-detached houses and as such the amendments were sought to the scheme and the proposed houses and block of flats in the south-western corner have been separated by 2.1m and a fence has been added to make the space secure.

It was noted that a modern approach has been taken to the building design however the elevations appeared to be out of keeping with the character of the street scene. As such amendments were sought and the elevation plans were updated to reflect a more acceptable roof design.

The building heights have been varied in response to the changing site levels in order to respect the surrounding area and not be at odds. It is considered that the unique roof forms of the building are modern and contemporary, adding visual character whilst providing a nod of the design of the Church on the corner, opposite the site.

In terms of materials the proposal utilise red brick and light mortar, making reference to the materiality of the surrounding buildings. Black aluminium framing is used for the door and window frames and glass balustrades are proposed for the balconies. Grey stone will be used to surround the openings.

The materials are considered to be suitable contributing to sense of place, variety and interest.

The scale and appearance of the proposed development is considered to be in line with the character of the area, would create a positive residential environment and demonstrates quality design while respecting traditional patterns of development and providing accommodation that is in demand in the area.

Amenity of future occupiers

Block A

Block A consists of 3 no. 2 bed, 4 person dwellings and each measure an internal GIA of 82sqm thus meeting the requirement for a 2 bed 4 person dwelling over two stories as stipulated in the National Space Standards (NSS). All habitable rooms of the dwellings are served by large openings and the bedrooms, whilst not dual aspect, are served by two windows allowing for an adequate amount of daylight and sunlight.

In terms of private amenity space the gardens are 66.2, 67.8 and 67.6sqm and a length of 12.1m thus meeting the requirement for private amenity space (68sqm or 12m in length) as stipulated by the Designing Walsall SPD.

Block B

Block B proposes 2no. 2 bed, 3 person dwellings at ground floor and measures an internal GIA of 61.7 and 66.6sqm thus meeting the requirement for a 2 bed 3 person dwelling over one storey as stipulated in the NSS.

In terms of private amenity space, the two dwellings are provided with 32.8 and 51.9sqm of private amenity space.

At first floor there is a 2 bed, 3 person dwelling measures an internal GIA of 62.3sqm, thus meeting the NSS and there is also a 3 bed, 6 person flat proposed with a GIA of 106.1sqm which meets the standard of 95sqm NSS.

The apartments are served by balconies measuring 7sqm for the 2b3p dwelling and 11.1sqm for the 3b6p dwelling.

At second floor there are 2no 2 bed 3 person apartments proposed with internal GIAs of 62.3 and 65.8sqm and a 3 bed 6 person apartment with a GIA of 97.5sqm again meeting NSS. The apartments are served by balconies measuring 7 and 10.1sqm for the 2b3p dwellings and 11.1sqm for the 3b6p dwelling.

All habitable rooms of Block B are served by large openings. The master bedrooms of the west most apartment is dual aspect at all three floors whilst all other bedrooms of the apartments are single aspect, however they are served by large openings for an adequate amount of light.

Block C

Block C has been amended since the original submission and split into two distinct blocks. At ground floor of the first block there is a 2 bed, 4 person dwelling with a GIA of 70sqm and a 1 bed 2 person dwelling with a GIA of 52.5sqm, both meeting the NSS. At first floor there is a 2 bed 3 person dwelling with a GIA of 68.5sqm and 1 bed 2 person dwelling with a GIA of 52.7sqm. At second floor there is a 2 bed 3 person dwelling with a GIA of 68.5sqm and a 1 bed 2 person dwelling with a GIA of 52.7sqm. All the GIAs meet the minimum requirements as stipulated in the NSS.

All habitable rooms of Block C are served by large openings allowing for an adequate amount of light.

The ground floor apartments of Block C are served by 25.5 and 25.8sqm of private amenity space whilst the flats at first and second floor are served by balconies ranging from 5.3 to 7.2sqm.

The other part of Block C is two semi-detached houses, both being 3 bed, 5 person houses other two floors, measuring 98.2sqm and 102.2sqm thus meeting the requirements of the NSS. All habitable rooms are served by large windows and there are large bi-fold doors to the rear of the property to allow light into the living space. The dwellings are served by 35 and 33.7sqm of private amenity space.

It is noted there are no north-facing single aspect dwellings proposed and all dwellings would allow for unobstructed views onto private amenity space or onto the surrounding roads.

Whilst it is noted that Block B and C have a shortfall of private amenity space they are all served by either a balcony or a smaller garden. Further there is over 300sqm of communal amenity space provided to the south-east of the site, which would supplement the shortfall.

It is considered overall that a good standard of amenity is achieved for all units and future occupiers.

Landscaping

A landscape strategy has been developed as part of the proposed scheme offering around 1184m² of external space towards affording a greater sense of quality and usability.

The boundary to Bentley Road North has a landscape buffer buffered, ensuring that the existing trees are retained and the houses fronting that edge have substantial separation from the busy road.

The landscaping plan takes advantage of the empty space left around the disused mineshaft, introducing planting and outdoor furniture to create a useful and comfortable outdoor space for residents who will maintain this space themselves.

Trees and planting have been placed strategically throughout the site to separate the houses and their external amenity from parking areas creating a more private, secluded feel in their outdoor spaces.

Although the landscaping is considered to positively impact on the development and would provide a good sense of residential environment the landscaping plans have not been amended to reflect the latest layout of the site and as such a condition will be implemented requiring hard and soft landscaping details to be submitted prior to any development works above ground level being undertaken on site.

Conservation

The proposed site is within the setting of Bentley House, a Grade II listed building. In the immediate setting of this listed building are other residential properties. The NPPF places great weight given to the asset's conservation. Bentley House sits at a higher

level, due to the gradient of the land, meaning the four houses to the south of the listed building are staggered in height.

The proposed residential development would have less than substantial harm to the significance of the listed building and the scale of harm is considered to be medium. In accordance with paragraph 202 of the NPPF the proposal would need to be weighed against public benefit.

It is considered that the development would bring about economic, social and environmental objectives through the creation of jobs due to construction and money into the local area through due to the development of the area, a social objective by contributing towards housing targets and an environmental objective due to replanting and the submission of a soft landscaping scheme. As such it is considered that the public benefit outweighs any harm to the listed building.

It is further noted that with regards to the harm to the setting of the listed building, there are already modern residential properties within the intermediate setting of Bentley House and therefore the residential development would not unduly harm the intermediate setting of the listed building.

Trees

There is a Tree Preservation Order Group (1/2008) on the boundary of the site consisting of 9 Plane Trees.

It is considered that there will be some excavation within the root protection area of the protected trees outside the site on the Bentley Road frontage to create a ramped vehicular access to the front of Block C. It is however noted that the incursion appears minor and the trees should be able to withstand the impact and as such there is no Arboricultural objection to the layout of the site subject to conditions to ensure tree protection.

Ground Conditions and Environment

With the current application, the Applicant has submitted a 'Ground Investigation' and a 'Remedial Strategy and Verification Plan' to deal with the contaminated land and ground gas issues.

Based on the reports submitted, Pollution Control would agree with the recommendations put forward by the consultant:

- action is required on the made ground (removal of) and the delineation/treatment of areas where excessive contamination was found, together with additional testing
- use of clean topsoil and/or cover material
- need for a 'watching brief' for unexpected contamination
- the site needs to be treated as a Characteristic Situation 2 site, i.e. a gassing site (carbon dioxide), which will require appropriate mitigation measures
- verification and validation will be required for all works

Based on the reports, and given issues that Walsall Council have encountered with other developments, the developer will need to agree a Remediation Statement in writing with the Local Planning Authority, not rely on the Consultants report, and

demonstrate that certain activities have been or will be undertaken prior to construction commencing.

The developer will be required to provide written Validation (evidence) of the ground-gas protection measures for every Plot and will be required to provide written Validation for any agreed garden or shared amenity areas in writing. Other developers within Walsall are validating each Plot (or combination of Plots) as they are completed, rather than validating the entire site at the end of the construction. The Validation process includes the taking of Photos, providing completed checklists, and providing reports/confirmation from suitably qualified persons.

Due to the need to incorporate ground-gas protection measures into the foundations of the buildings, Permitted Development Rights need to be removed and this will be done via condition so that any new development can be fully assessed.

The Black Country Air Quality Supplementary Planning Document (SPD) is relevant. It is noted from the site plans provided that not all of the premises have a drive or car parking space directly next to the house/premise. It is therefore recommended that a Statement on how a developer will comply with this SPD and a condition needs to be included requiring the developer to provide a written validation statement to the Local Planning Authority that demonstrates they have complied with the requirements, prior to occupancy.

The developer will need to install acoustic mitigation (glazing and ventilation) to habitable room facades that front Bentley Road North. If the developer wishes to install their own glazing and ventilation then this needs to be supported with a full acoustic survey, with the objective to meet the recommendations within ProPG: Planning and Noise 'New Residential Development', which incorporates the need to meet the requirements of British Standard BS8233:2014. If the developer decides to go down this route then the acoustic consultant needs to contact the Environmental Protection Section to agree a methodology and scope

Environmental Protection have provided conditions to address ground gas and contaminated land issues, construction management to minimise impacts on neighbouring residential premises, and for properties with habitable room facades fronting onto Bentley Road North to incorporate improved acoustic glazing and acoustic ventilation which will be included on any decision notice.

It is noted the site contains a mine shaft in the south-east corner of the site which the Coal Authority advise requires a 'no build zone' with a radius of approximately 15m from the centre of the shaft i.e. a diameter of 30m.

The remedial works outlined in the applicant's Coal Mining Risk Assessment Report should be fully implemented on site prior to the commencement of development. A condition to reflect this will be included on the decision notice.

Highways

The site is located in a predominately residential area and is considered to be a reasonably sustainable site with good links to public transport.

Original concerns regarding the layout required a variety of amendments as set out as follows:

- The main gated pedestrian route has been switched to the eastern side so that it links up with the other internal footways.
- The vehicle access has been reduced to 5.0m, as requested. Therefore the flat closest to the entrance has been enlarged to a 4 bed 6 person unit (from a 2 bedroom 4 person).
- Parking spaces 9, 10 and 11 are now 6m in length.
- The space to the east of parking space 2 is there to allow for outlook from the 2 bed 4 person duplex apartment.
- A fully inclusive accessible route between the rear car park and the two houses at the northern end of the site fronting Bentley Road North has now been proposed to avoid any unnecessary parking on Bentley Road North.
- A pedestrian route to parking spaces 13 to 17 has now been created.
- The highways authority have referred to an area of land under their ownership, the applicant would look to agree a S278 highways agreement in place to secure the works and a note to applicant will be implemented on the decision notice to remind them.
- An Swept Path Analysis has been prepared for a large delivery van to confirm the space on the site is sufficient.

The principle of access to the site was approved under 16/0290 and it is considered the proposed accesses meets the required visibility standards.

In terms of vehicular parking, 30 parking spaces are provided which is a provision of 13. This is considered acceptable. In order to control construction traffic management a CE would be required and would be a condition of any development.

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

It should however be noted that the access road is to remain private and consequently Council's refuse/recycling vehicles will not enter onto the private area to collect waste. Additionally the submitted Swept Path analysis for a refuse wagon demonstrates that access is not suitable to serve as access to such a vehicle with the tracking showing overtopping of the kerbs and landscaping at the entrance. Therefore clarification of the proposed waste and recycling collection arrangements will be required and is discussed in the Waste Management section of this report.

Clean and green

Secure bin stores are proposed at ground floor level with primary external access off King Charles Avenue. The team have advised that bins that should be purchased for the complex are 1x 1100ltr + 1x 660ltr bin for general waste and 3x 1100ltr bins for recycling.

The Council's Clean and green team have considered that site access for a Refuse Collection Vehicle could be very difficult with the proposed layout and although it appears there is enough space for turning our HGV vehicles, it is very dependent on resident parking being completely in line with proposals, which is not always the case. If the site cannot be accessed, refuse will go uncollected and will become the responsibility of the managing agent or resident to resolve.

It is considered that an alternative would be for the collection of bins from the kerb side given the bin store is near the King Charles Avenue frontage without the collection vehicle having to enter the site (subject to confirmation by Walsall Waste management). This would be subject to bin storage space being available adjacent to the public footway on the day of collection and subject to the provision of a management plan confirming how this would operate.

It is therefore requested that members of the committee resolve to delegate to the head of planning and building control to grant planning permission subject to overcoming the outstanding objection raised by Clean and Green.

Security

Concern was raised in regard to the number of ground floor bedroom windows facing the street with the potential of being close to public footways. Landscape buffers are included create more privacy and security between the dwellings and the street. The Bentley North Road elevation includes a ramp and there was concern this could result in anti-social behaviour. It is considered that the controlled gate access would prevent this behaviour and would also ensure overall site security.

A condition requiring various security measures for the dwellings, in addition to a note to applicant regarding secure by design principles will be included.

Sustainability

Condition 11 requires details to be submitted to demonstrate energy consumption savings of 10 percent of the overall on site- energy demand. An energy statement has been prepared by Ensphere and confirms that the roof mounted PV panels will generate >10% of the regulated energy demands. The solar panels are shown on the Proposed Roof Plan and thus satisfy Condition 11.

Planning Obligations

Core strategy Policy HOU2 seeks to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable.

The Affordable Housing Contribution, including the percentage/mix to be provided on-site and/or the amount to be paid via commuted sum, shall be discussed and agreed with the Council prior to implementation works, as per Part 4 of the signed S106 agreement.

Local Finance Considerations

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

This application proposes 18 new homes.

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

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

Conclusions and Reasons for Decision

The proposal is a reserved matters application following the approval of outline consent. The scale and appearance of the scheme is in accordance with the local area and the layout follows the pattern of the development in the vicinity. The application is strongly supported on policy grounds and is acceptable from a highways, trees, conservation, flooding, ground condition and environment, security and sustainability perspective.

A condition has been implemented regarding the further submission of a hard and soft landscaping scheme as although the landscaping scheme may be acceptable it is based upon a different layout to that approved.

Walsall Council's Clean and Green Team are objecting on the basis that the site access for a Refuse Collection Vehicle could be difficult and as such it is requested that Planning Committee delegate back to the Head of Planning and Building Control to overcome this objection.

Taking into account the above factors it is considered that the application should be recommended for approval subject to the amendment and finalising of conditions, no further comments from a statutory consultee raising material planning considerations not previously addressed and overcoming the outstanding objection raised by Clean and Green.

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to:

- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Overcoming the outstanding objection raised by Clean and Green.

Conditions and Reasons

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

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

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

- 770-002 Existing Site Plan REV A received 17.12.2021
- 770-001 REV A- Location Plan received on 17/12/2021.
- 770-142 Block A elevations REV A, received on 17/12/2021.
- 770-143 Block B elevations REV A, received on 17/12/2021.
- 770-144 Block C elevations, REV A, received on 17/12/2021.
- 770-141 Proposed Courtyard elevations REV A received on received on 17/12/2021.
- 770-101 Proposed first floor plan REV A received on received on 17/12/2021.
- 770-100 Proposed ground floor plan REV A received on received on 17/12/2021.
- 770-102 Proposed second floor plan REV A received on received on 17/12/2021.
- 770-131 Proposed sections REV A received on received on 17/12/2021.
- 770-140 Proposed Street elevations REV A received on received on 17/12/2021.
- 770-103 Proposed roof plan REV A received on received on 17/12/2021.
- 770-800 Schedule of Accommodation REV A received on received on 17/12/2021.
- 770-130 Site entrance section REV A received on received on 17/12/2021.
- 770-99 Proposed Site plan REV A received on received on 17/12/2021.
- 1337-002 Tree Protection Plan REV A received on received on 17/12/2021.
- 1337-001 Tree Survey and Tree Constraints Plan received on received on 17/12/2021.
- Citrine product sheet received on 01/04/2021
- Coal Mining Risk Assessment Report by Aba consulting received on 01/04/2021
- Covering letter by Hybrid Planning received on 01/04/2021
- Design and Access Statement by Ackroyd Lowrie received on 01/04/2021
- 900- External Drainage Strategy REV A received on 01/04/2021
- Energy Statement by Ensphere Group Ltd on behalf of M & E Consultancy received on 01/04/2021

- Flood Risk technical note by aba consulting REV A received on 01/04/2021
- SK01- Mine Entry Foundation Section received o 01/04/2021
- SK02-Mine Entry Location Plan received o 01/04/2021
- Planning Statement by Hybrid planning received on 01/04/2021
- Remedial Strategy and Verification Plan by GIP received on 01/40/2021
- Report on Site Investigation by GIP received on 01/04/2021

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

3a. Prior to the commencement of development hereby approved, the details within the approved Mine Entry Location Plan (SK02) and mine entry foundation section (SK01) by aba consulting, received 01/04/2021 and the strategy for work to be undertaken to investigate/stabilise shall mine workings and recorded mine entry as detailed in the Coal Mining Risk Assessment Report by aba consulting, received on 01/04/2021 and shall be implemented.

3b. The approved details shall thereafter be retained for the lifetime of the development.

Reason: To ensure a safe and stable development and in accordance with NPPF paragraph 109 and Saved UDP Policy ENV14.

4. a) Prior to the commencement of the development hereby approved, a Construct Methodology Statement shall be submitted to and approved by the Local Planning Authc detailing;

i) where the parking and turning facilities for site operatives and construction delive will be located,

ii) full details of the wheel cleansing arrangements to prevent mud from being depos on the highway during the period of construction.

4b) This provision shall be retained during construction in accordance with the appro details.

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

5a. Prior to the commencement of construction or engineering works a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority.

The Construction Environmental Management Statement shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Site security arrangements including hoardings
- vii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- viii. Measures to prevent flying debris
- ix. Dust mitigation measures

x. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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

6a. Prior to commencement of development 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).

6b. The remedial measures as set out in the 'Remediation Statement' required by part b) of this condition shall be implemented in accordance with the agreed timetable.

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

6d. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use (see Note for Applicant CL3).

Reason: To ensure safe development of the site, protect human health and the environment and to accord with NPPF Paragraph 109.

7a. Prior to the commencement of the development hereby permitted an Air Quality Low Emission Scheme shall be submitted in writing to and approved in writing by the Local Planning Authority, to install two electric-vehicle charging points in the parking bays and Ultra-Low NOx boilers inside the properties.

7b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Air Quality Low Emission Scheme and the approved Air Quality Low Emission Scheme shall thereafter be retained for the lifetime of the development.

7c. Prior to the first occupation of the development hereby permitted a Low Emission Scheme Validation Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Low Emission Scheme Validation Statement shall demonstrate that the agreed Air Quality Low Emission Scheme has been installed and is operational.

Reason: in the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

8a. Prior to commencement of development plans shall be submitted to and approved in writing by the Local Planning Authority to show the disposal of foul and surface water flows.

8b. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

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

9a. Prior to development works above ground level of the development hereby permitted, details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

9b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

9c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

10a. Prior to the first occupation of any dwelling on the development, a written Validation Report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the following measures have been installed and complied with:

- i. Habitable rooms with facades onto Bentley Road North shall have acoustic glazing with a minimum sound reduction property, R_w , of 38 dB.
- ii. Habitable rooms with a facade onto Bentley Road North shall have acoustic ventilation, with a minimum sound reduction property, R_w , of 38 dB in the open position.

10b. The approved measures shall be retained for the life of the development.

Reason: To safeguard the amenity of intended occupiers and to accord with Saved UDP policy GP2.

11a. Prior to the occupation of the first dwelling hereby approved a plan showing the location of full infrastructure for electric vehicle charging facilities for each of the proposed dwellings shall be submitted to and approved by the Local Planning Authority.

11b. The agreed scheme shall be fully implemented in accordance with the approved details and thereafter retained for the life of development.

Reason: In the interest of Air Quality and in accordance with UDP Policy ENV10 and Air Quality SPD.

12a. Prior to the first occupation of any dwelling on the development, the proposed access ways and parking spaces serving that dwelling shall be implemented, the areas being consolidated, hard surfaced and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain. All parking spaces shall be clearly demarcated on the ground.

12b. 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.

13. Prior to the main site vehicle access, individual vehicle accesses to Block A and pedestrian links to Bentley Mill Way first coming into use, footway crossings and footway links to be installed with the new accesses shall be installed to the satisfaction of the Highway Authority.

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

14. a) 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 and the facility shall be fully implemented in accordance with approved details.

b) 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 GP2 and Black Country Core Strategy TRAN4.

15. Prior to the first occupation of any part of the development the following shall be installed:

- i. Vehicle access gates to the main vehicle access which shall be set back at least 5 metres from the carriageway kerb edge;
- ii. Pedestrian access gates serving the pedestrian access to flats; and
- iii. Boundary treatment around the perimeter of the site.

15b. The approved details shall be thereafter retained for the life of the development.

Reason: In the interest of security and to enable a vehicle to pull clear of the carriageway when the gates are in a closed position, in the interests of the free flow of traffic along the public highway and highway safety and to accord with Saved UDP Policy T13 and DW2 of the Designing Walsall SPD.

16. The development hereby approved shall not be carried out otherwise than in accordance with the details as specified within the energy statement produced by Ensphere Group Ltd on behalf of M& E Consultancy as received on 01/04/2021 regarding energy consumption savings of 10 percent of the overall on-site energy demand for the development and shall thereafter be retained for the lifetime of the development.

Reason: To encourage sustainable development and reduce impacts on the environment and to accord with NPPF 10 and BCCS Policy ENV7.

17. The development hereby approved shall not be carried out otherwise than in accordance with the external lighting as specified on the Citrine product sheet received on 01/04/2021 and shall thereafter be retained or the lifetime of the development.

Reason: In the interests of residential amenity and community safety and to accord with Saved UDP Policy GP2.

18. The development hereby permitted shall not be carried out otherwise than in accordance with the approved measures within the Tree Survey and Tree Constraints Plan (1337-001) and Tree Protection Plan (1337-002 REV A) by Weddle Landscape Design, received on 17.12.2021.

Reason: To mitigate harm to the natural environment and protected trees in accordance with saved UDP policies GP2 and ENV18.

19: The development hereby permitted shall not be carried out otherwise than in accordance with the approved external materials as shown on the submitted plans. The facing materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

20. The development shall be constructed to meet the following minimum security measures and retained as such:

- i. Vehicle access and pedestrian access gates to flats at 2.1m high, to be self-closing and self-locking and designed to prevent climbing.
- ii. All ground floor windows and any accessible windows should have at least one pane of 6.8mm laminated glass. This includes French doors and patio doors.
- iii. The frontages and accessible windows of the houses and apartments shall have defensible planting under them.
- iv. Use of PAS 24:2012 doors.

- v. Use of a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification and ASB Thumb turn 3 star cylinders, Ultion Locks (or similar).
- vi. Use of 2.1 metre high rear perimeter fences to rear of dwellings erected so that the smooth face is always facing outwards including 300mm high anti-climb (Criss Cross) trellis topping. Where concrete post and panels are to be used the fence panels need to be secured together using galvanised metal straps, so that the panels cannot be lifted. The fencing shall be treated wood with a guaranteed life span of 25yrs. The fence height can be reduced to 1.8m between proposed rear garden areas.
- vii. All side entry gates to houses shall be 2.1m and be key lockable from both sides, positioned flush with the front of the building line. Their design and construction should not provide climbing aides for offenders.
- viii. No Lead or metal should be used on the ground floor, this includes outside taps to the front of properties. Where possible lead substitute products should be used.
- ix. All properties shall have a suitable intruder alarm, with a siren box front and back with dual or quad technology sensors and auto dialler function.
- x. Any communal entry to apartments shall be fitted with an access control system. This may be a proximity access control system, a door entry phone system and electronic lock release or a combination of these and shall include CCTV coverage of the flats.
- xi. Entrance and exit doors and frames to the flats shall be of a robust vandal resistant material, with vandal resistant viewing panels.
- xii. Entrances shall be well lit both internally and externally.
- xiii. Where communal areas are to be used for letterboxes DAD UK Ltd DAD009 1.5mm steel letterboxes shall be used.
- xiv. A Secured by Design cycle stand should be installed to serve any flats. The security anchor for the bike shall be certified to Sold Secure Silver standard or LPS 1175 issue 7:2010 SR1 and be securely fixed to the concrete foundation in accordance with manufacturers specifications.

Reason: To ensure the safety and security of the development and its occupiers, in the interests of visual and residential amenity and to accord with Saved UDP Policy GP2.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house;

- Class A (enlargement, improvement or other alterations),
- Class AA (enlargement of a dwellinghouse by construction of additional storeys)
- Class B (additions to the roof),
- Class C (other alterations to the roof),
- Class D (porches),

-Class E (building incidental to the enjoyment of a dwelling house),
-Class F (hard surfaces incidental to the enjoyment of a dwelling house),
-Class G (chimneys, flues),
shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

Notes to applicant

Air Quality SPD

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points:

An external weatherproof and lockable covered 32 Amp external 7 pin charging socket to comply with EN 62196-2 and be compatible with a J1772 Type 2 connector. The charging unit should feature a Mode 3 (IEC 61851) communication module.

Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

Each charging unit to be supplied by its own independent radial circuit.

Contaminated Land

CL1

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

CL2

When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

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

Working Hours

Demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall not take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall not take place outside the hours of 08.00 to 18.00; and 08.00 to 14.00 on Saturdays. Plant, machinery or equipment associated with such works shall not be started up or operational on the development site outside of the hours above.

(* 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)

Acoustics

If alternative acoustic measures are to be installed then these need to be supported with an acoustic survey that has been conducted with due regard to 'Professional Practice Guidance on Planning and Noise for New Residential Development', ProPG, which is available from the websites of the Institute of Acoustics (IOA), Chartered Institute of Environmental Health (CIEH), and/or the Association of Noise Consultants (ANC).

HIGHWAY AUTHORITY

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. For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority under S38/278 of the Highways Act 1980. For further advice please contact Highway Development Control Team at Stephen.Pittaway@walsall.gov.uk
3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.

Severn Trent

Severn Trent Water advise that there is a public 100mm foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, 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. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

West Midlands Fire Service

Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

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

Requirement

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

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

Intention

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

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

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

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

Water Supplies

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

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

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:

b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

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

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 1, Section 7)

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

West Midlands Police

Suitable lighting will provide some security.

Lighting at the levels recommended by BS 5489-1:2020.

External LED lights with daylight sensors to the external walls, particularly by entrances and lighting to parking areas.

Alarm and cctv installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/> .

I would recommend security using the principles of Secured By Design.

The applicant may wish to consider crime prevention and home security advice contained within SBD New Homes.

Please see :

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NE_W_version_2.pdf .

Dwelling entrance door-sets (SBD Homes 2019 page 29, 21.1-8).

PAS 24: 2016 standard doors for houses and apartments.
Consider combined fire and security door-sets. See attached door-set brochure.
Please see: <https://www.securedbydesign.com/guidance/standards-explained>

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 2

Reason for bringing to committee

Major Application
Significant Community Interest

Application Details

Location: MALI JENKINS HOUSE, THE CRESCENT, WALSALL, WS1 2DE

Proposal: ERECTION OF 3 STOREY 18 NO. AFFORDABLE ONE AND TWO BEDROOM APARTMENTS WITH ASSOCIATED PARKING AND LANDSCAPING.

Application Number: 21/1240

Case Officer: Leah Wright

Applicant: Habinteg Housing Association

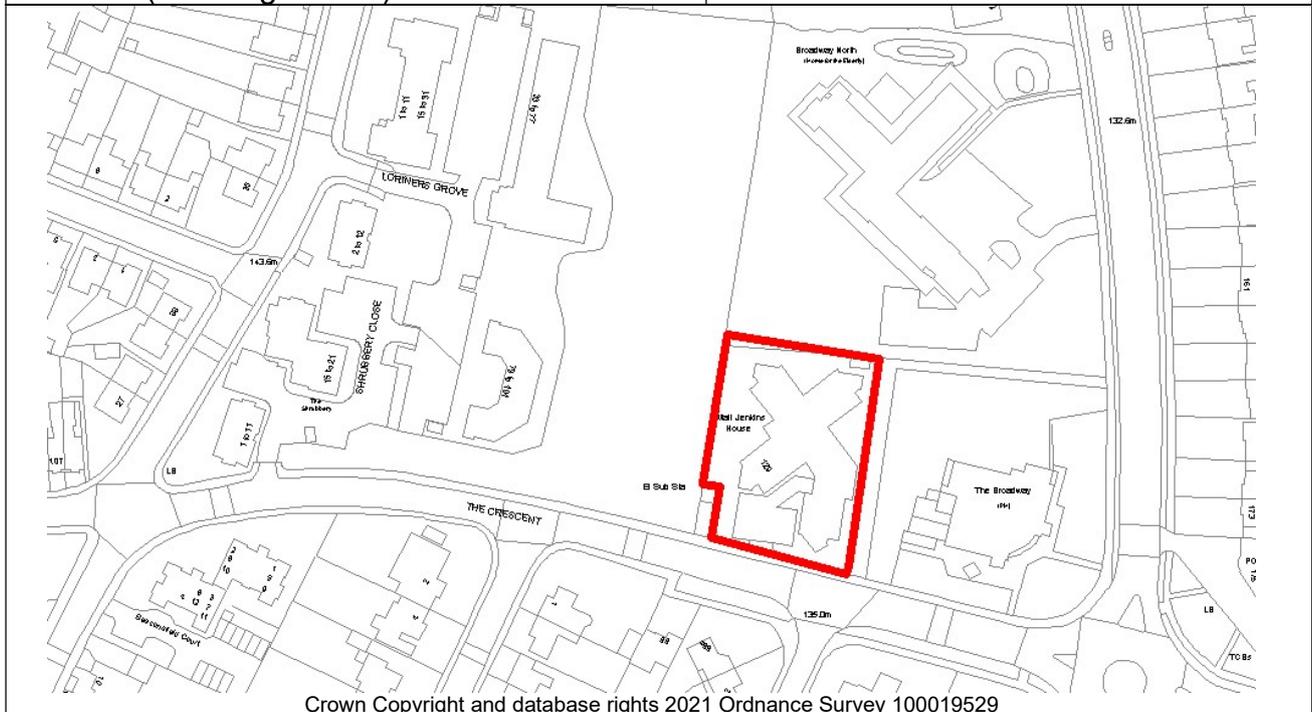
Ward: Paddock

Agent: Acanthus

Expired Date: 18-Nov-2021

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

Time Extension Expiry:



Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to conditions, the signing of a s106 to secure 25% affordable homes with affordable rent tenure and subject to:

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

Proposal

This proposal is a full application for the erection of 3 storey 18 no. affordable one and two bedroom apartments with associated parking and landscaping.

The proposed building would measure 11.12m in maximum height with a dual pitch roof with eaves of 8.2m. The building would measure 33m in width and 18.48m in maximum depth. It would be constructed from FL quality brick, coloured Red Multi and through coloured render coloured white. The doors would be a powder coated aluminium automatic door system, coloured anthracite RAL 7016 (grey) with aluminium curtain wall, UPVC window and glazed floor system all coloured anthracite RAL 7016. The roof tiles would be constructed from concrete and coloured dark grey. The proposed balconies would have a stainless steel baluster and handrail with a toughened glass panel infill. To the front elevation there would be Photo voltaic panels that would measure 3.3m in width, 0.18m in depth and 1.48m in length.

The front and rear elevations are characterised by doors at ground floor, windows at ground, first and second floor of a similar style and balconies at first and second floor. There would be a large glazed entrance to the front elevation. To the west and east elevation there are 2no side facing windows serving the internal hallway.

The apartment block is set back from the highway by approximately 27m and there are 27no unallocated parking spaces (equivalent to 1.5 spaces per dwelling) to the front of the building. There is a general and recyclable refuse store sited adjacent to the parking area to and a metal resident and visitor cycle enclosure to the front of the building. It is noted that the site will utilise the existing site access and drop kerb.

The proposed site plan shows an area for maintenance access surrounding the site and defensive planting. To the rear of the site there is an area of shared amenity space.

The site is surrounded by paving which will be Marshall or similar 600x 900 x50mm concrete flags and paths which will be gravel with weed suppressant membrane.

The site will be enclosed by a 2.0m high close boarded timber fence with a lockable timber gate to the side and rear and a 1.0m high close boarded timber fence towards the front of the site. There would be 1.1m high galvanised mild steel railings with powder coated finish (colour black) to the front elevation of the building.

Internally the schedule of accommodation includes 2no 1 bed 2 person apartments and 4no 2 bed 3 person apartments at ground floor, 4no 1 bed 2 apartments and 8 no 2 bed 3 person apartments spread across the first and second floor resulting in 18 units. The approximate density of the site is 78.2 units per hectare.

In terms of documents to support the application, the following have been submitted:

- Gas membrane datasheet
- Typical edge detail- suspended slab drawing.
- Geoenvironmental appraisal
- Noise Survey
- Financial Viability Assessment
- Tree report and AIA
- Topographical Survey
- Preliminary Ecological Appraisal
- Design and Access Statement
- Bat Emergence Survey
- Drainage Strategy Report with drainage layout plan
- Flood Exceedance routing plan
- Impermeable area plan

Site and Surroundings

The existing site is currently occupied by a now vacant former residential care home (C2 use) which has prior approval consent for its demolition under application 21/0917.

The site is relatively level with the western and northern boundaries the ground rising between 0.5-1.5m up to the boundary.

The surrounding area is characterised by predominately two and three storey brick/render houses and apartments.

To the east of the site is a Toby Carvery restaurant which comprises two storey buildings of painted brick and a large steep roof.

Beyond Broadway North there is a small convenience store and post office.

To the north of the site a residential development has been approved for 14 dwellings (application 21/0006).

The Crescent lies to the south and residential properties opposite, and to the west is a small woodland area containing mature trees with a three storey apartment development

beyond.

The site is not within a Conservation Area, nor does it comprise a listed building.

Relevant Planning History

BC54803P- Extension to provide new entrance to Mental Health Wing- GSC- 22/06/1998

19/1340- Prior Notification for demolition of Broadway North Resource Centre- prior approval not required- 19/11/2019

21/0006- Erection of 14 no. dwellings, alterations to existing access and associated works- GSC 21.07.2021

21/0917- Prior Approval: Demolition of Mali Jenkins building(s) and site to be cleared and left with a secure fence and bund- Prior approval granted- 04/08/2021

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an

advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- H1: Renewal of Existing Residential Areas
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC3: Affordable Housing and Housing for People with Special Needs
OS1: Open Space, Sport and Recreation
EN1: Natural Environment Protection, Management and Enhancement
EN3: Flood Risk
T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Open space, sport and recreation

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

Affordable Housing

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

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- AH5: Off Site Provision

Air Quality SPD

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

Consultation Replies

Clean and Green

Support; Site will require 1x 1100ltr and 1x 660ltr for general waste and 2x 1100ltr bins for recycling.

Community safety team

Support.

Housing Standards Officer

Concern regarding bathroom and kitchen areas not having a window. Flats on second floor- escape route from living/dining room area is through the kitchen which is a high fire risk.

Housing Standards

It is noted that the proposal is for 100% affordable housing. This is welcome, however the development plan policy in Black Country Core Strategy policy HOU3 can only require 25% of the units to be affordable. The affordable contribution should consist of 1 First Home, 1 Shared Ownership and 2 social rent. Alternatively, if a housing association isn't prepared to take this mix, then a commuted sum would be required from the owner to the value of £175,219. This requirement will be further reduced by vacant building credit, through deducting the floor space of the existing building from that of the proposal.

Local Highways Authority

Support subject to conditions regarding implementation of car parking, details of cycle shelter and a construction methodology statement.

Pollution Control

The Applicant needs to undertake further contaminated land and ground gas investigation, install acoustic glazing and acoustic ventilation, agree and implement measures to install an electric-vehicle charging point, and implement a Construction Management Plan.

Severn Trent Water

No objections subject to a condition regarding the submission of drainage plans for the disposal of foul and surface water flows.

Strategic Planning Policy

Redevelopment for residential use is strongly supported. Requirement for 25% affordable housing and a contribution towards off-site open space.

Tree Preservation Officer

Recommendation for consent subject to conditions regarding that the recommendation and guidelines as detailed in the Arboricultural report and AIA should be implemented and adhered to, submission of tree protective fencing and a detailed landscaping scheme.

Walsall MBC

Support.

West Midlands Police

Recommend principles of secure by design; no objection.

West Midlands Fire Service

Note to applicant regarding access and facilities for the fire service B5.

Representations

Cllr Singh Sohal has objected to the application and forwarded comments from residents.

The WS1 action group have submitted a residents petition to refuse the application (signed by 186 residents) on the basis that local residents and community groups believe the development will have a detrimental effect on the area. They are Concerned about the size and appearance of the building, the impact on the protected wildlife and trees, concerns about the infrastructure, demands on community services, as well as additional noise and traffic disturbances.

Further there have been approximately 63 representations received objecting to this application which are summarised below (Officer's comments are in italics):

- Out of character with the area- *See design section of this report.*
- Overdevelopment of the site- *As above.*
- Appearance and height of structure- *As above.*
- Only a few houses in Boscobel Road have been informed of the plans- *A 21 day statutory consultation was undertaken and adjacent properties were informed of the proposal.*
- D+A states that the development will be for vulnerable people but isn't explained- bear risk of different categories and levels of vulnerable people- *Not a material planning Consideration.*

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- Loss of privacy, light and issues of overlooking- *Impact is considered to be acceptable as discussed in the neighbouring amenity section of this report.*
- Increased noise and disturbance- *A construction management plan will be a condition of any approval to mitigate against disturbance.*
- Detrimental impact on our daily life.
- Proposal will cause disruption.
- Trees to be planted to protect assets and not undermine sale of plots of new Broadway development- *Not a material planning consideration.*
- Children from Mayfield Independent and Walsall Grammar School may be at risk from vulnerable people as they walk past- *As above.*
- Fear of Crime- *See security section of this report.*
- Disposal facilities are not sufficient- *Walsall Council's Clean and Green have no objection to the proposal.*
- Unsuitable near a school- *The proposal will not impact on the school.*
- Removal of trees will leave properties exposed.
- Proposal will have too many people and cars- *The parking provision is considered acceptable for the development.*
- Adequate space for emergency service access, parking and turning- *No objections from WMFS or highway authority.*
- Lack of local amenities for future residents, the local convenience store will be dangerous for wheelchair users- ... *Not a material planning consideration*
- Please clarify the category of resident- *As above.*
- Is it affordable housing or social housing; are units for sale or rent.
- Problems with parking- *No objection from LHA.*
- Increase in traffic will lead to accidents
- No safe crossing for residents on nearby streets- *Not a material planning consideration.*
- Object due to proposed dwellings being built on the Broadway- Development will not impact on this proposal as discussed in the report.
- Ecology reports are password protected- *This is to protect protected species locations published in documents on the World Wide Web.*
- Hedgehogs in the area and no mention of hedgehog friendly wooded plants or fencing- *Discussed in Ecology section of this report.*
- Concerned disruption caused by construction will negatively impact ecology.
- Impact on Ecology and Wildlife.
- Development will affect tree roots- *No objection from trees.*
- Object due to protected trees- There are no protected trees within the site however it is noted there are TPOs to the west of the site. A TPP and...
- Levels in light and noise will drive wildlife away.
- Planting proposed may be compromised by the hanging of trees of the shrubbery.
- Drainage will not be able to cope with the housing- *No objection from STW.*
- Amendments do not fundamentally change the first application.
- If planning application is approved we will submit an appeal to the planning inspectorate- *Once a planning application is approved the decision cannot be appealed by a member of the public.*
- Previous centre could have been used as a health care centre or essential needs- *The LPA must determine the planning application before them.*
- Why isn't current development extended- *The previous building has consent to be*

demolished.

- Will proposal have a negative impact on surrounding property prices- *Not a material planning consideration.*
- Proposals submitted by an organisation subject to a regulatory judgement with regards to its governance arrangements in terms of continued compliance with regulatory requirements- *Not a material planning consideration.*
- Lack of reference to particular planning policies- *Discussed in this report.*
- Lack of infrastructure to support proposal.
- Impact on locality due to socially deprived characters, rubbish, drugs and noise- *Not a material planning consideration.*
- Don't want social housing near property- *Not a material planning consideration.*

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations
- Local Finance Considerations
- Any Other Matters

Assessment of the Proposal

Principle of development

The National Planning Policy Framework sets out a clear presumption in favour of sustainable development. It notes that, for decision takers, this means approving development proposals that accord with the development plan. Walsall's Unitary Development Plan reconfirms the guidance as contained in the National Planning Policy Framework on sustainable development.

The site has no allocation in the development plan, however the site was formerly in residential use (albeit as a C2 use rather than C3) so redevelopment for this use is strongly supported on planning policy grounds. Further, it is located in a predominantly residential location and in a sustainable location with good links to public transport and access to services and facilities.

BCCS Policy HOU2 states that all developments will 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 in Policy ENV2. The approximate density of the site is 78.2 units per hectare and is considered to be very high. The BCCS states that this is only appropriate within a strategic centre or town centre. The site is

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located approximately 1 mile from Walsall Town Centre and is in a sustainable location with links to public transport and is accessible to employment areas, health, fresh food and education. It's noted that the housing is not for a family and the indicative proportion of flats is 50% plus in accordance with Table 8 of policy HOU2. As such the density is considered to be acceptable.

The proposal would also bring previously developed land back into a positive use which is encouraged by local and national planning policies and guidance.

Design, Layout and Character

Walsall's Unitary Development Plan states that development should be of a high quality design that respects local distinctiveness, enhancing the character and appearance of the area. It states that within settlement limits proposals will be supported where they do not have a negative impact on the character and appearance of the surrounding locality. Walsall's Unitary Development Plan states all proposals should maintain or enhance the character of the surrounding area and should respect the scale and density of surrounding development.

The surrounding area consists of mostly 2 storey buildings whilst to the west there are three storey apartment blocks. It is considered at three storeys that the apartment building would be in keeping with the scale surrounding area and would not be at odds. In terms of layout, the building will be sited where the previous Mali Jenkins care home was once sited and would not come forward of the building line along The Crescent. It has been positioned to minimise impact on the existing trees and would avoid overlooking onto the existing restaurant and car park to the east of the site.

It is considered that the building provides natural surveillance to the car park area and communal landscape gardens as habitable rooms would look onto these areas. Whilst there is some surveillance of the car park, the design of the flats does not provide adequate natural surveillance of the whole site. The development utilises the existing site entrance to the highway.

In terms of the buildings appearance it is a simple yet modern building, built purpose. It has a dual pitch roof and would be constructed from a mixture of red brick and white render. There are large windows to the front and rear allowing for natural light to enter the building. In terms of the surrounding area it is constructed from a mixture of materials with varying property styles and as such the LPA consider that the proposal would not be at odds with the surrounding area and would be of a high quality design which would enhance the locality. Conditions would be included on any permission to secure the use of appropriate external materials.

Amenity of Neighbours

The proposed building is sited to the north of the crescent. Immediately to the east there is a Toby Carvery Restaurant whilst further to the east there is a small shop and residential properties. To the North there is a new housing development (currently under construction) and to the west and south there are residential properties.

Appendix D of the Designing Walsall SPD states that 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.

To the rear of the building is the newly approved housing development by Cameron Homes (application 21/0006). There are balconies and rear habitable windows proposed to the rear of this proposal which would face onto this development at a distance of 13.056m. Although the proposal would look onto this development, it should be noted that it would be looking onto the side elevation of one of the approved dwellings where there is only a small window opening at first floor serving a bathroom (a non-habitable room) and two openings at ground floor serving a dining room (habitable room) and a door to access the utility (non-habitable room). The separation distances as stipulated in Appendix D of the Designing Walsall SPD state that there should be 24m between habitable windows in two storeys and above and 13m separation between habitable windows and blank walls exceeding 3m in height. In this instance the development would be acceptable given that the proposed development would face onto a first floor bathroom window which is not habitable and the only habitable room is at ground floor and as such the distances would not apply. Where the development would face onto a blank wall there would be a sufficient distance of 13m to also meet this standard. As such there would be no detriment through overlooking to the development to the north.

The nearest residential property to the south of the site is 88a The Crescent which is sited at a distance of 53.8m, to the west is the apartment block at a distance of 55m and to the east are properties along Broadway North at a distance of 105m. As such the proposal would not be a detriment in terms of overlooking to nearby neighbours.

The building is situated in a large plot and well contained within the site. There are no residential properties immediately adjacent to the site and as above the proposal meets the separation distances. As such it is considered the building would not be overbearing nor would it lead to a loss of light.

Amenity of Future Occupiers

The apartment block is made up of 4 different apartment types. The ground floor consists of 6No. M4 (3) fully wheelchair accessible apartments whilst the 12No. upper floor apartments have been designed to meet M4 (2)- accessible and adaptable dwellings. All the apartments are easily accessible with a level steep free approach and benefit from generous circulation zones, storage and wet floor shower rooms. The generous kitchens will incorporate rise and fall worktops. Each apartment has independent living and a lift will also

serve the upper floors.

It is intended that the development will home vulnerable people and adopt higher than current building regulating standards.

Apartment types A and B will be 1 bed, 2 person units and would measure 51 and 57sqm thus meeting the minimum GIA of 50sqm as stipulated for a 1 bed, 2 person unit over one storey in the National Space Standards. Apartment types C and D are 2 bed 3 person units and measure 65 and 72 sqm and also meet the minimum GIA of 61sqm as stipulated for a 2 bed 3 person dwelling over one storey in the National Space Standards. All bedrooms will also meet the minimum GIA.

The bedrooms of the apartments would all be single aspect and whilst it would be preferred for them to be dual aspect they would allow for an adequate amount of light and unobstructed views either onto the communal garden or onto the front elevation where the car park is sited.

In terms of private amenity space, Appendix D of the Designing Walsall SPD requires that where communal provision is provided there should be 20sqm of useable space per dwelling. To the rear of the property there is an area of communal amenity space which measures approximately 385.4sqm. Apartment A and C at first and second floor are served by balconies measuring 6.25 and 8.64sqm whilst apartments B and D are served by smaller balconies of 2.5 and 3.7sqm. Whilst it is noted that this is an under provision the apartments are large and spacious, thus future occupiers would have a good level of amenity and further there are areas of open space in close proximity to the proposed scheme; notably Walsall Arboretum which is 0.3 miles from the site (a 6 minute walk) provides 80 acres of park land which includes open gardens, lakes, a children's play area, an outdoor gym and other sports facilities. As such it is considered that despite the fact that each apartment does not have 20sqm of private amenity space the shortfall is justified.

Highways

The development looks to construct a block of 18, one and two bedroom affordable flats. 27 parking spaces are provided (150%) which accords with T13 parking policy.

The proposal looks to utilise the existing dropped kerb access point onto The Crescent which is acceptable.

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

The Highway Authority therefore support the application subject to conditions related to the implementation of the car park, details of the proposed cycle shelter and the submission of a construction methodology statement.

Ecology

A bat emergence survey and Preliminary Ecological Appraisal were submitted to support the application.

It should be noted that the bat emergence survey was submitted with the prior approval demolition application (21/0917) and a condition was implemented on the decision notice stating that prior to demolition of any of the existing buildings on site, bat surveys shall be undertaken.

The bat emergence/re-entry surveys revealed a small number of common pipistrelle to be present foraging in the adjacent woodland area. It can be definitively concluded that there are no bat roosts associated with the section of building surveyed. The building was further inspected both internally and externally and this confirmed that the gaps into the building were as a result of recent vandalism and fire damage, therefore making the presence of bat roosts much less likely.

As there were no bats emergent from the section of building affected, it can be reasonably concluded that there are no roosts associated with this section of the building. There is no obstacle or limitations to demolition of the building, providing this takes place within 12 months of the survey. If for any reason, the demolition is delayed longer than this, a repeat bat emergence survey is recommended.

The Preliminary Ecological Appraisal considered that statutory and non-statutory designated sites within 2 km of the Site will not be directly impacted as a result of the proposed development. This is due to the distance between the designated sites and the Site, the absence of potential pollution pathways and as statutory and non-statutory sites are primarily of interest due to the habitats they support, rather than species which may have the potential to use the Site. 4.2.2 As a result, no mitigation, compensation or enhancement measures are considered necessary in relation to the SSSI, LNRs, SINCs or SLINCs located within 2 km of the Site.

The PEA stated that there will be the loss of amenity grassland, poor semi-improved grass land, ephemeral short perennial, shrub and scrub and scattered trees however they are commonly occurring habitats and species which are common and widespread. Mitigation measures such as soft landscaping proposals and replacement planting are recommended.

The PEA has also recommended mitigation measures to protect species such as the common frog and toad, wild birds, their nests and eggs, hedgehogs. It states that given the small size of the site, location within an urban area and limited habitat connectivity within the local area, the likelihood of reptile presence within the site is considered to be low, however it has recommended a Page 75 of 260

The building has been assessed as displaying moderate suitability for roosting bats. As demolition of the building is proposed, it is recommended that nocturnal bat survey work is undertaken to determine the presence or likely absence of roosting bats within the building in advance of demolition. A condition requiring a bat survey was implemented on the prior approval demolition application and as such it does not need to be replicated on this permission.

The woodland adjacent the Site will not be lost as a result of the development however any bats which may use this feature may be impacted from increased light levels at the Site. This may impact bats at up to the local level due to the connectivity provided by the woodland. A sensitive lighting scheme is recommended to be developed by a lighting engineer in collaboration with an ecologist to minimise the impact upon foraging and commuting bats. Sensitive lighting should include where possible, low sodium bulbs, lighting directional/downward facing and no higher than eaves height. Light spill should onto the adjacent woodland should be avoided.

It is considered that the proposal will not unduly harm Ecology subject to appropriately worded conditions and as such the proposal is considered to comply with policies CSP3 of the BCCS, ENV23 & ENV24 of the UDP and EN1 of the emerging SAD plus SPD Conserving Walsall's Natural Environment

Flood Risk/Drainage

As shown on the Environment Agency's published flood risk map, the application site is located within Flood Zone 1, the lowest area of potential flooding from sea and rivers.

Severn Trent Water have expressed their support for the scheme subject to a condition regarding the submission of drainage plans for the disposal of foul and surface water flows.

As such it is considered that the proposal is acceptable from a flood risk/drainage point of view, subject to the appropriately worded conditions.

Trees/Protected Trees

12 trees would need to be removed to facilitate the proposed development of the site. However, they are category 'C' trees (using BS 5837 categorisation) which are trees of low arboricultural quality. Category 'C' trees would not normally be a constraint to development and their removal could be mitigated for with a landscape scheme for the site which includes replacement tree planting for which there appears to be adequate space.

In addition, the proposal would necessitate the pruning of 2 trees on the east boundary. The pruning works are minor and if done in accordance with best practice as detailed in BS 3998: 2010 should have little or no long term detrimental effect on the 2 trees. There is a woodland outside of and adjacent the west boundary (within Shrubbery Close and Loriners Grove). This woodland is protected by a woodland classification TPO title no. 3/2002. The proposal is likely to encroach into the root protection area (RPA) of 4 of these TPO trees labelled T24 to T28 on the tree survey. However, the incursion is relatively minor and provided care is undertaken then little or no lasting detrimental impact should occur to these trees. In addition, the proposal extends into the RPA of trees on the east boundary, however, the area is already existing hard standing and there is unlikely to be any significant root development in this area.

If consent is given to the application and in order to ensure the protection of the retained trees, a condition is recommended requiring an 'Arboricultural Method Statement' be submitted prior to the commencement of development on site detailing location and specification of tree protective fencing and any construction methodology to be implemented within the RPAs of the retained trees. It would also be desirable to condition a Landscape Plan including details of replacement tree planting in mitigation for the ones lost to accommodate the development.

Ground Conditions and Environment

The Applicant has undertaken a noise survey, which has identified that acoustic glazing and ventilation is required for habitable rooms with facades towards The Crescent and the Public House, with glazing that has a reduced acoustic specification on other facades. This requirement can be addressed via planning conditions, requiring the Applicant to firstly confirm the specification of glazing and ventilation before installation with the Local Planning Authority and then installing the agreed glazing/ventilation and subsequently demonstrating that the agreed glazing/ventilation has been installed.

The contaminated land investigation has not identified any significant contamination within sample boreholes that were within accessible areas and the consultant has risked the potential for ground gas concerns away. The consultant is recommending that further testing of inaccessible areas e.g. underneath the building is undertaken following demolition and stockpiling. Pollution Control agree that the additional testing will confirm whether the inaccessible areas have a similar ground chemistry to the other parts of the site i.e., of no significant concern.

Although, Pollution Control accept the reported chemical testing findings and have no significant concerns, the neighbouring site, which is also in the process of being re-developed, have encountered ground gas that has resulted in the site being upgraded to CS2. Therefore, during the additional testing regime, Pollution Control require that the Applicant/Consultant to undertake ground gas testing. Planning conditions for the additional testing have been provided.

The Applicant has indicated that there will be 27 unallocated car parking spaces. Section 5.6 of the Black Country Air Quality SPD requires for at least 1 electric vehicle charging point per 10 spaces. Therefore the applicant will need to install at least 3 charging points, in accordance with the SPD; this will be conditioned.

Given the size of the development, the Applicant needs to control local environmental impacts (noise, dust, debris, site drag-out) during the construction phase.

Security

The development will follow the principles of secure by design with site boundaries being 2m high at the rear and restricted access to communal areas. All entrance areas will be secure and well-lit with good natural surveillance.

The standard of all windows and doors will be subject to approved Document Part Q of Building Regulations. All external door sets, internal door sets to apartments and all ground floor and other early accessible windows will be manufactured to a design that has been shown by test to meet the security requirements of British Standards publication PAS 24:2012. Dusk till dawn lights are to be provided to all access point and all fittings, including the wiring, will be located in inaccessible positions to deter criminal attack. These measures can be secured via condition. Further, the communal car park shall have adequate lighting.

Sustainability

Work has been undertaken with an energy consultant to develop a strategy that is considered both sustainable in terms of energy usage and sustainable for future residents. The development does not rely on gas boilers and instead will benefit from heat pumps to provide hot water and heating. The increased electricity costs will be offset by PV panels fed into each apartment ensuring running costs remain lower than traditional combi boiler system running costs. The building fabric, including between the apartments, will benefit from high levels of thermal insulation and good quality detailing to limit thermal cold bridging.

Planning Obligations

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 following statutory tests to make the development acceptable in planning terms:

- 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.

These tests are set out in The Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 and National Planning Policy Framework paragraph 56.

Black Country Core Strategy policy HOU3 states that 25% of the units should be affordable, although this requirement would be offset by vacant building credit through deducting the floor space of the existing building from that of the proposal. In addition based on the proposed development and the Council's ready reckoner, the urban open space contribution required is £29,010.00. The nearest Urban Open Space is Walsall Arboretum Park.

A full financial viability assessment was provided to support the application and has been independently assessed by Lambert Smith Hampton. Whilst viability states that contributions for affordable housing and public open space cannot be provided there is nothing preventing the applicant entering into a S106 to secure 25% policy compliant affordable homes with affordable rent tenure.

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 18 new homes.

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

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

Any Other Matters

There have been a number of objections from neighbouring residents. Many of these objections are non-material or if they are material it has been discussed in the report why the proposal is acceptable otherwise.

It should be noted that housing strategy commented on the internal layout of the dwellings however this is not a material consideration.

Conclusions and Reasons for Decision

FOR Grant

The proposal is strongly supported on policy grounds and is considered to be acceptable

in terms of highways, trees, ecology, ground conditions, flood risk, security and sustainability.

The proposal would assimilate well with the surrounding area and would not be considered to be at odds and the scale and layout is acceptable. A good level of amenity would be achieved for future occupiers and there would not be any detriment to neighbouring occupiers.

No S106 has been signed as it has been proven that the scheme is not viable for planning obligations in regard to affordable housing and open space.

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to conditions, the signing of a s106 to secure 25% affordable homes with affordable rent tenure and subject to:

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

Conditions and Reasons

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

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

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

- 1655-23-AWSM-A1-ZZ-DR-A-111- 1 bedroom 2 person plan REV P1 received on 14/09/2021.
- 1655-23-AWSM-A1-ZZ-DR-A-110- 1 bedroom 2 person REV P1 received on 14/09/2021.
- 1655-23-AWSM-A1-ZZ-DR-A-113- 2 bedroom 3 person REV P1 received on 14/09/2021.

- 1655-23-AWSM-A1-ZZ-DR-A-112- 2 bedroom 3 person REV P1 received on 14/09/2021.
- 1655-23-AWSM-XX-XX-DR-A-102-P1- Boundary treatments received on 14/09/2021.
- MHJW-GOO-01-00-DR-C-0501 Drainage Layout Plan REV P01 received on 14/09/2021.
- Drainage Strategy report received on 14/09/2021.
- MHJW-GOO-01-00-DR-C-0502 Flood Exceedance Routing Plan REV P01 received on 14/09/2021.
- MHJW-GOO-01-00-DR-C-0501 Impermeable area plan REV P01 received on 14/09/2021.
- 1655-23-AWSM-XX-XX-DR-A-101-P1- Location Plan received on 14/09/2021.
- 1655-23-AWSM-A1-RR-DR-A-108-P2- Roof Plan received on 14/09/2021.
- 1655-23-AWSM-XX-ZZ-DR-A-101-PL Site Sections received on 14/09/2021.
- 1622-23-AWSM-XX-DR-A-585- Assembly details (sheets 1-4) received on 26.01.2022
- 1655-23-AWSM-A1-ZZ-DR-A-109 REV P4- Elevations, received on 26/01/2022
- 1655-23-AWSM-A1-01-DR-A-106 REV P3- first floor plans, received on 26/01/2022
- 1655-23-AWSM-A1-GF-DR-A-105 REV P3 Ground floor plan, received on 26/01/2022.
- 1655-23-AWSM-A1-02-DR-A-107 REV P3 second floor plan, received on 26/01/2022.
- 1655-23-AWSM-XX-XX-DR-A-100-G Site Layout Plan, received on 26/01/2022.
- Appendix D Exploratory Hole Records by Dunelm received on 07/10/2021
- Gas Membrane datasheet by Visqueen received on 10/01/2022.
- Geoenvironmental Appraisal report M941 by Dunelm received on 07/10/2021
- Noise Survey by NOVA acoustics received on 07/10/2021
- Typical Edge detail suspended slab by Visqueen received on 10/01/2022
- Financial Viability Assessment by Grimshaw Consulting Ltd received on 03/02/2022.
- Bat Emergence Survey
- Design and Access Statement by Acanthus WSM architects received on 14/09/2021
- Preliminary Ecological Appraisal
- Topographical Survey by Terra received on 14/09/2021
- Tree Report and AIA by AWA tree consultants received on 14/09/2021
-

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

3a) Upon demolition of the existing building and site clearance, a ground contamination survey and assessment of ground gas, having regard to current best practice, shall be undertaken. (see Note for Applicant CL1)

3b) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

3c) Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted in writing 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 iii) of this condition shall be implemented in accordance with the agreed timetable.

3e) If during the undertaking of the approved remedial works or during 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 has been submitted in writing to and agreed in writing by the Local Planning Authority.

3f) A validation report setting out and confirming the details of the remedial measures implemented, cross referencing those measures with the approved Remediation Statement, together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted in writing to and agreed in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

3g) The development shall not be carried out otherwise than in accordance with the approved Remediation Statement.

Reason: To ensure safe development of the site and to protect human health and the environment. In addition, to meet the requirements of the National Planning Policy Framework (2019) 170 and 178.

4a) Prior to the commencement of development hereby approved, an Arboricultural method statement, detailing the location and specification of tree protective fencing and any construction methodology to be implemented within the RPAs of the retained trees shall be submitted to and approved in writing by the LPA.

4b) The development shall not be carried out otherwise than in accordance with the approved Arboricultural Method Statement.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

5. a) Prior to the commencement of the development, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing;
i) where the parking and turning facilities for site operatives and construction deliveries will be located,

ii) full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

b) 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.

6a. Prior to the commencement of construction or engineering works a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority.

The Construction Environmental Management Statement shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Site security arrangements including hoardings
- vii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- viii. Measures to prevent flying debris
- ix. Dust mitigation measures
- x. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

6b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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

7: Prior to the commencement of development details of the size and locations of bird nesting boxes shall be submitted to and approved in writing by the LPA.

7b. Prior to the occupation of the development hereby permitted, the bird nesting boxes shall be installed in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To safeguard and enhance local wildlife and to comply with BCCS Policy ENV1, saved UDP Policy ENV23, NE1 to NE6 of the Natural Environment SPD and the NPPF

8a. Prior to the commencement of the development hereby permitted an Air Quality Low Emission Scheme shall be submitted in writing to and approved in writing by the Local Planning Authority, to install 3 electric-vehicle charging points in the parking bays and Ultra-Low NOx boilers inside the properties.

8b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Air Quality Low Emission Scheme and the approved Air Quality Low Emission Scheme shall thereafter be retained for the lifetime of the development.

8c. Prior to the first occupation of the development hereby permitted a Low Emission Scheme Validation Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Low Emission Scheme Validation Statement shall demonstrate that the agreed Air Quality Low Emission Scheme has been installed and is operational.

Reason: in the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

9a. Prior to commencement of development plans shall be submitted to and approved in writing by the Local Planning Authority to show the disposal of foul and surface water flows.

9b. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

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

10a. Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks, including details of replacement tree planting in mitigation for the ones lost to accommodate the development, shall be submitted in writing to and approved in writing by the Local Planning Authority.

10b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

10c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

11 a) Prior to occupation of the development hereby permitted, the car park shall be implemented, consolidated, hard surfaced and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays.

11b) The parking area 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.

12 a) Prior to occupation of the development hereby permitted, details of the proposed cycle shelter including its proposed location, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

12b) The cycle shelter facility shall thereafter be retained and used for no other purpose for the lifetime of the development.

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

13a. Prior to the occupation of the development hereby permitted, a written Validation Report shall be submitted in writing to and approved in writing by the Local Planning Authority to demonstrate the following measures have been installed and complied with:

i. Habitable rooms with facades onto The Crescent and the Public House shall have acoustic glazing with a minimum sound reduction property, R_w , of 38 dB.

ii. Habitable rooms with a facade onto The Crescent and the Public House shall have acoustic ventilation, with a minimum sound reduction property, R_w , of 38 dB in the open position.

13b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenity of intended occupiers and to accord with Saved UDP policy GP2.

14. The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures as detailed in the Preliminary Ecological Appraisal by Ecus Ltd dated April 2021 and such measures shall thereafter be retained for the lifetime of the development.

Reason: To conserve local protected species and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

15: All site clearance shall take place outside the bird breeding season (February to August) unless carried out under the supervision of a qualified and experienced ecologist.

Reason: To ensure proper regard is taken to the impact of development on protected and important species

16: No external lighting shall be installed on the site

Reason: In the interests of the visual amenities of the area, to conserve local bat populations and in accordance with saved policies GP2, ENV11, ENV23 and ENV32 of Walsall's Unitary Development Plan, BCCS Policy ENV1, NE1 to NE6 of the Natural Environment SPD and the NPPF.

17: The development hereby permitted shall not be carried out otherwise than in accordance with the approved external materials as shown on the submitted plans. The facing materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

18: The development hereby permitted shall not be carried out otherwise than in accordance with the recommendation and guidelines in the approved Arboricultural report and AIA and these recommendations and guidelines shall be implemented for the lifetime of the development.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

19. Notwithstanding the information shown on submitted plans, the development hereby permitted shall not be carried out otherwise than to meet the following minimum security measures and thereafter the security measures shall be retained;

-All external doors to individual dwellings to be PAS24; 2016

-All shared external doors shall have a door entry phone system and electronic lock

release linked to each flat

-All ground floor windows and over accessible roofs to be PAS24; 2016

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

-Dusk until dawn lights (white light source) to be installed adjacent to each external door

-Recycling and refuse areas to be secured at the rear of the properties in a lockable storage facility

-1.8m high closed board fencing with 0.3m trellis topper to be erected around the perimeter (inside of the boundary hedging) of each dwelling.

-All access gates shall be of the same construction of the perimeter fencing, self-closing, facing the street, lockable with a key front and rear, designed to not create any climbing aids

-No Lead or metal shall be used on the ground floor.

-All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)

-Mail boxes shall be constructed of a minimum 1.5 metre steel construction, being lockable individual letter boxes, secure anti-theft proof and wall mounted located at the primary entrance/exit lobby point of the building, covered by CCTV

-lighting within internal communal areas shall be PIR activated

-All energy meters shall be placed at the front of the dwellings

Reason: To ensure the safety and security of the development and its occupiers in compliance with NPPF 12 and saved policy ENV32 of Walsall's Unitary Development Plan.

Notes for Applicant

Highways

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

Severn Trent Water

1. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted

under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

2. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Notes for Applicant – Contaminated Land

CL1

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

CL2

When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

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

prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Note to Applicant Air Quality SPD

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points:

The electric vehicle charging point parking provision for share parking is 10% of points to comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw. For this development, based on 71 car parking spaces, it will require for 7 charging points.

Wherever possible the power supply and charging point should both be phase 3 compatible. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

The charging unit is to be supplied by its own independent radial circuit.

Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

- West Midlands Low Emissions Towns and Cities Programme, Good Practice - Air Quality Planning Guidance,
- Black Country Air Quality Supplementary Planning Document (SPD),
- General Procurement Guidance for Electric Vehicle Charging Points, UK Electric Vehicle Supply Equipment Association (April 2015),
- Institute of Engineering and Technology (IET) Code of Practice for Electric Vehicle Charging Equipment Installation

West Midlands Fire Service

Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

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

Requirement

Limits on application

Access and facilities for the fire service B5.

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

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of

State's view, requirement B5 is met by achieving all of the following.

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

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required.

Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult).

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

13.2 For flats, either of the following provisions should be made.

- a. Provide access for a pumping appliance to within 45m of all points inside each flat of a block, measured along the route of the hose.

- b. Provide fire mains in accordance with paragraphs 13.5 and 13.6.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram

13.1. Turning facilities should comply with the guidance in Table 13.1.

Blocks of flats fitted with fire mains

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

- a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.

- b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 14.10.

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

- a. Within 18m, and within sight, of an entrance giving access to the fire main.

- b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

Section 14: Fire mains and hydrants – flats

Provision of fire mains

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

- a. The firefighting stairs.

- b. Where necessary, in protected stairways.

The criteria for providing firefighting shafts and fire mains are given in Section 15.

14.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with paragraph 13.2(a). In these cases, the fire mains should be located within the protected stairway enclosure, with a maximum hose distance of 45m from the fire main outlet to the furthest point inside each flat, measured on a route suitable for laying a hose.

Design and construction of fire mains

14.4 The outlets from fire mains should be located within the protected stairway enclosure (see Diagram 15.1).

14.5 Guidance on the design and construction of fire mains is given in BS 9990.

14.6 Buildings with a storey more than 50m above fire service vehicle access level should be provided with wet fire mains. In all other buildings where fire mains are provided, either wet or dry fire mains are suitable.

14.7 Fire service vehicle access to fire mains should be provided as described in paragraphs 13.5 and 13.6.

Provision of private hydrants

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

- a. It has a compartment with an area of more than 280m².
- b. It is being erected more than 100m from an existing fire hydrant.

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

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

14.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

14.11 Guidance on aspects of the provision and siting of private fire hydrants is given in BS 9990.

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

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

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Section 15: Access to buildings for firefighting personnel – flats

Provision of firefighting shafts

15.1 In low rise buildings without deep basements, access for firefighting personnel is typically achieved by providing measures for fire service vehicle access in Section 13 and means of escape.

15.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts, each containing a firefighting lift (Diagram 15.1). The number and location of firefighting shafts should comply with paragraphs 15.4 to 15.7. Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 15.3 and Diagram 15.2).

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

- a. There is a basement more than 10m below the fire and rescue service vehicle access level. The firefighting shafts should contain firefighting lifts.
- b. There are two or more basement storeys, each with a minimum area of 900m².

The firefighting shafts do not need to include firefighting lifts. The building’s height and size determine whether firefighting shafts also serve upper storeys.

15.4 Firefighting shafts should serve all storeys through which they pass.

15.5 A minimum of two firefighting shafts should be provided to buildings with a storey that has both of the following.

- a. A floor area of 900m² or more.
 - b. A floor level 18m or more above the fire and rescue service vehicle access level.
- 15.6 Firefighting shafts and protected stairways should be positioned such that every part of each storey more than 18m above the fire and rescue service vehicle access level complies with the maximum distances given in paragraph 15.7. Distances should be measured from the fire main outlet on a route suitable for laying a hose.

NOTE: If the internal layout is not known, the distance should be measured at two-thirds of the direct distance.

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

- a. A maximum of 60m from the fire main outlet in a firefighting shaft (see Diagram 15.3).
- b. Additionally, where sprinklers have not been provided in accordance with Appendix E, the hose laying distance should be a maximum of 45m from a fire main outlet in a protected stairway (although this does not imply that the protected stairway needs to be designed as a firefighting shaft (see Diagram 15.3)).

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:

the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

Section 7: Compartmentation/sprinklers – flats Page 59

7.4 Blocks of flats with a top storey more than 11m above ground level (see Diagram D6) should be fitted with a sprinkler system throughout the building in accordance with Appendix E. NOTE: Sprinklers should be provided within the individual flats, they do not need to be provided in the common areas such as stairs, corridors or landings when these areas are fire sterile.

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

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 7)

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

West Midlands Police

The current standard doors and windows for houses and apartments is PAS 24:2016. Please see further details and recommendations including combined fire and security door-sets below.

Fencing should be located to the front building line to prevent easy access to the sides and rear.

Alcoves to be avoided as they provide hidden areas where trespassers can hide and attempting entry.

Security such as alarms are sometimes forgotten when buildings are built, extended or added.

More easily included during construction.

The applicant may consider the following.

Suitable lighting provides some security.

External LED lights with daylight sensors to external walls, particularly by entrances and lighting to parking areas.

Not bollard lighting which is wayfinding and easily obscured.

It does not project sufficient light at the right height and should be avoided. (SBD Homes 2019 page 25 18.3).

Alarm and cctv installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/>

I would recommend security using the principles of Secured By Design.

The applicant may wish to consider crime prevention and home security advice contained within SBD New Homes.

Please see :

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf

2

Dwelling entrance door-sets (SBD Homes 2019 page 29, 21.1-8).

PAS 24: 2016 standard doors for houses and apartments.

Communal shared entrances doors and visitor door entry to standards LPS 2081 or STS 202.

Consider combined fire and security door-sets.

https://www.securedbydesign.com/images/downloads/DOORSET_BROCHURE_200319.pdf

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

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 3

Reason for bringing to committee

Major Application

Application Details

Location: 115-119, WEDNESBURY ROAD, WALSALL, WS1 4JQ

Proposal: PROPOSED RESIDENTIAL DEVELOPMENT OF 14 NO. 2 BEDROOM APARTMENTS WITH 21 ASSOCIATED PARKING SPACES, CYCLE STORAGE AND AMENITY SPACE

Application Number: 20/1582

Case Officer: Ann Scott

Applicant: EDS Couriers

Ward: Palfrey

Agent: J Mason Associates Ltd

Expired Date: 11-Mar-2021

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

Time Extension Expiry:



Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and secure a Section 106 Agreement for an off-site public open space contribution and subject to:

- The amendment and finalising of conditions;

Proposal

Proposed residential development of 14 no. 2 bedroom apartments with 21 associated parking spaces, cycle storage and amenity space.

Site and Surroundings

The application site is presently a commercial property used for car tyre sales and automatic car wash facility. The site is primarily hard surfaced and there are low level buildings on the site which incorporate the existing business premises. The site is split into two separate business uses; adjacent to Milton Street is the tyre sales business and fronting Wednesbury Road is the automatic car wash. The site is bounded by an existing perimeter fence.

Opposite the site are commercial buildings Circa 1930's to 1950's and older terraced housing Circa 1890 to 1901.

To the rear of the site is a large Mosque which is of more recent contemporary construction which is imposing and has its own distinct character which is not typical of the local vernacular other than the use of buff and red brick detailing in the facing brick materials. Opposite the application site on Milton Street are lower level terraced commercial properties.

Relevant Planning History

02/1202/FL – Reinstatement as a parcel, sorting and delivery office – Granted 26/9/2002.

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 10 – Supporting high quality communications**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On planning conditions the NPPF (para 56) says:

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

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

National Planning Policy Framework, Section 12 (Achieving Well Designed Places) and Section 16 (Conserving and Enhancing the Historic Environment).

Defines significance as ‘The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Planning Practice Guidance

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm.

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.6 to 3.8 Environmental Improvement
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations [Page 97 of 263](#)

- GP5: Equal Opportunities
- GP6: Disabled People
- 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
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- 5.3 to 5.11 Strategic Policy Statement
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space
- 8.7 to 8.9 Strategic Policy Statement
- LC1: Urban Open

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP4: Place Making
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

T4: The Highway Network

HC2: Development of Other Land for Housing

Supplementary Planning Document

Conserving Walsall's Natural Environment

The natural environment and new development

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

Designing Walsall

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

Open space, sport and recreation

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

Air Quality SPD

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

Other Policy/guidance:

- National Design Guide
- Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets.
- Black Country Historic Landscape Characterisation (2009)
- National Design Guide 2021
- National Modal Design Guide 2021

Consultation Replies (*Officer Comments in Italics*)

Archaeology - No archaeological implications for this proposal.

Clean and Green - The property will require 2x660ltr bins for general waste and 2x1100ltr bins for recycling

Coal Authority – no objections or specific comments to make on the proposal.

Community Safety Team – Comments that the parking should be for residents only and should be privately accessible to prevent fly tipping.

Police (Designing Out Crime) – Provide recommendations on security measures).No objections.

Conservation Officer – No conservation objections.

Environment Agency – No comments to make.

Fire Officer – No objections suggest fire safety measures incorporated into the building which is covered by Building Regulations (*will be added as note to applicant*).

Housing Standards – no comments to make.

Local Highways Authority- supports the application subject to conditions in relation to parking and vehicle manoeuvring areas to be provided prior to occupation, cycle parking provision, and a Construction Method Statement.

Natural England – no objections

Pollution Control – No objections conditions suggested regarding contaminated land and address the requirements of the Noise Assessment Dated 30th March 2021.

Public Health – No objections.

Severn Trent Water – No objection subject to drainage condition and note to applicant regarding potential for a public sewer to be present.

Strategic Planning Policy – Supports the application

Ward Members – Councillor Ditta objects to the proposal. The location for such a proposal is not suitable.

Representations

Third party comments - 21 objections on the following grounds;

- Not in keeping with the local area.
- Highway safety/parking issues/congestion
- Increased density in an already built up area
- Loss of view to mosque
- Flats not needed here

- Community safety concerns
- Increased noise and disturbance to the area
- Adversely affect neighbouring properties
- Loss of light
- Loss of privacy
- Fly tipping/litter issues/crime
- Building height
- Impact on nearby mosque building
- Noise during construction
- Adequacy of parking

Petition received with 47 electronic signatures in relation to the following;

- Loss of light - will directly affect the worshipers and children who access the facilities at Masjid Al-Farouq and residents of 8-30 Milton Street.
- Overlooking/Loss of privacy - three-storey building will directly overlook into the houses of residents in Milton Street leading to loss of privacy, as well as overlooking the Abu Bakr Nursery across the road.
- Adequacy of parking - not enough parking for the occupants of the proposal as well as loading, due to being on a main busy road with traffic lights and a roundabout right in front.
- Traffic generation - will affect the flow of traffic in an area inundated with traffic issues.

Determining Issues

- Principle of Development
- Heritage Assessment
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology / Landscaping
- Flood Risk / Drainage
- Ground Conditions and Environment
- Planning Obligations
- Any other issues
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The application site is on a parcel of land of 0.46 acres or 1877.00 m², within the limits of development for Walsall. The site has no particular allocation and has been in use as a garage tyre business and automatic drive through car wash enterprise and previously as a computer repair business.

The application site lies at the Junction with Wednesbury Road and Milton Street. Behind the application site is the Masjid-Al-Farouq Mosque. Which faces both Milton Street and Wednesbury Road. There is a mini roundabout at the junction of Wednesbury Road and Milton Street.

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

Housing Need:

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

The site is a former petrol station but has been under-utilised for many years. The site lies close to Pleck Local Centre and Walsall Town Centre on a main bus route. The high density housing scheme proposed is therefore supported on strategic planning policy grounds by BCCS policies CSP1 and HOU1, SAD policy HC2 and NPPF paragraphs 69 and 119.

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

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

The present Housing Delivery Test indicates that Walsall only achieved around 70% of its housing delivery over the period 2018-2021. Where applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites, with the buffer set out in paragraph 74, or where the Housing Delivery Test was below 75% of the housing requirement over the previous three years the presumption is in favour of granting permission as indicated in Paragraph 11d.

Heritage Assessment

The proposed development lies in the vicinity of locally listed buildings. Comments have been received from the Council's Conservation Officer who advises that the proposed development on balance there are no conservation objections.

Number 138 to 140 Wednesbury Road is a locally listed building, as defined in the NPPF. It is a two storey flat roof building with either a 1930's frontage or a 1950's replacement frontage and sits opposite the northern part of the application site.

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

Paragraph 194 of the NPPF requires the LPA to 'require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'

The Conservation Officer considers that the proposed three storey development has some harm to the significance of this locally listed building due to the scale, mass and design of the proposed development, however, that scale of harm would be measured as medium.

The scheme has been amended to include a pitched roof to the proposed development and pitched gable features to the street frontage, this is an improvement.

It is considered that the proposal would lead to "less than substantial harm" to the character and appearance of the the Locally Listed Heritage Assets closest to the application site. Weight has been given as advised by Paragraph 201 of the NPPF when weighing the harm against the public benefits of the proposal by bringing and securing this derelict site back into its optimum viable use. The proposal is therefore considered to comply with Policy ENV2: Historic Character and Local Distinctiveness of the Black Country Core Strategy, and policies DW3 Character, DW9 High Quality Public Realm, and "saved" Unitary Development Plan policy ENV27 Buildings of Historic or Architectural Interest, ENV28: The 'Local List' of Buildings of Historic or Architectural Interest, and the National Planning Policy Framework 2021.

Design, Layout and Character

The application has been amended from its original submission which was for a flat roofed building to a building with a hipped/pitched roof incorporating gables to the front elevation to provide living accommodation in the roof space. The proposed building is three storey and includes a pitched roof to the proposed development and pitched gable features to the street frontage, this is an improvement.

The scheme now includes a small squat window design in the linked section between the block of two and four, which is out of proportion with the remainder of the glazing to the Front North West elevation. There is some detailing at the side of the larger glazed windows have been included, the lower part of the development includes a darker brick facing material and between the ground and first floor development. With Buff coloured bricks at first and second floors. The central atrium stairwell proposes the use of mainly glazing and a dark coloured facing material above the entrance. The use of the proposed materials can be secured by a condition.

The front of the building proposes balconies which are not typical of the locality however, the development is a new building and the balconies will incorporate valuable amenity space for future residents. It is considered that they will not result in loss of amenities to nearby occupiers due to the distance involved from the frontage to the properties opposite the application site. To the rear South East Elevation which faces into the parking area at the rear of the proposed apartments. Similar materials are used but there are no balconies proposed and the fenestration is uniform in arrangement and has some brick detailing to the upper floors to give the impression of bricked up window detailing in order to create more interest in an otherwise blank elevation. Balconies are proposed on a lower section of the proposed building to the North East elevation which is two storey only and will face Milton Street and will not overlook existing residential properties. Again the dark brick and light brick theme with glazed links to the atrium areas are proposed to continue the pallet of materials.

The roofing materials are dark grey roof tiles of a type to be agreed and this can be secured by the materials condition.

In relation to the design it is informed partly from the Victorian properties opposite the site along Wednesbury Road. The site in itself is on a corner and will provide a contemporary frontage with the use of mainly traditional materials, brick and tile which are utilised in properties nearby. In particular slate is used on the older terraced housing in the site vicinity. The nearby mosque building sits on a higher level to the rear of the site with facades facing Milton Street and Wednesbury Road. This proposal will obscure some views of the mosque building but the site is set at a lower level to the mosque and the domed roof and the Minaret which are the key attributes to the mosque will still be seen with views from Wednesbury Road both are considerably higher than the proposed apartment building. In particular Policy DW3 Character of the SPD Designing Walsall seeks to ensure that new development fully appraises the positive and negative aspects within its context and finds opportunities to improve the character of the area where they are to be located.

On balance the application is considered to be acceptable in visual terms subject to the use of a planning condition to secure the details of the proposed materials which are indicated on the drawings but not in any detail.

The proposal is considered to accord with Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW2 Safe and welcoming places, DW3 Character, and DW5 Ease of movement of the Designing Walsall urban design document. Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places. Together with the SPD Policies in Designing Walsall DW1 Sustainability, DW2 Safe and Welcoming Places, DW3 Character and DW10 Well Designed Sustainable Buildings.

Amenity of Neighbours and Amenity of Future Occupiers

The proposed development will be situated in the proximity of existing residential properties together with other commercial businesses nearby and the nearby nursery, school and mosque. Some residents have objected to the proposal in relation to the development on the grounds of loss of privacy, amenity, noise and disturbance including loss of light, littering and antisocial behaviour. These matters are 'material' planning considerations. Some third parties have objected on the loss of view to the

mosque building. The loss of view is not a 'material' planning consideration and it has been explained in the design section of this report that the main features of the mosque being the roof dome and minaret tower will still be visible from the street scene. It is not discounted that the proposal will generate a degree of noise and disturbance during construction but these matters can be controlled by a condition to secure a construction management plan and hours of operation to avoid unnecessary disturbance to nearby occupiers.

The proposed balconies are considered to be a key design feature which will not only provide valuable amenity space for the occupants of the apartment building but will also assist in the provision of natural surveillance which is a key attribute in the prevention of crime, fear of crime and antisocial behaviour. Natural surveillance is considered in the design policies in the Designing Walsall SPD Policy DW2 Safe and Welcoming places.

The proposal is considered to accord with the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

The proposal is not considered to have the potential to result in harm to the amenities of the locality from crime and antisocial behaviour. The design of the development gives opportunities for pedestrian access through the site and includes balconies and fenestration details including the communal stair access areas which feature large full height windows which are intended as part of the design to increase the level of natural surveillance.

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

Highways

The Local Highways Authority supports the application subject to conditions in relation to parking and vehicle manoeuvring areas to be provided prior to occupation, cycle parking provision, and a Construction Method Statement. Some comments have been received from third parties in relation to highway safety, congestion and whether or not the development will provide sufficient parking within the site. There are no objections in principle to the proposal on highway safety grounds subject to the suggested conditions in relation to parking and manoeuvring and cycle parking provision. Moreover the site is in a sustainable location with close access and links to public transport, and walking/cycling to services and facilities within Walsall. The proposed parking is for the private use of residents and there are no policy objections in principle to the level of parking provision provided for the proposed development which will reduce the need for any on street parking in accord with the development plan.

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

Ecology / Landscaping

An ecology report has not been submitted with this application. The application site is presently hard surfaced due to its use for tyre sales and a car wash business. It is unlikely that there would be any protected species within the site.

A condition to secure additional landscape measures to augment the proposed landscape scheme is considered necessary the landscaping is primarily hard surfaced and where possible planting should be incorporated into the development to assist in integrating into the surrounding locality and to enhance the potential for biodiversity on the site.

The proposal is considered to accord with the Unitary Development Plan Policies ENV14 (Development of Derelict and previously developed sites), ENV18 (Existing Woodlands, Trees and Hedgerows) and ENV23 (Nature conservation and new development).

Flood Risk / Drainage

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

Paragraph 154 of the National Planning Policy Framework requires that new development should be planned for in ways that avoid increased vulnerability from flood risk to the range of impacts arising from climate change, and care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure. Whilst the majority of the built development is not proposed within the flood risk areas, flood risk is an issue that should be considered carefully as the development would result in a “more vulnerable” use of the site. Details of surface water, flood risk and drainage can be secured by appropriate conditions.

Severn Trent Water Authority has no objections but suggest conditions in relation to the disposal of foul and surface water, and that the approved details shall be implemented in accordance with the agreed details prior to the development being first brought into use.

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

Ground Conditions and Environment

The application site is presently in commercial occupation and was a former Petrol Filling Station. It is unknown as to whether or not any underground tanks still existing as the application is not accompanied by a ground investigation report but is accompanied by a mining risk assessment. The report advises of the presence of a one seam of coal and one seam of ironstone are likely to be present and recommends that further investigation should be carried out to include the sinking or boreholes to be taken to a minimum of below ground surface of 50 m. The work will require a Coal Authority Permit. The results of the drilling should be used to define any zones of potential instability.

The Pollution Control Officer advises that a condition is required to investigate potential for ground contamination and ground gas, and remediate if necessary, implement a management plan to minimise environmental impact during the course of building works, and for the installation of an electric-vehicle charging point. The Public Health Officer and the Coal Authority have no objections to the proposal.

Subject to a condition to secure the above scheme of investigation for contamination potential the proposal is considered to accord with "Saved" Unitary Development Plan Policy ENV10: Pollution and The Black Country Core Strategy ENV8 Air Quality.

Planning Obligations

A Planning Obligation to secure the policy requirement for open space is required which can be secured by a Section 106 Planning Obligation. OS1: Qualifying Development, OS2: Planning Obligations and OS3: Scale of Contribution of the Walsall Council Supplementary Planning Document Urban Open Space April 2006 seeks to ensure the provision of open space contributions from residential development which places pressure on open space, sport and recreation facilities in the borough. Policies OS1-3 set out how development will be expected to contribute towards open space, sport and recreation provision in the borough of Walsall. This SPD focuses primarily on residential development but it does not preclude other types of development.

Open space provision for a development of this size would require the provision of open space in accordance with the Walsall Green Space Strategy 2018-2022 to be provided within the Borough. In this case the open space contribution requirement for 14 dwellings would be approximately £18,284. There is some open space within the site which surrounds the apartment block some to the site frontage, and wrapping around the building to the rear which will sit adjacent to the existing dwellings closest to the site at number 5 and 7 Earl Street. This open space within the site is for private use only and therefore contributions are necessary to be provided for offsite provision to be spent as set out in Policy OS5 Use of Contributions in the Urban Open Space SPD 2008.

The current application will incur a contribution of £18,284 towards off-site open space. Ward Members will be engaged in the potential areas of spend for this contribution. The applicant has agreed to the costs of entering into a Section 106 Agreement and to the Heads of Terms.

Any other issues

There have been some comments from third parties with regard to loss of view in relation to the proposed height of the apartment building and obscuring views of the mosque building behind the application site. Views of the important main parts of the building being the high domed tower and minaret tower which are a landmark in the local area will still be afforded from public vantage points as the application site sits at a slightly lower level than the mosque building. Loss of view is not a material planning consideration.

Local Finance Considerations

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

This application proposes 14 new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to approximately £14000

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

Conclusions and Reasons for Decision

Officers have worked with the applicant and their agents positively and creatively to provide an opportunity to address the concerns raised by the Council and by consultees and interested parties. A satisfactory way forward has been negotiated and the amendments have been submitted which overcome previous concerns to the extent that the application can now be supported.

Taking into account the above factors it is considered that the application should be recommended for approval subject to conditions and a Section 106 to secure contributions towards Urban Open Space.

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding visual impact and character and appearance of the proposed building, amended plans have been submitted which enable full support to be given to the scheme.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern and allowing opportunities for the proposals to be amended.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and secure a Section 106 Agreement for an off-site public open space contribution and subject to:

- The amendment and finalising of conditions;

Conditions and Reasons

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

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

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

2451-01 Location Plan

2451-02 Rev B Block Plan

2451-03 Rev B GA Floor Plans

2451-04 Rev B GA Elevations

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

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

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

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

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

4 . Prior to commencement of the development hereby permitted a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement detailing actions to be taken and timescales for the taking of such action to prevent localised contamination shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

c. Following demolition of the building hereby permitted and removal of the demolition material but prior to any building or engineering operations a validation report shall be submitted in writing to the Local Planning Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building and to verify that the approved Method Statement has been carried out.

Reason: To prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

5 Prior to the development hereby permitted first coming into use, the parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the demarcation and retention of parking bays. These areas shall thereafter be retained and used for no other purpose for the lifetime of the development.

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

6 Prior to the development hereby permitted first coming into use, full details of the cycle shelter, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and thereafter be retained and used for no other purpose for the lifetime of the development.

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

7 Prior to commencement of the development hereby permitted full details of the number size layout identification and location of car parking spaces including parking spaces for people with disabilities shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. Prior to occupation of the development the parking spaces shall be provided in accordance with the approved details and shall thereafter be retained for the sole use of parking and for no other purpose for the lifetime of the development.

Reason: In the interests of highway safety in accordance with saved policies GP2 and T13 of Walsall's Unitary Development Plan.

8 Prior to commencement of the development hereby permitted full details of the number size layout identification and location of car parking spaces including parking spaces for people with disabilities shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. Prior to occupation of the development the parking spaces shall be provided in accordance with the approved details and shall thereafter be retained for the sole use of parking and for no other purpose for the lifetime of the development.

Reasons: In the interests of highway safety in accordance with saved policies GP2 and T13 of Walsall's Unitary Development Plan.

8 Prior to commencement of any building operations above the damp proof course of the development hereby permitted details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby permitted shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

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

Reason: In the interests of the amenities of the area in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

9 Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

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

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

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

11 Prior to commencement of the development hereby permitted a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement detailing actions to be taken and timescales for the taking of such action to prevent localised contamination shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

c. Following demolition of the building hereby permitted and removal of the demolition material but prior to any building or engineering operations a validation report shall be submitted in writing to the Local Planning Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building and to verify that the approved Method Statement has been carried out.

Reason: To prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

12 Prior to commencement of the development hereby permitted an air quality assessment shall be submitted in writing to and approved in writing by the Local Planning Authority. The assessment shall include details of recommendations for mitigation measures.

b. Prior to occupation the approved mitigation measures shall be carried out to the satisfaction of the Local Planning Authority.

c. The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures and such measures shall thereafter be retained for the lifetime of the development.

Reason: To reduce potential negative health impact upon future occupants in compliance with the saved policy ENV10 of Walsall's Unitary Development Plan.

13 Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

14 Prior to first occupation of the development hereby permitted details of electric vehicle charging points shall be submitted in writing to and agreed in writing by the Local Planning Authority.

b. Prior to first occupation of the development the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy.

15 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 for site operatives and construction deliveries will be located and including full details of wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

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

Reason In order to minimise on street parking during construction and the potential disruption to the free flow of traffic on the public highway in the interests of highway safety.

16 a) Prior to commencement of the development hereby permitted:

1. Details of intrusive site investigations for past coal mining activity shall be submitted in writing to and approved in writing by the Local Planning Authority
2. The approved details of intrusive site investigations shall be undertaken and a report of findings arising from the intrusive site investigations including the results of any monitoring shall be submitted in writing to the Local Planning Authority
3. Details of remedial works shall be submitted to and approved in writing by the Local Planning Authority

16 b) Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out

16 c) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

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

Notes for Applicant

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 S38 and S278 of the Highways Act 1980 with the Highway Authority for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team at Stephen.Pittaway@Walsall.gov.uk
3. Severn Trent Water advise that there may be a public sewer located within the application site. Although statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact should be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. You should therefore contact Severn Trent Water at the earliest

opportunity. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

4. Police: Alcoves should be avoided as they create hidden areas restricting natural surveillance. Consider bringing the one lobby entrance to the building line. This could include the provision of through the wall mail delivery for those apartments. Recommend fencing to the front building line facing Wednesbury Road. To assist security prevent rear access to the more hidden side of the building. For the same reason fencing to the building line of the protruding south east building. This linked to fencing bordering Earl Street. The front low railings bordering the footpath is a good feature. Providing demarcation with natural surveillance. Suitable lighting will provide some security.

Applicant to refer to crime prevention and home security advice contained within SBD New Homes. Please see:

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf

Use of gates can be considered to restrict access. (SBD Homes 2019 page 22 16.1 – 16.11)

If required cycle stores, approved products. (SBD Homes 2019 page 68, 56). These should be located in a clearly visible area.

Secure mail is recommended without providing unnecessary access to private areas. (SBD Homes 2019 page 58 2b. 38)

SBD strongly recommends where possible, mail delivery via a 'secure external letter box' Standard TS009 (DHF TS009) (SBD Homes 2019 page 58 38.3).

'Through the wall mail delivery into secure internal letter boxes' can be considered Standard TS008 (DHF TS008) (SBD Homes 2019 page 59 38.4-5).

Lighting should be at the levels recommended by BS 5489-1:2013. External LED lights with daylight sensors to the external walls, by entrances and lighting to parking area. To provide security for residents entering and leaving. (SBD Homes 2019 page 63 49.1).

Recommend 24 hour lighting (switched using a photoelectric cell) to internal communal areas. Providing security to residents as they make their way within the building. (SBD Homes 2019 page 63 49.2.).

Consider cctv multiplex cctv system for all the public areas in particular facial view on all entrances.

A height to 120% of the screen is required for identification. (SBD Homes 2019 page 47 29.1 – 30.7).

A capture of all persons and vehicles particularly entering and leaving.

Alarm and cctv installers should be approved by NSI, SSAIB or both please see

<https://www.nsi.org.uk/> and <https://ssaib.org/>
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Card entry system or similar . With correct management and maintenance this should provide security. Access control to the building see SBD Homes 2019 page 41, 27. To allow residents entry, to their floor area and apartment. Dwelling flats entrance door-sets (SBD Homes 2019 page 29, 21.1-8).

PAS 24: 2016 standard doors for houses and apartments. Communal shared entrances doors and visitor door entry to standards LPS 1175 or STS 202.

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

Petition



The screenshot shows the Walsall Council website's ePetitions page. The header features the Walsall Council logo and a navigation menu with links for Home, Committees, Councillors, Documents, Outside Bodies, Meetings, Search, and ePetitions. The main heading is 'Create or Sign a Petition', with sub-tabs for 'Details' and 'Signatures'. The petition details are as follows:

Title:	Objection to planning application 20/1582 proposed development 115-119 Wednesbury RD
Status:	Closed – Response Pending
Petition Overview:	We the residents of Milton Street, Earl Street and Wednesbury Rd object to the proposed development of apartments at 115-119 Wednesbury RD, on the following grounds: <ul style="list-style-type: none">• Loss of light-This application will mean loss of light, this will directly affect the worshipers and children who access the facilities at Masjid Al-Farauq and it will affect residents of 8-30 Milton Street, Walsall, WS1 4JS.• Overlooking/ Loss of privacy- The three-storey building will directly overlook into the houses of residents in Milton Street leading to loss of privacy, as well as overlooking the Abu Bakr Nursery across the road• Adequacy of parking- there is not enough parking for the occupants of the proposed application as well as loading, due to being on a main busy road with traffic lights and a roundabout right in front.• Traffic generation- it will affect the flow of traffic in an area inundated with traffic issues.
Relevant Area(s):	Not Specified
Opening Date:	Monday, 1 February 2021
Closing Date:	Friday, 5 March 2021
Petitioner Group:	Residents of Milton ST, Wednesbury RD and Earl ST

At the bottom of the page, there is a button labeled 'Return to Petitions List'.



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 4

Reason for bringing to committee

Major Application

Application Details

Location: 120, ELMORE GREEN ROAD, BLOXWICH, WALSALL, WS3 2HS

Proposal: FULL APPLICATION FOR THE CONSTRUCTION OF A 3 STOREY RESIDENTIAL DEVELOPMENT COMPRISING 14 NO DWELLINGS (10 1 NO. BEDROOM AND 4 NO. 2 BEDROOM) WITH ASSOCIATED PARKING AND LANDSCAPING

Application Number: 20/1651

Case Officer: Sally Wagstaff

Applicant: Fastglobe Ltd

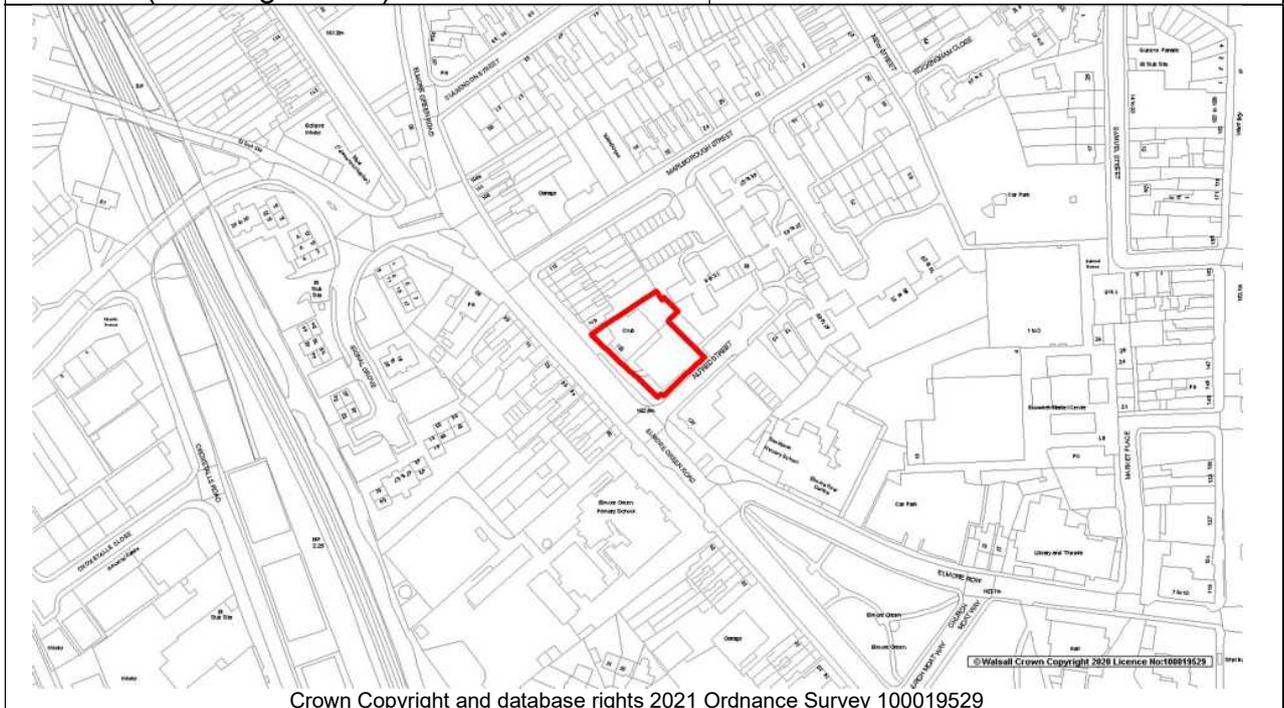
Ward: Bloxwich West

Agent: LNS Partnership

Expired Date: 07-May-2021

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

Time Extension Expiry:



Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and s106 to secure an Urban Open Space Contribution of 12,330.00 and subject to

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;

Proposal

The application proposes the demolition of the existing building and erection of a 3 storey residential development comprising 14 No dwellings (10 1 no. bedroom and 4 no. 2 bedroom) with associated parking and landscaping.

The proposed building will front Elmore Green Road and turn the corner into Alfred Street.

The building would be of a traditional design incorporating a pitched slate roof, bay windows, door and window detailing and red facing bricks. The development would be enclosed along the frontage by a low wall and railings.

14 parking spaces would be provided to the rear utilising the existing vehicle access off Alfred Street. Pedestrian access would be provided to both the street, and the rear parking /amenity space. Communal garden space is provided to the front of the development facing Elmore Green Road, to the side elevation facing Alfred Street and within the site.

The proposals would require a Section 106 Agreement to secure financial contribution towards Public Open Space in order to comply with policy, which the applicant has agreed to.

Site and Surroundings

The site is situated on the north eastern side of Elmore Green Road (B4210) a busy district distributor route, on the corner of Alfred Street. The site is currently occupied by a semi derelict detached two storey building (former Royal Naval Club) and a former open car park to the side. The site is currently hoarded off as a development site. Two BT equipment cabinets are situated at the back of footpath on Elmore Green Road adjacent to the existing open car park.

The site sits approximately 200m to the west of the Bloxwich district centre and just outside the Elmore Green Conservation Area.

Immediately to the north are traditional two storey terraced houses, to the east (rear) three storey 1970's flats off Alfred Street, to the west on the opposite side of Elmore Green Road more two storey terraced houses with Elmore Green primary school to the south west. To the south on the opposite corner of Alfred Street is a Nisa shop which used to be the Tavern public house with a nursery school beyond. The immediate area comprises a variety of ages, design and type of property.

Relevant Planning History

10/1008/FL - demolition of former Royal Naval Club and erection of 10 x flats with associated works (resub of 10/1008/FL), granted subject to conditions and S106 Agreement 06-06-11.

14/0793/FL - Demolition of former Royal Naval Club; erection of 10 no. flats with associated works (resubmission of application 10/1008/FL) Granted subject to conditions 09/11/15.

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- T7 - Car Parking NOTE for case officer

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- 10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

OS1: Open Space, Sport and Recreation

EN3: Flood Risk

T4: The Highway Network

T5: Highway Improvements

Supplementary Planning Document

Designing Walsall

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

Open space, sport and recreation

- OS1: Qualifying Development
- OS2: Planning Obligations
- OS3: Scale of Contribution
- OS4: Local Standards for New Homes
- OS5: Use of Contributions
- OS6: Quality and Value

- OS7: Minimum Specifications
- OS8: Phasing of On-site Provision for Children and Young People

Air Quality SPD

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

Consultation Replies

Archaeological officer

No archaeological implications for this proposal

Fire Officer

No objections subject to note for applicant in relation to access and facilities for fire service.

Highways England

No objection

Historic England

No comment

Housing Standards

Support Application

Local Highways Authority

No objections subject to conditions relating to a Construction Environmental Management Statement and parking and hard surfacing areas to be implemented prior to occupation of the development

Natural England

No objection

Network Rail

No comment

Police Architectural Liaison Officer

No objections- secured by design principles recommended

Pollution Control

No objections - conditions regarding noise, air quality, contaminated land and asbestos recommended.

Public Health

No objection

Severn Trent Water

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

Strategic Planning Policy

No objections – The site is allocated for housing in the SAD, site reference HO307, under policy HC1.

Representations

Three objections have been received by local residents relating to:

- Inadequate parking provision
- Impact upon Highway safety due to increased users of Elmore Green Road
- Plan 1604 22 05/02/21 refers to no. 125 Elmore Green Road as a Public House, it is now a NISA shop
- Overdevelopment of the site due to small plot and large number of properties.
- Design of the development not in keeping with the two storey Victorian properties surrounding the site
- Impact on natural light to adjacent properties due to being three stories
- Loss of privacy to properties adjacent due site due to overlooking
- Potential noise implications during summer months due to relationship between adjacent properties bedrooms and the proposed lounge areas

Determining Issues

- Principle of Development
- Heritage Assessment
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Flood Risk / Drainage
- Ground Conditions and Environment
- Planning Obligations
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The site is allocated for housing in the SAD, site reference HO307, under policy HC1. The allocation suggests that the site has a capacity of 10 dwellings, based on the previous, now lapsed planning permission.

The 14 dwellings now proposed, and the limited amenity space indicated, suggests that the current proposal may be over-development. However, the site lies just outside Bloxwich District Centre and is close to bus and train services therefore within a sustainable location. A higher density is therefore appropriate in principle.

Redevelopment of the site for residential purposes would be considered a sustainable reuse and regeneration of the land in accordance with the NPPF.

Heritage Assessment

The site is adjacent to the boundary of Elmore Green Conservation Area. Whilst the site is not within the Conservation Area it is visible from within the Conservation Area.

The existing building has fallen into a state of disrepair due to vandalism and is of little architectural merit. It is considered the loss of the building would not have an adverse impact upon the character and appearance of the Conservation Area.

The design picks up on key design characteristics of the surrounding buildings and in particular the adjacent conservation area, including: traditional features such as bay windows, window and door cills and headers, window shape and sizing, dwarf walls and railings to the frontage. The vertical emphasis provided by the window design follows the rhythm of the terraced housing adjacent.

On balance, the design of the building respects the character and appearance of the surrounding buildings and would not have an adverse impact on the character and appearance of the adjacent conservation area.

Design and Siting

The proposals would provide an L shaped block that would address both Elmore Green Road and Alfred Street, with entrance doors to both the frontages and the rear. The building would be set close to the back of pavement, reflecting the terraced houses immediately to the north of the site which are set close to back of pavement behind low boundary walls as well as the general character of the area.

The scheme has been amended to reduce the scale and massing of the proposal. It is acknowledged that part of the proposed building would be higher than the existing terraced properties and former Public House within the locality, nevertheless it is considered the amended design which includes a reduced scale 3 storey element would not be unduly dominant or be overbearing and out of character within the streetscene.

On balance it is considered that the site can accommodate the level of development proposed and design and siting of the proposal would result in a proposal that is functional to the occupiers and would not be detrimental to the character of the area.

Amenity of Neighbours and Amenity of Future Occupiers

The amenity areas and landscaping plan indicates 300.9 sqm of amenity space is provided on site which is above the 20 sqm per dwelling (280 sqm in total). Whilst the applicant has indicated the proposal would comply with the amenity space guidelines within Appendix of Designing Walsall SPD, it is considered that the proposal would result in very little usable amenity space. The amenity areas positioned on Elmore Green Road are within the public realm therefore are not private and secure. To add the amenity areas on Alfred Street are not large enough to be useable and would be landscaped features. It is considered that whilst the development would fall short of useable private amenity space for the occupiers the proposal is within a sustainable location in proximity to green spaces including Elmore Green which is approximately 80

metres from the site. In this instance it is considered the proposed shortfall is acceptable and would not have a detrimental impact upon the amenity of future occupiers of the site.

The proposed building would fully comply with separation distances contained within Appendix D of Designing Walsall in relation to the existing three storey flats to the rear and comply with the 45 degree code in relation to No 119 Elmore Green Road. The proposed building depth would be less than the existing club building currently on site. It is considered the proposal would have a limited impact upon the light and outlook enjoyed by occupiers of the flats to the rear of the site and no. 119 Elmore Green Road.

The proposed building would fully comply with separation distances contained within Appendix D of Designing Walsall in relation to the existing two storey terraced properties opposite the site on Elmore Green Road. It is acknowledged that the proposed building on the corner of Elmore Green Road and Alfred Street would be higher than the adjacent properties on Elmore Green Road nevertheless it is considered the separation distances between the two would not result in undue overlooking of habitable room windows. The proposal would not result in overlooking rear amenity areas for these properties. It is considered the proposal would have a limited impact upon the privacy of the occupiers of these properties.

Concerns have been raised by local residents in relation to an impact upon natural light received to properties adjacent to the site on Elmore Green Road due to the building being three storeys in height. It is considered that due to the orientation shading will be within the site to the car park and the amenity areas. It is considered the proposal would have a limited impact upon the natural light received to properties adjacent to the site on Elmore Green Road.

The site of the proposal is adjacent to the heavily trafficked B4210 Elmore Green Road and in order to protect future occupiers of the dwellings from road traffic noise, Pollution Control have advised the applicant will need to install suitable acoustic glazing and acoustic ventilation to all habitable rooms which face Elmore Green Road. A condition is recommended to this affect.

Concerns raised in relation to potential noise issues when windows within the development are open which could impact properties adjacent to the site on Elmore Green Road. It is considered, the separation distance and proximity to the main road would mean that the proposal would not result in undue noise and disturbance to properties on Elmore Green Road or add any additional noise impacts over and above any other residential development.

On balance, it is considered the proposal would not result in an adverse impact upon the amenity of neighbouring properties and future occupiers of the site.

Highways

The development looks to construct 10 no. 1 bedroom flats and 4 no. 2 bedroom flats.

14 communal cycle spaces are provided.

Concerns of local residents in relation to the number of spaces provided and the impact upon highway safety due to increased users of Elmore Green Road. 14 car parking

spaces are proposed, 100% parking is provided. Taking into account the site is on the edge of Bloxwich District Centre with a wide range of community and retail facilities and is close to the railway station, the level of parking is considered acceptable being a highly sustainable location.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2019 paragraph 109.

Flood Risk and Drainage

The site is within Flood Zone 1 therefore at very low risk of flooding. A flood risk assessment is not required for the proposal.

Ground Conditions and Environment

As part of this application, the applicant has submitted the findings of a Phase 1 Land Contamination Risk Assessment (*Phase 1 Land Contamination Risk Assessment, Castledine Environmental, 02/02/2021, Reference: 3093D P1 Fastglobe – Bloxwich*), that recommends the site is remediated. Whilst Pollution Control supports these findings, a site investigation, ground contamination survey and assessment of ground gas is required to be undertaken, which is critical for the design and implementation of the necessary remediation works.

A condition is recommended for a site investigations to be carried out prior to commencement of development to assess the extent of any ground contamination at the site and inform of any remedial measures that may be required.

Due to the nature and age of the buildings, a pre demolition site survey to be carried out to identify any potentially hazardous material (e.g. asbestos) and the production of a method statement detailing actions and time scale to be taken to prevent localised contamination. A condition is recommended to this effect.

With regard to the above application and air quality, no concerns have been raised regarding relevant pollutant levels at the proposed site. The adopted Black Country Air Quality Supplementary Planning Document (SPD) defines this as a type 1 application. The applicant therefore needs to install electric vehicle charging points and low NOx boilers in the development. A condition is recommended to this effect.

Planning Obligations

An Urban Open Space contribution of 12,330.00 is required to comply with the Urban Open Space SPD policy and Policy LC1(d) of the UDP. The applicant has agreed this figure and are actively engaged in the process for the completion of a S106 Agreement.

Local Finance Considerations

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

This application proposes 14 new homes.

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

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

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and views of neighbouring occupiers, it is considered and on balance the proposed residential development is acceptable.

Any economic and social benefits in this instance will not have any detrimental impact on the environment.

Taking into account all of the above matters, it is considered the proposals will not be in conflict with the aims and objectives of the National Planning Policy Framework, policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy, policies, HC2, of the Walsall SAD document and policies GP2 and ENV32 of saved Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall SPD and on balance is considered acceptable.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and s106 to secure an Urban Open Space Contribution of 12,330.00 and subject to

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;

Conditions and Reasons

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

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

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

Site Location Plan, drawing no. 16/04 22 B submitted 29/10/21
Site Plan proposed, drawing no. 16/04 23 G submitted 09/11/21
Ground and First Floor Plans as Proposed, drawing no. 16/04 24 G submitted 09/11/21
Second Floor and Roof Plan as proposed, drawing no. 16/04 25 F submitted 29/10/21
Elevations as Proposes, drawing no. 16/04 26 F submitted 09/11/21
Street scene Elevation, drawing no. 16/04 27 C submitted 29/10/21
Amenity Area and Landscaping Plan, drawing no. 16/04 28 D submitted 09/11/21
Land Contamination Risk Assessment submitted 03/02/21
Ground Investigation Report Appendix A submitted 03/02/21

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

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

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

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

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental and highway impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan and TRAN2 of BCCS .

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

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

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

5a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

5b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

5c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

6a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

6b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

6c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

7a. Prior to the occupation of the development hereby permitted details of electric vehicle charging points, to be provided for the development shall be submitted in writing to and agreed in writing by the Local Planning Authority.

b. Prior to first occupation of the development the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy.

- 8.No boilers shall be installed in any of the units hereby permitted, save for
- Gas and liquefied petroleum gas (LPG) boilers with maximum NOx emissions no greater than 56 mg/kWh.
 - Oil-fired boilers with maximum NOx emissions no greater than 120 mg/kWh.

Reason: To conserve and enhance the natural environment in accordance with BCCS policies ENV8 and DEL1.

9.Prior to first occupation of the development hereby permitted, all parking, access ways and vehicle manoeuvring areas shall be consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the public highway or into any public highway drain. Where internal footways cross vehicular routes, dropped kerbs and tactile paving shall be provided. 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.

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

-All external doors to individual dwellings to be PAS24; 2016

-All shared external doors shall have a door entry phone system and electronic lock release linked to each flat

-All ground floor windows and over accessible roofs to be PAS24; 2016

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

-Dusk until dawn lights (white light source) to be installed adjacent to each external door

-Recycling and refuse areas to be secured at the rear of the properties in a lockable storage facility

-1.8m high closed board fencing with 0.3m trellis topper to be erected around the perimeter (inside of the boundary hedging) of each dwelling.

-All access gates shall be of the same construction of the perimeter fencing, self-closing, facing the street, lockable with a key front and rear, designed to not create any climbing aids

-No Lead or metal shall be used on the ground floor.

-All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)

-Mail boxes shall be constructed of a minimum 1.5 metre steel construction, being lockable individual letter boxes, secure anti-theft proof and wall mounted located at the primary entrance/exit lobby point of the building, covered by CCTV

-lighting within internal communal areas shall be PIR activated

-All energy meters shall be placed at the front of the dwellings

Reason: To ensure the safety and security of the development and its occupiers in compliance with NPPF 12 and saved policy ENV32 of Walsall's Unitary Development Plan.

Notes for Applicant

Secured by Design

I would recommend security using the principles of Secured By Design.

Below is a link to secured by design guides, including Housing, police approved crime reduction information.

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

The applicant to refer to crime prevention and home security advice contained within SBD New Homes.

Please see :

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NE_W_version_2.pdf

Highway Authority

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 S38 and S278 of the Highways Act 1980 with the Highway Authority for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team at

Stephen.Pittaway@Walsall.gov.uk

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3. Should the relocation of the existing street lighting column in Alfred Street be required to accommodate the new access then this shall be with the agreement of the Council's Street Lighting partner AMEY.

Severn Trent

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Fire Service

Approved Document B, Volume 1, Dwelling-houses, 2019 Requirement B5: Access and facilities for the fire service

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

13.2 For flats, either of the following provisions should be made.

a. Provide access for a pumping appliance to within 45m of all points inside each flat of a block, measured along the route of the hose.

b. Provide fire mains in accordance with paragraphs 13.5 and 13.6.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

Blocks of flats fitted with fire mains

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

a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.

b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 14.10.

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

a. Within 18m, and within sight, of an entrance giving access to the fire main.

b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

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

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

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:

the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

The approval of Building Control will be required to Part B of the Building Regulations 2010 Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 7)

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

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 5

Reason for bringing to committee

County Matters Application

Application Details

Location: LAND ADJACENT KEBRELL NUTS AND BOLTS, HEATH ROAD, DARLASTON, WALSALL

Proposal: CHANGE OF USE OF VACANT SITE TO WASTE TRANSFER STATION INCLUDING THE CONSTRUCTION OF A WASTE STORAGE BUILDING AND OFFICE

Application Number: 21/1065

Case Officer: Sally Wagstaff

Applicant: Golden Skips Ltd

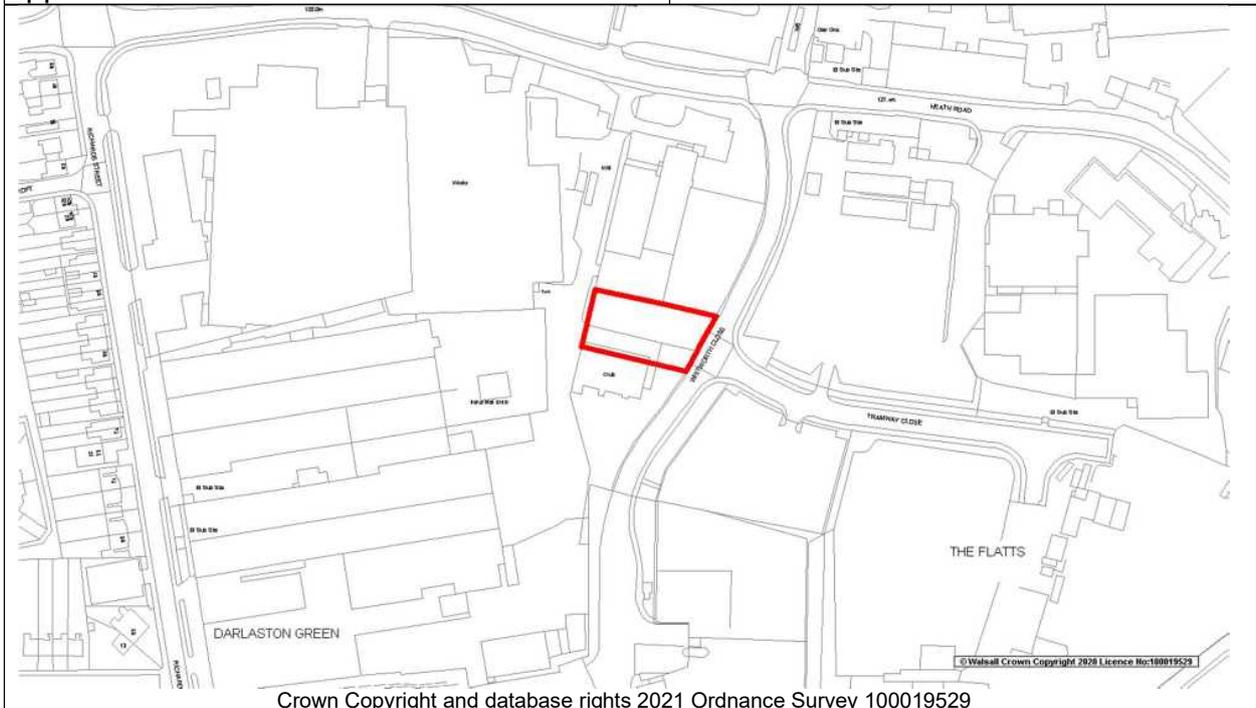
Ward: Bentley And Darlaston North

Agent: Gurmukhi Building Design Ltd

Expired Date: 15-Nov-2021

Application Type: County Matters: Waste Application

Time Extension Expiry:



Recommendation

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

- The amendment and finalising of conditions;

Proposal

The proposal relates to the change of use of a vacant piece of land between Kebrell Nuts and Bolts Heath Road Darlaston and Second Tyre Round Ltd to be used for manual sorting of non hazardous recyclable materials which will be bought to site by mixed loads of non-hazardous wastes.

Non hazardous wastes will be delivered to the proposed new building, inspected and validated then off loaded for sorting and segregation into recyclable components which will be sorted within the building.

Opening hours are proposed between 06:00 and 18:00 Mondays to Saturdays. The site traffic will mainly consist in skip lorries. The site will have 10 HGV movements per day. Based on a 10 hour working day, this is 20 HGV movements per day (10 in and 10 out), with an average of two HGV movements per hour. The site will be accessed from Heath Road service road. Vehicles delivering wastes for processing will carry away loads of non hazardous materials for use elsewhere.

The site will have an open front steel framed building on a newly constructed steel reinforced concrete floor, with a clad pitched roof and for the reception, sorting and storage of the non-hazardous waste located to the rear of the site to the boundary with Whitworth Close.

The proposed open front building measures:

- 7 metres in height eaves
- 8.6 metres in total height
- 22.8 metres in width
- 10.6 metres in depth

Additionally an office building will be located to the east boundary. The office building will be brick construction and measures:

- 2.4 metres to the eaves
- 3.7 metres in height
- 10.4 metres in width
- 5 metres in depth

It is proposed the site will store 150 cubic metres of non-hazardous wastes for processing and recovered non-hazardous materials within the proposed building. The site will process no more than 15,000 tonnes.

The proposal is accompanied by the following supporting documents:

- *Planning Statement* – sets out the development, the sites suitability for the proposal due to being located within an area of waste management and waste recycling activity and operational details.

- *Design and Access Statement* – sets out the layout, scale, appearance and access off the development
- *Noise Assessment* – concludes the proposed operations at the site are likely to have a low impact with respect to the nearest residential receptors. No additional surveys or mitigation required.
- Coal Mining Risk Assessment – Intrusive Ground investigations are required.

Site and Surroundings

The site is a vacant plot of land with accessed via a service road from Heath Road Darlaston. The site is located in an industrial area with surrounding premises also being industrial in nature. To the north of the site is the head office of a business which distributes fasteners, screws and fixings. To the east of the site is a scrap motor company, to the south of the site is an alloy and steel wheel specialist and to the west is a premises specialising in vehicle repairs. Adjacent to the site are a number of warehouses which are accessed from Richards Street.

The closest residential properties are located approximately 150 metres to the south of the site on Pattern Drive accessed from Richards Street.

Relevant Planning History

None

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 12 – Achieving well-designed places**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP3: Local Quality Employment Areas
- EMP4: Maintaining a Supply of Readily Available Employment Land
- ENV3: Design Quality
- WM1: Sustainable Waste and Resource Management
- WM2: Protecting and Enhancing Existing Waste Management Capacity
- WM4: Locational Considerations for New Waste Management Facilities
- WM5: Resource Management and New Development

Walsall Site Allocation Document 2019

- IND1: Existing High Quality Industry
- IND2: Potential High Quality Industry
- IND3: Retained Local Quality Industry
- EN1: Natural Environment Protection, Management and Enhancement
- W1: Future Waste Management Requirements
- W3: New Waste Management Development- Waste Treatment and Transfer
- W4: New Waste management Development- Waste Disposal
- T4: The Highway Network
- T5: Highway Improvements

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows

- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- W3 Character

Air Quality SPD

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

Consultation Replies

Coal Authority

No objection subject to conditions relating to intrusive ground investigations and possible remedial measures.

Environment Agency

No objections. Note to applicant recommended in relation to Environmental Permitting Regulations.

Local Highways Authority

No objections subject to conditions relating to access and parking areas

Pollution Control

No objections subject to conditions relating to the management of the site and building.

Severn Trent Water

No objections subject to a condition in relation to a drainage scheme for the disposal for foul and surface water.

Representations

3 objections have been received by local premises with concerns relating to:

Officer comments in italics

- Activity has been taking place on the site without consent
- Fires on the site/ burning of waste – air pollution affecting workers on other sites and complaints made to local businesses from residents (*There is third party environmental legislation to deal with burning of waste on site*)
- Proposal would attract further vermin (*There is third party environmental legislation to deal with vermin*)
- Noise pollution will increase due to machines working all day

- Shared site is not being secured daily which could encourage theft and effect on other business (*this is a civil matter which is not material to the determination of the application*).

Determining Issues

- Principle of Development
- Design, Layout and Character
- Impact upon residential and commercial occupiers
- Highways
- Ground Conditions and Environment

Assessment of the Proposal

Principle of Development

The proposal relates to the change of use of vacant land to a waste transfer unit. Heath Road including the site is categorised as retained quality local industry Policy IND3 of Walsall's SAD. The proposed use is an industrial process therefore it is considered the use would accord with the above policy. The proposal would also potentially increase local employment opportunities.

It is considered the principle of development in this location is acceptable.

Design and layout

The site will be accessed from the existing service Road on Heath Road.

The proposed open ended building and office building are of simple design, whilst the open ended building is over 8 metres in total height and would extend along majority of the eastern boundary, it would be seen in the back ground of surrounding industrial use uses. On balance, it is considered the buildings not unduly harm the visual amenities of this part of Heath Road, Whitworth Close and Tramway Close as to warrant refusal of the application for this reason.

Impact upon residential and commercial occupiers

The proposed buildings would be located away from the two adjacent premises. It is considered the proposal would have a limited impact upon light and outlook for the adjacent premises.

The site is located approximately 150 metres the nearest residential properties. A noise assessment has been submitted in support of the application. The conclusion of the report indicates the proposed activities on site would have a low impact with respect to the nearest residential receptors. It is considered the proposal would not have an unduly detrimental impact upon the amenity of local residents in relation to noise and disturbance.

Highways

Access onto Heath Road is via the existing private commercial access road.

The development is predicted to generate 10 two-way trips per day by 8 wheeler rigid trucks. This is not expected to have a significant impact on the operation of the local highway network.

Ground Conditions and Environment

High Risk Coal Area

A coal Mining Risk Assessment has been submitted in support of the application. The Coal Authority consider based on a review of appropriate sources of coal mining and geological information, the submitted report concludes, the site may be underlain by old coal workings at shallow depth and as such, there remains a risk that further settlement of these workings could affect future surface structures. Conditions are recommended for intrusive ground investigations to be carried out prior to commencement of development.

Noise, Dust and Odour

The proposed operations on site will generate some noise during working hours. A noise assessment has been submitted in support of the application which concludes, the noise generated by the site activity would not increase the general background noise levels within the vicinity.

The Planning Statement advises that onsite activities will be controlled by the Environment Agency permit. This permit will specify the waste management activities and the maximum amount of waste that can be accepted onto site in addition to setting conditions to control the effects the activities can have on the environments including such nuisance effects as noise and dust.

The on-site activities have the potential to create some odour from non-hazardous waste. The applicant advises this will be managed by the rapid turnaround of materials and deployment of odour suppressants if considered necessary. It is considered that in order to protect the amenity of occupiers of surrounding business in relation to the noise and odour a condition is required for no external waste storage, sorting or processing to take place at any time in the open air on the site. Concerns raised by local business in relation to the potential for activities on site to attract vermin. It is considered a condition restricting where the waste can be stored, sorted and processed will minimise the risk of attracting vermin to the site. Also there is third party environmental legislation to deal with vermin, should there become an issue in the future.

The Environment Agency have reviewed the application and not objected to the proposal. They advise Environmental Permitting process should ensure the proposed operations do not pose a risk of pollution to either the groundwater or wider water environment. A note to applicant is recommended in relation to information on Environmental Permitting process.

Pollution Control have reviewed the details within the application and consider the location is appropriate for a waste transfer unit.

Concerns raised by local businesses in relation to fires on site and the burning of waste. Bonfires on site are covered by third party Environmental Protection Act 1990 legislation and/or Clean Air Act 1993. If fires are burning on site, this should be reported to Environmental Protection to investigate.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and views of neighbouring occupiers, it is considered and on balance the proposed development is acceptable.

On balance any economic and social benefits in this instance will not have any detrimental impact on the environment.

Taking into account all of the above matters, it is considered the proposals will not be in conflict with the aims and objectives of the National Planning Policy Framework, policies CSP4, WM1, WM2 of the Black Country Core Strategy, policies, W3, of the Walsall SAD document and policies GP2 and ENV32 of saved Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall SPD and on balance is considered acceptable.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

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

- The amendment and finalising of conditions;

Conditions and Reasons

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

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

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

Block Plan submitted 13/07/21

Proposed Elevations submitted 13/07/21

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Proposed Ground Floor and Site Plan 13/07/21
Supporting Statement submitted 13/07/21
Design and Access Statement submitted 13/07/21
Statement Regarding Application submitted 13/07/21
Transport Note submitted 13/07/21
Coal Mining Risk Assessment submitted 08/09/21
Noise Impact Assessment Report submitted 19/10/21

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

3i) Prior to the commencement of the development hereby permitted, 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)*

3ii) Prior to the commencement of the development hereby permitted, a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas shall be submitted in writing to and approved in writing by the Local Planning Authority. *(see Note for Applicant CL2)*

3iii) Prior to the commencement of the development hereby permitted, 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 in writing to and approved in writing by the Local Planning Authority. *(see Note for Applicant CL2)*

3iv) The development hereby permitted shall not be carried out otherwise than in accordance with the remedial measures as set out in the 'Remediation Statement' required by part iii) of this condition shall be implemented in accordance with the approved timetable and shall thereafter be retained for the lifetime of the development.

3v) If during the undertaking of the approved remedial works or during 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 has been submitted in writing to and approved in writing by the Local Planning Authority.

3vi) Prior to the occupation of the development hereby permitted, a validation report setting out and confirming the details of the remedial measures implemented, cross referencing those measures with the approved Remediation Statement, together with substantiating information shall be submitted in writing to and approved in writing by the Local Planning Authority. *(see Note for Applicant CL3)*

Reason: To ensure safe development of the site and to protect human health and the environment. In addition, to meet the requirements of the National Planning Policy Framework (2019) 170 and 178.

4a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

4c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

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

5a. Notwithstanding the details as submitted and prior to the commencement of development hereby permitted until details of hardstanding including its extent, details of surface water drainage, details of the position and number of interceptors to prevent oil and contamination entering the drainage system shall be submitted in writing to and approved in writing by the Local Planning Authority.

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To minimise future land contamination from the waste transfer activity.

6. Prior to the development hereby approved first coming into use, all parking and vehicle manoeuvring areas shall be laid out and clearly demarcated on the ground and thereafter retained and used for no other purpose for the lifetime of the development.

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

7. No external waste storage, sorting or processing shall take place at any time during the lifetime of the development hereby permitted in the open air on the site

Reason: To ensure safe development of the site and to protect human health and the environment in accordance with the saved policies GP2 and ENV10 of the Walsall Unitary Development Plan.

8. The development hereby permitted shall not be carried out otherwise than in accordance with all of the access/egress points and any open sides of the waste handling building having plastic flap coverings with the building openings and the plastic flap coverings shall thereafter be retained for the lifetime of the development.

Reason: To ensure safe development of the site and to protect human health and the environment in accordance with the saved policies GP2 and ENV10 of the Walsall Unitary Development Plan.

9. Notwithstanding the details as submitted the development hereby permitted shall not be carried out otherwise than in accordance with the boundaries of the site and vehicular gates being 2.5 metre high powder coated black weldmesh paladin fencing and gates. The gates shall be designed and installed so they cannot open outwards onto a highway, plus the positioning of the gates and fencing shall not impede any visibility splays. The boundary treatments shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

10. Notwithstanding the submitted details of the development hereby permitted there shall be no access at any time to the site, vehicular or otherwise, from Whitworth Close for the lifetime of the development.

Reason: Whitworth Close is not suitable for the type of vehicles expected to serve the development, and it would be difficult to achieve an acceptable access in highway safety terms. Pedestrian access may encourage indiscriminate parking on Whitworth Close.

Notes for Applicant

Environmental Permitting Regulations

This development will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. Further information is available here <https://www.gov.uk/guidance/waste-environmental-permits> In circumstances where an activity/operation meets certain criteria, an exemption from permitting may apply, more information on exempt activities can be found here: <https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits> The applicant is advised to contact 02030253898 or psc@environment-agency.gov.uk to discuss the issues arising from the permit application process.

Contaminated Land

Notes for applicant

CL1

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

CL2

When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

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

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 6

Reason for bringing to committee

Called in by Councillor Gultasib due to the length of time the application has taken to determine and needs careful consideration.

Application Details

Location: 22, BASSETT STREET, WALSALL, WS2 9PZ

Proposal: OUTLINE: DEVELOPMENT OF 2 DETACHED HOUSES WITH 1 NO. DETACHED GARAGE AT THE REAR OF 22 BASSETT STREET WITH ACCESS, LAYOUT AND SCALE FOR DETERMINATION - ALL OTHER MATTERS RESERVED (RESUBMISSION OF PLANNING APPLICATION 20/0540)

Application Number: 21/0510

Case Officer: Ann Scott

Applicant: Mr H Rashid

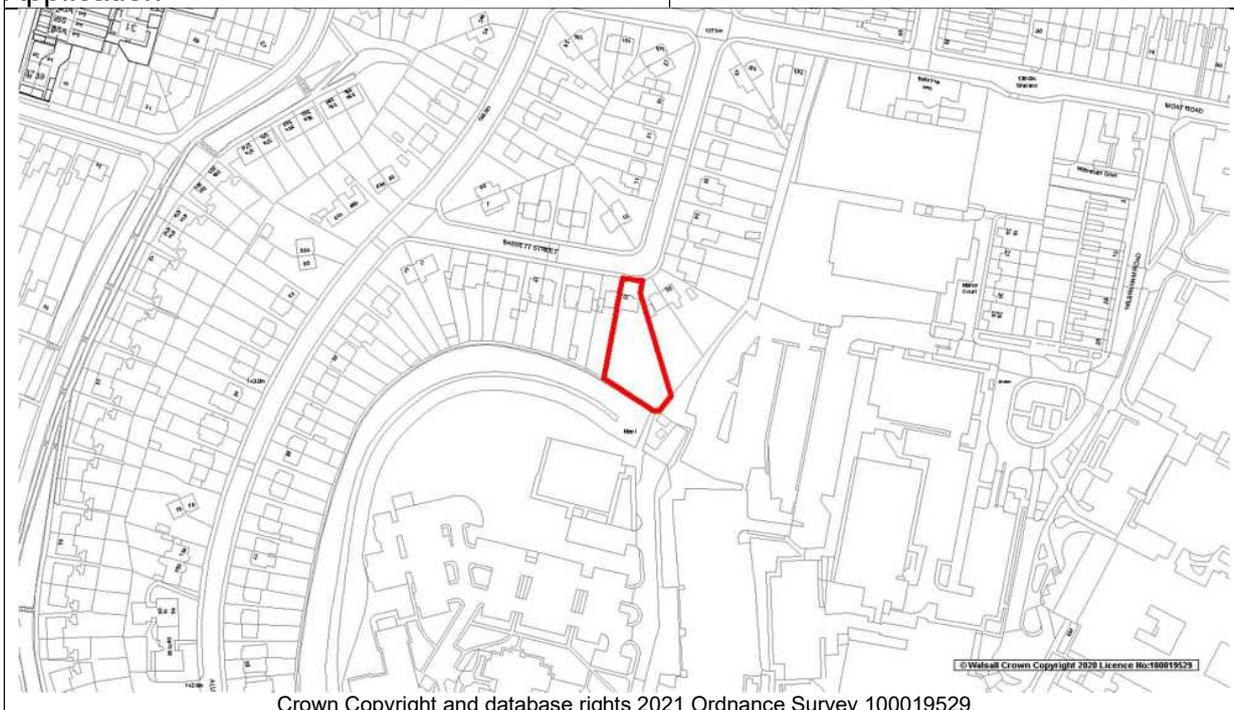
Ward: Pleck

Agent: PAUL CLIFTON

Expired Date: 02-Jun-2021

Application Type: Outline Permission: Minor Application

Time Extension Expiry:



Recommendation

Refuse

Proposal

This outline application proposes erection of 2no. 3 bed 4 person detached houses at the rear of No 22 Bassett Street with access, layout and scale to be considered at this time and appearance and landscaping reserved for later consideration. The application proposes the demolition of the existing side extension at number 22, and this will allow the construction of the private driveway. Parking for No.22 would be at front and rear along with a garage serving each new dwelling. Rear gardens would be provided for the amenity space and bin and cycle storage within the wider plot. This is a re-submission of a previously refused scheme under reference 20/0540.

The indicative plans demonstrate a proposed height of the dwellings 5.0 m at eaves level and ridge height at 7.5 m. The properties will be constructed with brick work, tiled roof, UPVC windows and doors. The plot 1 internal layout at ground floor includes integral garage, kitchen, hallway, dining area, lounge and WC facilities. The first floor will contain 3 bedrooms and bathroom. Whereas the plot 2 would have detached garage and 4 bedrooms.

Site and Surroundings

The application site is garden land to the rear of 22 Bassett Street Walsall. The host dwelling forms one half of a pair of semi-detached post war dwellings. The application site is situated on a bend in the access road known as Bassett Street. The site is bounded by other residential properties and to the rear of the application site is the car park and grounds of the Manor Hospital Walsall.

The application is located at the Bassett Street a residential street characterised by a traditional street frontage urban layout of semi-detached and terraced houses. The immediate vicinity does not have rear back land development.

Relevant Planning History

20/0540 Outline development of 2 detached houses at the rear of 22 Bassett Street Walsall. Refused 21 October 2020 for the following reasons (summarised):

- size, height, scale and siting, tandem back land site development,
- over intensify the use of the site, failed to include evidence to determine the possible presence of bats.
- No tree assessment and technical evidence to demonstrate how of the tree would be safeguarded.
- failed to provide a coal mining risk assessment.

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On planning conditions the NPPF (para 56) says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

- age
- disability

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.11 Forestry and Trees
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- 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
- ENV27: Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- 6.1 to 6.2 Strategic Policy Statement

- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings-
- 7.4 Strategic Policy Statement
- T1 - Helping People to Get Around
- T2 - Bus
- T3 - The Rail and Metro Network
- T4 - The Highway Network
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space
- 8.7 to 8.9 Strategic Policy Statement
- LC1: Urban Open Spaces

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- EN3: Flood Risk
- T2: Bus Services
- T4: The Highway Network

Supplementary Planning Documents

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity

Air Quality SPD

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

Consultation Replies

Highways – No objections subject to conditions in relation to parking, turning and manoeuvring areas to be provided, hard surfaced and drained and thereafter retained prior to occupation.

Conservation Officer – No objections and no comments to make.

Archaeology – Site lies in the proximity of the known location of Walsall Manor House, a mediaeval moated site. In addition collieries are also shown on historic maps. Recommends a condition on a programme of archaeological work on any approval.

Strategic Planning Policy – support the application insofar as it would add to the supply of housing but notes previous concerns around impacts on character to area.

Coal Authority – no objections subject to conditions in relation to a scheme of investigations to be carried out on site to establish risks posed by previous coal mining activity.

Pollution Control – recommend conditions in relation to air quality, smoke control and construction management plan.

Severn Trent Water – No objection and recommends a note to application regarding public sewers.

Fire Officer - The access requirements would need to meet those specified in the Fire Regulations (Volume 1 Dwellings 2019 incorporation 2020 amendments). These do not appear to be met and are likely to be over 45m required.

Tree Officer – No arboricultural objections. Conditions suggested in relation to tree protection measures.

Police Designing Out Crime) – No comments received.

Waste Management – No comments received.

Wildlife Trust - No comments received.

Representations

2 x objections from nearby neighbours with regards to the following;

- Inadequate vehicle access
- Parking areas cramped
- Congestion and parking already significant
- Sharp bend in the road impedes access and visibility
- Adverse effect on wildlife
- Loss of privacy
- Loss of amenity from car headlights shining into our property
- Additional congestion from additional visitors to the dwellings
- Adverse Impact on residential amenities of existing properties

Determining Issues

- Has this application addressed the previous refusal reasons?
- Any other Material Considerations
- Local Finance Considerations

Assessment of the Proposal

Has this application addressed the previous refusal reasons?

Refusal Reason 1: Out of character and detrimental to amenities of the area:

The proposed indicative dwellings with a height 7.5m to the ridge and 5m to eaves level, in a back land tandem development, is considered out of character with the residential nature of the street scene and would become a dominant feature in the rear gardens, compromising the neighbouring amenity of residents to the detriment of their amenity.

The proposed dwellings would be sited in the rear garden, subdivided the existing planning unit into 3 plots, original dwelling and two additional. The formation of an independent access 5.5m's wide, adjacent to the side of the main original street frontage dwelling (No 22) and the neighbour number 24. The private amenity space for both No 22 and No 24 remains adjacent to the access and would be overlooked from the two proposed houses, forming a tandem development.

The access and vehicular manoeuvring space would extend 18m long from the front elevation of number 24 to plot 1 with the parking area 5.5m wide metres. This layout compromises the safety and security of the original dwelling and the immediate neighbours either side of the access drive. This would be to the detriment of the

neighbour's amenity and introduce noise and activity at a location where it would be reasonable for residents to have lesser noise and disturbance, plus benefit from safety and security due to the traditional street frontage urban form. The siting of the proposed dwellings in the corner of the garden, appear cramped and contrived, adjacent to the eastern and western boundary meaning that the dwellings would sit uncomfortably and uncharacteristically in this position; and therefore resulting in visually obtrusive form of development to the detriment of the neighbours amenity.

Therefore, the proposed back land tandem development does not relate to the character of the area and thus fails to reinforce local distinctiveness. The proposal would have a substantive visual intrusion in the rear gardens of the residential properties in a locality where there is no back land development.

The development is in proximity to the hospital buildings and grounds in the background of the houses. Weighing the material considerations, it is considered this back land tandem development is out of character with the surrounding pattern of residential development, due to its height, size, scale siting within this rear garden setting that would appear incongruous and as discordant feature, detrimental to neighbours visual amenity, whilst the access compromises their safety and security, introducing a greater level of activity, noise and disturbance at a location where it would not be expected contrary to planning policies with UDP policies GP2, ENV32, H10 and SPD 'Designing Walsall.' It is considered that whilst two additional dwellings would contribute to the overall housing numbers of the borough, in this instance the additional harm and impacts they would bring, would not outweigh the benefit of two additional dwellings.

The proposal fails to overcome the previous 1st reason for refusal on the character and amenity of the area.

Refusal Reason 2: Loss of outlook, overlooking and loss of privacy to Numbers 18, 20, 24 & 26:

In relationship to the adjoining properties No 26, No 24, No 20 and No 18 would be significantly impacted by the proposed development by way of overlooking and shadowing of rear amenity space.

Due to the orientation of plot 1, and plot 2 the front of the property would overlook the private rear amenity space of No 22 (main host dwelling sited within the application site) also the adjoining neighbouring dwellings 24, 18 and No 20, diminishing the quality of private amenity space, with fronts of the proposed houses overlooking backs of existing.

It is considered that overlooking from the rear windows of the proposal, is limited to the bottom of number 24' Bassett Street's rear garden and whilst it would form an impact, on its own this would be insufficient to warrant refusal. There are a variation in the distances due to the irregular shape of the plot. The indicative position of the windows and orientation would result in overlooking into adjoining properties from other upper floor windows, the distances between windows of opposing dwellings are not significant. As such, it is considered that the proposal would result in overlooking that would be significantly detrimental to living conditions and amenity of neighbouring occupiers. The proposed siting of the two houses in the rear garden does also impact on the living conditions of neighbours to their detriment, with regard to visual impact.

The residential character of the immediate area is defined street frontage housing with back to back properties retaining private amenity space between, providing secure and private not exposed to additional vehicular noise, disturbance and lighting.

It is considered that the creation of the two additional dwellings in the rear garden would intensify the use of the rear garden which would result in additional pedestrian, delivery and private vehicle comings and goings to the site and this would be detrimental to the amenities of the adjoining properties. This would lead to noise and disturbance to occupiers and therefore harm the living conditions of adjoining residents, contrary to the National Planning Policy Framework Chapter 5 Delivering a Sufficient Supply of Homes, Black County Core Strategy, HOU2 Housing Density Type and accessibility, ENV2 Historic Character and Local Distinctiveness, ENV3 Design Quality, and Unitary Development Plan polices GP2 Environmental Protection and ENV32 Design and Development Proposals and 'Designing Walsall' SPD.

The proposal therefore fails to overcome the previous 2nd reason for refusal on loss of outlook and privacy.

Refusal Reason 3: Unacceptable additional noise, disturbance, light pollution and security issues:

The access to the site would run adjacent to the gable wall and private rear garden of Numbers 22 and 24 Bassett Street. The proposed access drive would bring the public street realm into the proximity of private rear amenity space, giving rise to additional noise and disturbance as occupiers and their visitors' vehicles pass in close proximity to these boundaries, reducing security to neighbouring boundaries to the detriment of residential amenity. The indicative plans demonstrate a fence and a small amount of landscape along the boundary to the proposed drive, it is considered not sufficient to provide a defensive barrier to the neighbouring properties to not prevent future anti-social activity to the detriment of both the host property and neighbours' amenity.

It is considered that the creation of the two additional dwellings in the rear garden would intensify the use of the rear garden which would result in additional pedestrian, delivery and private vehicle comings and goings to the site and this would be detrimental to the amenities of the adjoining properties. This would lead to noise and disturbance to occupiers and therefore harm the living conditions of adjoining residents, contrary to the National Planning Policy Framework Chapter 5 Delivering a Sufficient Supply of Homes, Black County Core Strategy, HOU2 Housing Density Type and accessibility, ENV2 Historic Character and Local Distinctiveness, ENV3 Design Quality, and Unitary Development Plan polices GP2 Environmental Protection and ENV32 Design and Development Proposals and 'Designing Walsall' SPD.

Therefore it fails to overcome the previous 3rd refusal reason.

Refusal Reason 4: Impacts on Protected Species:

An ecology assessment by a qualified ecologist has now been provided for the assessment of bats and other protected species to consider whether the trees would support any protected species. Daytime visual assessments of the site were undertaken internally and externally. The findings of the report were that the section

of garden area for the proposed development was of low ecological value and the hedges of the site are of low to moderate value and should be protected and enhanced subject to a tree survey.

Whilst the Ecology Survey demonstrates that there will be a range of bird species within and around the site due to the trees. The ecology survey indicates that no nests were found.

This has overcome the previous 4th refusal reason in relation to bats.

Refusal Reason 5: Potential loss of trees:

The application site benefits from a mature garden with trees to the boundaries. The applicant has now provided a tree constraints plan and an Arboricultural impact assessment. The plan demonstrates 10 trees including fruit trees, cypress and hazel trees. The trees are largely situated along the boundaries of the site but some are near where vehicle access and the built development would be located. The Council's Tree Officer has commented and has no objections subject to the removal of 6 of the trees shown to be of poor condition or low arboricultural value. A condition is suggested to ensure retained trees are to be protected in accordance with the submitted arboricultural assessment and should be protected by fencing with the distances specified in the arboricultural report.

On balance the information provided about the trees in relation to the proposed development overcomes the previous concerns on the likely impact of their future retention.

This has overcome the previous 5th refusal reason.

Refusal Reason 6: Lack of Coal Mining Risk Assessment to demonstrate the safety and suitability of this site:

A coal mining risk assessment has now been submitted with the application and the Coal Authority have recommended conditions to require further investigation prior to the commencement of development on site to establish risks posed by previous coal mining activity.

This application has overcome the 6th refusal reason.

Any other material considerations.

Highways

The Local Highway Authority supports the application subject to conditions in relation to parking and vehicle manoeuvring areas to be provided prior to occupation. There are no objections to the proposal on highway grounds. The site is accessible by public road, modes of transport other than the car and is in a sustainable location.

Flood Risk / Drainage

The application site is situated in flood zone 1 as defined on the Environment Agency Flood Map for Planning which is an area at the lowest risk of flooding. The site is also not demonstrated on the Environment Agency Flood Map to be in an area at risk from surface water flooding.

Any drainage matters could be controlled by suitable drainage conditions to ensure that foul and surface water drainage can adequately be provided within the site in accordance with Black Country Core Strategy Policy ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island, and Chapter 14 of the National Planning Policy Framework Meeting the challenge of climate change, flooding and coastal change.

Ground Conditions and Environment

The Pollution control officer advises and recommends conditions in relation to air quality, smoke control and construction management plan.

Local Finance Considerations

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

This application proposes two new homes.

The Government has indicated that, for 2019-21, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling.

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

Conclusions and Reasons for Decision

The proposed development for two additional houses towards the wider housing numbers for the borough, does not justify or overcome the level of harm they would introduce in a back land location with a poor form of tandem development, exposing neighbours to a greater level of noise, disturbance, light pollution, visual impacts, or safety and security concerns in order to support an approval. The development fails to comply with the adopted planning policies and the development would be detrimental to the living conditions of the nearby occupiers. The development would therefore be contrary to the Council's adopted Development Plan and Supplementary Planning Documents, and National Planning Guidance as set out in this report.

The proposed development for two additional houses towards the wider housing numbers for the borough, does not justify or overcome the level of harm they would introduce in a back land location with a poor form of tandem development, exposing neighbours to a greater level of noise, disturbance, light pollution, visual impacts, or safety and security concerns in order to support an approval. The development fails to comply with the adopted planning policies and the development would be detrimental to the living conditions of the nearby occupiers.

Positive and Proactive Working with the Applicant

There were no negotiations that have taken place in this instance as there was no further information in the resubmission that would provide a satisfactory solution to overcome the fundamental policy concerns of the proposal to address the previous refusal reasons that have been clearly set out.

Recommendation

Refuse

Reasons

1. The proposed building by reasons of its size, height, scale and siting would result in cramped form of development which would be out of keeping with general pattern of development in the area coupled with the loss of trees and foliage all combined to be an inappropriate use of garden land and detrimental to the amenities of the area and neighbouring residents. The proposal would be contrary to NPPF 5, BCCS HOU2, ENV2 and ENV3, UDP polices GP2 and ENV32 and 'Designing Walsall' SPD.
2. The proposed tandem back land site development by reason of its height, size, massing and siting would result in a loss of outlook, by way of the proposed dwellings windows overlooking the private amenity space of the adjoining dwellings No 18, 20,24 & 26 and resulting in loss of privacy to the detriment of neighbouring amenity. Therefore, the development would be contrary to Saved policies of Walsall's Unitary Development Plan GP2 and ENV32, Black Country Core strategy HOU2, ENV2 and ENV3 and 'Designing Walsall' supplementary planning document.
3. The proposed development would be an unsatisfactory tandem back land development and over intensify the use of the site increasing the comings and goings resulting in more noise disturbance and light pollution to the adjoining neighbours in the rear amenity space where residents could reasonably expect a level of peace and quiet forming an inappropriate use of garden land. The access to the site would run adjacent to the private rear garden of No 24, exposing the private rear amenity to public access, this is likely to give rise to additional noise, disturbance and light pollution as occupiers and their visitors and vehicles would pass in close proximity to these boundaries, plus reduce the level of security to neighbouring boundaries to the detriment of residential amenity. The proposal would be detrimental to residential amenities and contrary to policies to NPPF 5 and15, BCCS HOU2, ENV2 and ENV3, UDP polices GP2 and ENV32 plus 'Designing Walsall' SPD

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 7

Reason for bringing to committee

Called in by a Councillor G S Sohal on the grounds that sensitive planning decision making is required and community interest

Application Details

Location: 3, CHARLEMONT ROAD, WALSALL, WS5 3NG

Proposal: PROPOSED NEW 6 BEDROOM TWO STOREY DETACHED DWELLING WITH LOFT ROOMS AND A DETACHED DOUBLE GARAGE TO THE REAR WITH NEW VEHICULAR ACCESS FROM CANBERRA ROAD.

Application Number: 21/1624

Case Officer: Helen Smith

Applicant: Mr Choudhury

Ward: Paddock

Agent: Neil Boddison Associates Ltd

Expired Date: 03-Feb-2022

Application Type: Full Application: Minor Use Class C3 (Dwellings)

Time Extension Expiry:



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Recommendation

Refuse Permission

Proposal

This application proposes extensive changes to an existing house and consequently the planning application has been considered as a proposed new dwelling with a new detached double garage to the rear. The applicant has advised that this proposal is to assist with the health requirements of an existing family member.

The key features of the proposed development are as follows;

Proposed New Dwelling

- 2.5 storeys with a two storey front gable feature and vertical triangular glazing
- Gable roof design
- 1.1 metres forward of the front elevation of 5 Charlemont Road
- Boxed rear first floor bedroom window
- 6 bedrooms in total
- Loft bedroom and storage area
- Enclosed first floor rear balcony area
- Chimney breast on the side elevation facing Canberra Road
- 8.61 metres high to the ridge line
- 10.6 metres wide (two storey element)
- 16.1 metres deep (two storey element)
- 5.4 and 6 metres deep stepped single storey rear extension
- Set back 6.5 metres from Charlemont Road
- Set in between 1.2 and 0.7 metres from the side boundary with Canberra Road
- First floor gap of 1.1 metres between the proposed dwelling and the side boundary with 5 Charlemont Road
- Separation distance of 0.3 metres between the proposed single storey rear extension and the side boundary with 5 Charlemont Road
- Side facing non-habitable room windows including a high level window facing the boundary with 5 Charlemont Road at ground and first floor
- Side facing secondary habitable room windows and non-habitable room windows facing houses fronting Canberra Road at all three floor levels
- Rear angled glazed doors at ground floor
- Roof lights in the side and rear facing roof slopes
- Single storey rear extension would be stepped down to accommodate the lower ground level to the rear

New Garage

- 17.2 metres separation distance from the proposed new dwelling in the rear garden
- Positioned 0.5 metres from the rear garden boundary with 5 Charlemont Road
- Set in 4.9 metres from the side boundary with Canberra Road to create a gated driveway
- 6.5 metres deep
- New vehicle access would be created across verge and off Canberra Road
- Between 2.7 and 3.2 metres high with a mono-pitched roof design
- The new access would be opposite no's 7 and 9 Canberra Road

- The plans indicate there would be inset double gates off Canberra Road, inward opening and with a pedestrian visibility splay

The application is supported by the following documents;

Internal/External Bat Survey prepared by Dr. Stefan Bodnar, dated January 2022 which concludes the following;

- The existing building has negligible bat access potential and negligible roost opportunities for bats
- No further bat surveys are recommended
- Recommends that a single bat box is installed on the southern face of the building
- Procedures for emergencies if bats are discovered should be included and the advice of a licensed ecologist sought

Pre-Development Tree Survey BS5837:2012 prepared by Dr. Stefan Bodnar deposited January 2022 which recommends;

- Tree and Ground protection measures for the existing group of trees at 5 Charlemont Road
- Site clearance works should commence outside of the bird breeding season between mid-March to mid-July

Topographical Survey Plan dated August 2020 which shows that there is a 5 metres land level difference from the front to the rear boundary of this site (139.05 to 134.08 metres above sea level)

The submission is supported by a street scene drawing.

Site and Surroundings

The application plot is located on a corner at the road junction with Charlemont Road and Canberra Road. The land levels reduce in a southerly direction with the garden levels sloping down adjacent to Canberra Road. The application plot is 12.8 metres wide and 88.5 metres in length. The remaining private amenity area would exceed 600 sq. metres.

The existing house has a dual cat-slide roof design fronting Charlemont Road with a central front entrance door which has an Art Deco style brick surround and a part render and part brick exterior finish. There is a rear balcony and a rear dormer window in the existing house.

There is a rear garden patio area with steps down into the garden of no. 3 and stepped approximately 1.8 metres high timber fencing along the common rear garden boundary .

This part of Charlemont Road is residential in character and consists of large detached houses of varying design with the neighbouring houses having a 1930's character consisting of two storey gable features with traditional bow and angled bay windows and cat-slide roofs. Canberra Road consists of more uniformly designed, pairs of semi-detached houses.

There is a grassed verge along the highway adjacent to Canberra Road and the side boundary of the application plot. There is an existing dropped kerb on Canberra Road providing vehicle access to an existing garage/shed in the rear garden of the application plot.

The application plot has timber closed boarded 1.8 metres high fencing along its boundary with Canberra Road and a set of double gates. The neighbour at 5 Charlemont Road has a group of trees near to the proposed new detached garage.

The site is located within a Bat Buffer Zone and is a Coal Development Low Risk Area. Rushall Canal sits to the east of the application site and to the rear of houses fronting Canberra Road.

The neighbouring properties include;

5 Charlemont Road

This house sits to the west of the application plot with its rear elevation facing south. No. 5 has front and rear facing habitable room windows including a first floor bedroom window at the rear close to the boundary with no. 3. This neighbouring house has a single storey rear extension and a blank side wall facing no. 3.

1 & 3 Canberra Road

No's 1 & 3 Canberra Road site to the east of the application plot and there is a separation distance of 23 metres, between these neighbouring houses across the highway, to the side boundary of no. 3.

9 Canberra Road

This housesits to the south east of the application site and there would be a 25.8 metres separation distance from front habitable room windows in no. 9 Canberra Road and the proposed new garage.

10 Canberra Road

No. 10 sits to the south of the application plot and to the rear of 5 Canberra Road across a separation distance in excess of 65 metres.

Foxtan House

This neighbouring house sits to the north and on the opposite side of Charlemont Road to the application plot across a separation distance of 31 metres.

Relevant Planning History

Land to rear garden of 3 Charlemont Road

03/2250/FL/E5 - New 3 bedroom detached dwelling with double garage & detached double garage to no 3 Charlemont Road (Resubmission of 03/1215/FL/E5) – refused permission on 8/1/04 as it was considered the development would harm the character and appearance of the area. A subsequent planning appeal was dismissed by the Secretary of State on 6/10/04.

03/1215/FL/E5 - New 4 bed detached dwelling with double garage & detached double garage to no 3 Charlemont Road – withdrawn 27/10/03

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 55) says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- EN1: Natural Environment Protection, Management and Enhancement
- T2: Bus Services
- T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures

- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

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

Consultation Replies

Canal and River Trust – No objections

Community Safety Team - No objections and recommend the principles of Secured by Design to afford the best protection for the proposed development

Environmental Protection – No objections subject to the inclusion of safeguarding conditions in respect of air quality requirements and the need for a Construction Management Plan, if approved.

Fire Officer – No objections

Local Highways Authority – No objections subject to the installation of a new dropped kerb being installed and the existing vehicle access off Canberra Road being removed and reinstated back to full kerb height.

Severn Trent Water – No objections and do not require the inclusion of a drainage condition. There may be a public sewer located within the application site and the inclusion of an informative note is required, if approved.

Representations

(Officers' comments in italics)

A public petition has been received with 44 signatories' objecting to the proposal on the following grounds;

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- Character and appearance
- Trees already removed (*noted but none were subject to Tree Preservation Orders*)
- Discordant appearance within the street scene
- Rear access to new double garage would damage an attractive grass verge
- Extends beyond other houses on Charlemont Road
- Loss of privacy
- Congestion on the road
- Garage use could change in the future (*the garage could be conditioned to remain ancillary to the host dwelling is approved*)

In addition to the above petition representations' have been received from 6 residents which include the above points raised and the following addition objections;

- Concerns about structural damage to own property(*not a material planning consideration in this instance*)
- Drainage should not protrude onto neighbouring property(*not a material planning consideration in this instance*)
- Loss of view (*there is no right to a distant view in planning legislation*)
- Impact on mental well-being especially during winter months (*noted- this is not a material planning consideration*)
- Loss of light and sunlight
- Previous applications refused for development in rear garden (*noted- this proposal is for a different scheme*)
- Parking concerns and highway safety
- What will they use the end part of the garden for (*the application shows that this would remain as private amenity space*)
- Devalue houses (*not a material planning consideration in this instance*)
- Potential for more houses to be built (*planning applications are assessed on their own merits*)
- Already has a garage in the rear garden (*noted- it is not unusual for properties to have more than one outbuildings and the Local Highway Authority would require the removal of the existing dropped kerb access off Canberra Road*)

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Protected Species
- Trees
- Air Quality
- Parking and Access

Assessment of the Proposal

Principle of Development

The application plot is situated in a well-established residential area. Regular bus services are available within walking distance of the site hence the site is considered to be a sustainable location.

The principle of the provision for a new dwelling house is considered acceptable in principle and accords with the aims of both national and local policies, subject to all other aspects being acceptable.

Whilst the applicant's personal circumstances are noted the planning advice is that personal circumstances will seldom outweigh more general planning considerations including any harm and the house would remain long after the current personal circumstances cease to be material.

Design Layout and Character

The proposed position of the dwelling 1.1 metres forward of the front elevation of 5 Charlemont Road along with the excessive scale and depth of the proposal along the Canberra Road frontage and with its wide front gable feature facing Charlemont Road with tall, vertical angled front windows would introduce an incompatible design to the street scene. It is considered that the introduction of this new dwelling in this prominent corner location would appear as an incongruous addition to the street and would be out of keeping with the established street scene. The juxtaposition of this proposal next to 5 Charlemont Road which has a more traditional character is considered would result in a discordant and unsympathetic development which would not integrate with the street scene.

The street scene plans show the new house is approximately one metre taller than the original house and the neighbouring house. Given the concerns that the house is considered to be incongruous in the street scene, the additional height, even at only one metre, can only serve to exacerbate this situation emphasising the discordant and unsympathetic development not integrating in the street scene.

The proposed new double garage would be located at the rear of the new dwelling and would be set away from the highway boundary and next to the western garden boundary with 5 Charlemont Road. This addition would have a mono-pitch roof between 2.7 and 3.2 metres high which is considered would have a limited impact on the character of the area.

The provision of private amenity space in excess of 600m² to the rear of the new dwelling is considered to be adequate and exceeds the recommended minimum provision of 68m² or being 12 metres in length referred to by Appendix D of Designing Walsall SPD.

The proposal would result in the loss of part of the grassed highway verge to create vehicular access to the proposed double garage. This loss is considered would have limited harm and not sufficient to support a refusal reason especially as the Local Highway Authority have raised no objections.

If the application was to be supported planning conditions would be required in respect of materials, floor levels, boundary treatments, pedestrian visibility splays and protections for the neighbour's trees.

Amenity of Neighbours and Amenity of Future Occupiers

The proposed new dwelling house meets the separation distances recommended in Appendix D of SPD Designing Walsall and is considered would not cause any significant harm to the residential amenities of neighbouring properties in terms of outlook, privacy or daylight.

The proposed new dwelling house meets the Council's 45 degree guidance, as

referred to in Appendix D, in relation to the adjacent house 5 Charlemont Road. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

The rear elevation of 5 Charlemont Road faces south and it is considered that this orientation would limit the impacts on existing light available to the occupiers of this neighbouring house.

The 23 metres habitable room, window to window separation distances between the side elevation of the new dwelling house and no's 1 and 3 Canberra Road would be 1 metre less than the recommended minimum separation distance of 24 metres referred to in Appendix D of Designing Walsall SPD. However as this standard is applied less robustly to public areas rather than across private gardens this separation distance is considered acceptable for both neighbours and future occupiers' privacy in this instance.

The proposed rear balcony would be enclosed to the sides and whilst it would face the rear garden and Canberra Road dwellings it is considered that as this would replace an existing similar balcony in the existing house any additional impacts on neighbours' privacy would be limited.

The proposed new garage would be single storey and positioned 23 metres from the rear habitable room windows of 5 Charlemont Road and 25.8 metres from 9 Canberra Road so would not harm neighbours amenities.

The land levels fall to the rear and details of the proposed boundary treatment next to no. 5 have not been provided in order that the impacts on neighbours' amenity can be fully assessed as a result of the difference in ground levels.

The proposed lounge and dining areas would have side facing windows opposite and very close to the blank side elevation of 5 Charlemont Road. Whilst it is considered the proposed lounge area may be dark for future occupiers as this area has an open plan design, with extensive, primary, glazed areas in the rear elevation, this level of amenity would be acceptable in this instance.

If the planning application was to be supported planning conditions would be required in respect of permitted development removal for additional side facing doors and windows, extensions including additional storeys and roof alterations to allow the LPA to make an assessment of the potential for further impacts.

Protected Species

The Internal/External Bat Survey prepared by Dr. Stefan Bodnar, dated January 2022 concludes that the existing building has negligible bat access potential and negligible roosting opportunities for bats. Consequently no further bat surveys are required.

The report recommends that enhancements are included into the potential scheme in the form of the installation of a single bat box to be installed on the southern face of the proposed new building, if approved.

In addition precautionary procedures for emergencies if bats are discovered are recommended and works are ceased immediately and the advice of a licensed ecologist sought.

The Pre-Development Tree Survey BS5837:2012 prepared by Dr. Stefan Bodnar

deposited January 2022 which recommends that any site clearance works should commence outside of the bird breeding season between mid-March to mid-July

If the application was to be supported planning conditions would be required in respect of the installation of a bat box as recommended, clearance works commencing outside of the bird breeding season and precautionary procedures in the event that bats are discovered.

Trees

The Pre-Development Tree Survey BS5837:2012 prepared by Dr. Stefan Bodnar deposited January 2022 recommends that tree and ground protection measures for the existing group of trees at 5 Charlemont Road are agreed and put in place prior to any works commencing on site. There are no protected trees within or adjacent to the application site. If the application was to be supported a safeguarding condition in respect of tree protection could be included.

Air Quality

Walsall Council has adopted the Black Country Air Quality Supplementary Planning Document (SPD).

Environmental Protection Officers have advised that if the application was to be supported, the Applicant would need to consider the requirements of the Air Quality SPD and develop a strategy to comply, with the strategy being implemented prior to development commencing.

Having regard to the design of the development there are concerns that there is the possibility that some form of solid fuel appliance may be installed. Installations of this nature are problematic when located at the rear of dwellings due to the proximity of flue outlets to neighbouring properties. To avoid such issues Environmental Protection Officers have recommended a planning condition prohibiting such installation in the proposed dwelling house however such a condition is not enforceable.

If the application was supported planning conditions in respect of the submission of a Low Emission Scheme to include electric vehicle charging points, low NOx boilers and a construction management plan would need to be included.

Parking and Access

The site has two existing vehicle accesses, one on the property frontage for two cars and an existing garage in the rear garden with an existing vehicle footway crossing leading off Canberra Road.

A new access is proposed to serve the new garage closer to the main dwelling which the Local Highway Authority (LHA) considers is acceptable, subject to a new dropped kerb being installed. The LHA considers that the existing vehicle access off Canberra Road should be removed and reinstated back to full kerb height as they consider that there is no justification for retaining 3 vehicle accesses to a single dwelling.

The proposed parking provision exceeds the requirements referred to in saved UDP Policy T13 – Parking Provision, for a property with 4 or more bedrooms.

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

Therefore in light of the comments above, the Highway Authority supports the proposal, subject to the inclusion of planning conditions in respect of hard-surfacing of the garage access area, the installation of a new vehicle footway crossing and the permanent closure of the existing footway crossing and the reinstatement of full kerb height. An informative note should be included for the applicant in respect of mud on the highway and the need to obtain a highway opening permit from the Local Highway Authority if the planning application were to be supported.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the scale of the proposed new dwelling, its position forward of 5 Charlemont Road, its excessive depth fronting Canberra Road and its wide front gable feature with tall, vertical angled front windows would introduce an incompatible and incongruous design to the street scene. The introduction of this new dwelling would be out of keeping with the established street scene and would result in a discordant and unsympathetic development which would not integrate with the street scene.

Whilst personal circumstances are noted the Local Planning Authority are unable to take them into consideration when determining planning applications. Consequently, the proposal is recommended for refusal.

This proposal is therefore considered to be unacceptable and contrary to the local and national planning policies and guidance set out in this report. Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and suggested that amendments are made to retain the existing character of the dwelling house and consider alternative smaller rear extensions however this has been declined and in this instance the Local Planning Authority are unable to support the proposal.

Recommendation

Refuse permission

Reasons for Refusal

1. The proposed scale of the new dwelling combined with its excessive height, its excessive depth when viewed from Canberra Road, its prominent corner position forward of 5 Charlemont Road is considered would result in this proposal having an overly prominent and discordant appearance in the street scene. The proposal is considered would appear as an incongruous addition to the street and would have a detrimental impact on the character and appearance of the street scene. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, and ENV32 of the Walsall Unitary Development Plan, Policy HC2 of the SAD and Supplementary Planning Document: Designing Walsall, Policy DW3.

2. The proposal fails to provide details of the boundary treatment between the application plot and 5 Charlemont Road in order to assess the potential impact

caused by differences in ground levels and the risk of overlooking and loss of privacy for residents if an elevated patio area is added to the rear of the proposed new dwelling. This would be contrary to the aims and objectives of the National Planning Policy Framework, policies ENV3 of the Black Country Core Strategy, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan, and Supplementary Planning Document Designing Walsall, Policy DW3.

First page of submitted petition

Petition to Walsall Council Head of Planning Services

Petition summary and background	We object to the proposed Planning Application 21/1624 at 3 Charlemont Road Walsall WS5 3NG, which is currently under consideration. We do not agree to any car access to the rear of the property from Canberra Road as this has been previously rejected (03/2250/FL/E5). (Please refer to the attached letter)
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now on the proposed Planning Application

Printed Name	Signature	Address
		23 Canberra Road, Walsall, WS5 3NA
		19 Canberra Road, WALSALL, WS4 1EA
		25 CANBERRA Rd WS5 3NH
		41 CANBERRA RD.
		45 e e
		45 e e
		45 Canberra Road
		53 Canberra Road
		62 CANBERRA ROAD
		72 Canberra Road

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 8

Reason for bringing to committee

Called in by a Councillor Stacie Elson

Application Details

Location: 117, Sandringham Avenue, Willenhall, WV12 5TG

Proposal: PART RETROSPECTIVE APPLICATION UNDER S73A FOR A PROPOSED 4 BEDROOM DWELLING WITH ASSOCIATED PARKING AND PRIVATE AMENITY SPACE.

Application Number: 21/1540

Case Officer: Fiona Fuller

Applicant: Gurwinder Singh

Ward: Willenhall North

Agent: Architecture & Interior Design Ltd

Expired Date: 27-Dec-2021

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

Time Extension Expiry:



Recommendation

Refuse

Proposal

The applicant seeks part retrospective planning permission under S73A of the planning legislation for the retention of a 4 bedroom dwelling with associated parking, private amenity space and outbuilding at 117 Sandringham Road.

The proposal will consist of a utility room, kitchen, bath and 2 living rooms on the ground floor. On the first floor would be four bedrooms, lobby and bathroom. On the second floor there will be store room.

There will be a flat roof outbuilding in the rear garden space.

The house design will include a pitched roof, a central two storey flat roofed projection, with the addition of a ground floor hipped porch with main access and main habitable room windows to the front and rear elevations. A flat roof outbuilding to the rear which was added to the amended plans.

The key measurements are:

Replacement Dwelling

- 7.7 metres height to the roof ridge
- 5.4 metres height to the eaves
- 8.2 metres length
- 12.3 metres wide

Outbuilding

- 2.5 metres height to the roof ridge
- 3.3 metres length
- 2.7 metres wide

Boundary Treatment remains the same.

Site and Surroundings

The applicant's property is a two-storey semi-detached property, set on a corner plot of Sandringham Avenue and Arundel Road. The site is in a residential area comprising mainly semi-detached houses that vary in design, some with gable and

others with hipped roofs, several of which have side extensions, which front porch extensions similar to that of the proposed.

The building is not listed, located within a conservation area and there are no protected species in the site surrounding.

The following document was submitted to support the application:

- Design and access Statement

Relevant Planning History

BC15837 - Garage GSC 02-07-1980

20/1629 - Two storey side extension and single storey front extension for front porch and bay window – GSC - 17-May-2021

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- NPPF 2 – Achieving sustainable development
- NPPF 4 – Decision Making
- NPPF 5 – Delivering a sufficient supply of homes
- NPPF 9 – Promoting sustainable transport
- NPPF 11 – Making effective use of land
- NPPF 12 – Achieving well-designed places

On planning conditions the NPPF (para 55) says:

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

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

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

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Supplementary Planning Documents

- . Designing Walsall
- . Design Principle – Homes:
- . DW3 – Character
- . DW4 – Continuity
- . DW6 – Legibility
- . DW10 – Well Designed Sustainable Buildings

Appendix D

Conserving Walsall's Natural Environment

Air Quality SPD

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

Consultation Replies

Coal Authority

Objection – a Coal Mining Risk Assessment Report is required

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Transportation (Local Highways Authority)

Supports and offered an informative

Pollution Control

Concerns that there is the possibility that some form of solid fuel appliance may be installed. Conditions to prevent installation of a solid fuel appliance, Air Quality Low Emission Scheme in writing and a Construction Management Plan.

Severn Trent Water

No objections and no drainage condition required.

Strategic Planning Policy

No strategic planning policy issues

Western Power

No response

Waste Management (Clean and Green)

No response

West Midlands Fire Service

No adverse comments

West Midlands Police Service

No response

Natural England

No objection

Representations

15 Neighbours were notified via letter about the proposed development. Objections received from occupiers of neighbouring properties on the following grounds (Officers comments are in italics):

- Removal of a party wall (*Noted. This is not a material planning matter in the determination of the planning application and a civil matter between neighbouring properties. The Local Planning Authority confirms the applicant did not seek prior approval to demolish their semi – detached dwelling*)
- Damage to the adjoining property (*Noted. This point will be covered in the report*)
- Cause of distress and worry (*Noted. This is not a material planning consideration in the determination of the planning application and a civil matter between neighbouring properties*)

- Carried out works without planning permission/ building control (*Noted. This point would be covered in the report*)
- Quality of the work is poor (*Noted. This is not a material planning matter in the determination of the planning application and a matter between the land owner and their builder*)
- Building should be re-instated by a qualified builder not cowboys (*Noted. Who the applicant employs to carry out the construction is a matter for the applicant*)
- House built without planning permission and the original planning permission was for an extension
- Is it safe? (*Noted. This matter is covered in the Building Control Legislation*)
- Who is responsible for the shoddy workmanship (*Noted. This is not a material planning matter in the determination of the planning application and a matter between the land owner and their builder*)
- How can planning condone this building
- Why do we need a planning department when the applicant doesn't take in account the planning permission
- The house has become a tourist attraction (*Noted. This not a material planning consideration*)
- The house looks nothing like the other
- Several DPD vans have caused traffic problems (This point will be covered in the report)
- Demolish the existing house and planning would give it the 'nob through.'
- Building is too big for the plot
- Building is condoned by two structural engineers/ party wall surveyors. (*Noted. This issue is not a planning matter and a civil matter between the applicant and their builder*)
- The applicant has knocked through to the next door adjoining property. (*Noted. This point will be covered in the report*)
- Walsall Building Control hasn't done nothing to stop this development (*Noted. This is not a material planning matter in the determination of the planning application*)
- The structural integrity of the walls (*Noted. This issue is not a planning matter and covered by the Building Control legislation*)
- The objector wasn't consulted on the plans (*Neighbours were notified in line with the statutory obligation and available on Walsall Council's website*)
- Builders didn't adhere to health and safety requirements. (*Noted. This is not a material planning matter in the determination of the planning application*)
- Planning department are negligent
- Regular checks should have carried out and this point would have avoided this problem (*Noted. This is not a material planning consideration and covered by separate Building Control legislation*)
- Any damage to the objector's property – they will hold the council and applicant responsible (*Noted. This is not a material planning consideration in the determination of the planning application and covered by separate legislation*)
- Builders are rude (*Not a material planning consideration*)
- Objector threatens to call the police because of the builder's unprofessional behaviour. (*Not a material planning consideration*)
- Lack of privacy
- Not part retrospective when house was demolished
- The new house was built without planning permission

- Building is an 'eyesore'
- Objector may need to vacate their property due to safety reasons. *(Noted. This is not a material planning consideration in the determination of the planning application)*
- The development doesn't make a positive contribution to the local community
- If granted, the development will be detrimental to the community
- Design and Access Statement doesn't reflect the character and other design feature
- Development is incongruous
- Breach of the building line of Arundel Road
- Design and Access Statement doesn't comment on the sustainable buildings concept
- Failure to provide a street scene of the proposed massing of the building integrate in the street scene.
- The design is an over intensification of the site.
- The proposal is a low quality design
- If the LPA approve the proposed development without amendment, it will be sending a clear message
- Additional rooms could be created be in the 'void' roof space under permitted development rights.
- Proposed outbuilding exceeds the permitted developments right – which demonstrates total lack of respect for the planning legislation.

One petition was submitted on behalf the residents of Broadway Estate. There are 95 signatures. The objectors raised the following concerns:

- Disregards of the original application
- Untruths of the current application
- Asbestos in the property due to the time of the property was built and the DPD workers haven't dealt the property 'properly' *(Noted. This is not a material planning consideration and covered in the Building Control Legislation)*
- Structures stand out
- Lack of health and safety
- Damages caused by the owner and the DPD drivers. *(Noted. This is not a material planning consideration and to be dealt with via separate legislation)*

Councillor Stacie Elson

- Works for change of use – May 2020. It is untrue. The house was demolished in January 2020.
- Bricks and roof tiles will 'fit in with existing ones' previous property has been demolished.
- Applicant used DPD drivers to carry out works– no care for health and safety (i.e. Personal Protective Equipment - PPE) *(Not a material planning consideration in the assessment of the application)*
- Working early hours of the morning and late at night
- Bad working practice and endangering local residents *(Not a material planning consideration in the assessment of the application)*

- DPD disposal of rubbish on the street/ no skip/ concerned it will be tipped (*Not a material planning consideration in the assessment of the application. This is a matter for third party legislation*)
- Applicant causes distress in the community. (*Not a material planning consideration in the assessment of the application*)

Determining Issues

- Principle of Development
- Design and layout
- Impact on the Character and Appearance of the Area and the amenities of the surrounding residential occupiers
- Land conditions/coal legacy
- Air Quality
- Certificate of ownership
- Drainage
- Access and Parking
- Fire safety
- Enforcement

Assessment of the Proposal

Principle of Development

The site is situated within a predominantly residential area within walking distance to where to local shops, services and public transport and is therefore considered to be in a sustainable location and is consistent with guidance in the NPPF, BCCS and UDP.

In this case, whilst the principle of providing further residential properties on the site may be acceptable. However, the design and layout and whether it is characteristic of the surrounding pattern of development are the key considerations.

The principle of a replacement residential property fronting Sandringham Road is considered appropriate in this location and is supported by the Strategic Planning Policy Team.

Design and layout

The application property (117 Sandringham Road), the applicant has already demolished the semi- detached dwelling. The current proposal is to retain a four bedroom detached house in its place. The applicant did not implement planning application 20/1629 for the extension, instead demolished the house (without seeking permission) and has rebuilt it larger than the original, which is what they are seeking permission for now. The current application (21/1540) is to retain a detached two storey dwelling with an outbuilding to the rear.

The proposed design appears to have not taken into account the other half of the semi – detached dwelling. In this instance the projecting bay is considered to be too wide unbalancing the pair of semi-detached dwellings. The size of the porch by virtue of the depth and width is too large and combined with the wider front projecting feature only serves to further unbalance the pair of semi's. The two storey side part of the house near to Arundel Road boundary, only further unbalances the pair of semi-detached houses. All the elements combined give an unbalanced appearance which is considered to bring a detrimental impact on the amenities of the locality and surrounding residents. Furthermore, the proposed addition built form would bring the proposed house towards Arundel Road, which once again would further exacerbate the unbalancing of the pair of semis and a detrimental impact to the wider street scheme closing the openness of this part of Arundel Road, which is also detrimental to the local amenity.

On closer examination of the submitted plans, the applicant's drawings doesn't appear to match. The proposed chimney, as illustrated appears to be separate to the original shared chimney for the pair of semis. Furthermore, the floor plans don't show any chimney breast support in the rooms. Consequently, the Local Planning Authority has concerns that the existing shared chimney may not be fully supported and may be at risk of collapse. However, this will be a matter for the building control process to resolve.

Overall, the proposed design is considered incongruous in the street scene. Therefore, the proposal is unacceptable and contrary to the aims and objectives of the National Planning Policy Framework, policies CPS4, HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, 3.6 and ENV32 of the Walsall Unitary Development Plan and Supplementary Planning Document: Designing Walsall.

If the Planning Committee do consider the application can be supported, it is suggested before any decision can be issued, that the drawings would need to be updated, to include resolving the position of the chimney and showing it can be supported.

Whilst the proposed layout would meet the required 13m separation distance recommended by Appendix D of Designing Walsall between the replacement house at 117 Sandringham Road and 25 Arundel Road. The window to window distance separations are mainly across public highway and in this instance are considered on balance accord with Designing Walsall SPD Annex D.

Impact on the Character and Appearance of the Area and the amenities of the surrounding residential occupiers

The area is characterised by detached and semi-detached properties with street frontages and large private rear gardens. The proposal overall would create an incongruous development which would be at odds with the dwellings fronting Sandringham Road with the established pattern, layout and general character of the area.

The proposed layout would comply with the 13m separation distance required by Appendix D of Designing Walsall for windows to blank elevations. Front window to window separations are acceptable as they are across a public highway.

Land conditions/coal legacy

The application site is identified as being in a Development High Risk Area for Coal. The Coal Authority records indicate that the application site lies in an area of probable unrecorded shallow coal workings, which pose a potential risk to surface stability and public safety.

Given this application is for the retention of a new dwelling and not to build an extension to an existing house, given the application site is within a defined Development High Risk Area, the applicant must submit a Coal Mining Risk Assessment Report, to support this planning application. As no relevant information has been submitted at this time the Coal Authority objects to this planning application, this would warrant a reason for refusal.

Air Quality

The applicant has not provided any details regarding the installation of heating boilers, solid fuel heaters or electric charging points for vehicles in line with the council's development plan. Should the proposal be acceptable, these could be secured via planning conditions.

Certificate of ownership

Based on the documents provided by the enforcement team, building control and objectors are that applicant has carried out unauthorised works which affected the neighbouring property. It is noted, the legislation states that:

'A certificate which applicants must complete that provides certain details about the ownership of the application site and confirms that an appropriate notice has been served on any other owners (and agricultural tenants).'

In this instance the applicant has completed Certificate A – which the local planning authority considers is incorrect. In this instance, the applicant should have completed Certificate of ownership (Certificate B), as some of the works have impacted on or directly affected the attached house, because the works both in demolition and reconstruction have encroached on to the neighbour's property. Consequently, the

application has invalid. The LPA has requested certificate B be completed, which includes serving notice on the neighbour.

Drainage

Severn Trent Water was raised no objection on the proposed development and no drainage condition is necessary. From this perspective, the proposal is considered acceptable.

Access and parking

Parking for 3 vehicles is provided at the replacement dwelling in the form of driveway parking. The proposal accords with the Councils parking standards. Highways considered the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF. An informative would be imposed to planning permission.

Fire Safety

In the interests of fire safety as recommended by the West Midlands Fire Officer and in accordance with UDP policy ENV32 the development would have 'no adverse comments.'

Enforcement

Prior approval should have been sort before the demolition of the semi-detached dwelling. As the applicant didn't seek approval to demolish or rebuild, planning permission is required to retain the building. In addition, as the building was demolished and as part of the rebuilding they have added an outbuilding, this would also require permission as it would have fallen outside permitted development rights. In this instance, although the height of the outbuilding is a little higher than the LPA may normally accept, it has limited harm to neighbours.

The Enforcement Team will be monitoring the site and any future planning applications.

Conclusions and Reasons for Decision

The site of a recently demolished semi- detached dwelling that fronts Sandringham Road, whilst the NPPF recognises the importance of maintaining an areas prevailing character and setting and the importance of securing well designed, attractive and healthy places. In this case, whilst the principle of providing further residential properties on the site may be acceptable the design and layout and whether it is characteristic of the surrounding pattern of development are the key considerations.

Whilst the proposed layout would meet the required 13m separation distances recommended by Appendix D of Designing Walsall to the surrounding properties, the distance separations would be uncharacteristic of the surrounding pattern of development.

The area is characterised by detached and semi-detached properties with street frontages and large private rear gardens. The development would fail to integrate with the existing form of development and street frontage. As such the proposals would be at odds with the established pattern, layout and general character of the area, with the properties in the street scene thus in conflict with policies GP2 and ENV32 of the UDP and CPS4, HOU2, ENV2 and ENV3 of the BCCS

The development would result in plot size that would be out of character with the surrounding pattern of development at this far end of Sandringham Road, currently this is characterised by houses with large rear gardens. It is considered that this failure to respond to local character would cause harm to the local area and would set an unwanted precedent for future development which may spread ad-hoc along properties fronting Sandringham Road, in contrary to policies ENV2 and ENV3 of the BCCS and GP2 and ENV32 of the UDP.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal. If this is a template, it would be advisable to put something in capitals next to this so that the case officer could amend accordingly.

Recommendation

Refuse

1. The proposed scale and design, including the overall width, width of the projecting bay and the size of the porch all serve to unbalance the pair of semi-detached houses to the detrimental impact of the street scene, character of the area and neighbours amenity. In addition, with the overall house closing the gap in Arundel Road by extending so close to the boundary of the property, it detrimentally harms the views along Arundel Road to the detrimental amenity of the local character of the area and neighbouring amenity. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies CPS4, HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, 3.6 and ENV32 of the Walsall Unitary Development Plan and Supplementary Planning Document: Designing Walsall.

2. In the absence of a Coal Mining Risk Assessment Report the Local Planning Authority is unable to assess whether the development will have an adverse effect on the safety and stability of the site. Therefore it is contrary to the aims and objective of the NPPF paragraph 109 and UDP Policy ENV14.

Broadway Estate,
New Invention,
Willenhall,
WV12

November 2021

To: Planning Department,

Re: 117 Sandringham Avenue

Please find attached a petition from the residents of the Broadway Estate, WV12.

We as resident of the estate, wish to object to planning permission being granted to the owner of 117 for the following reasons –

- Total disregard to the original planning permission granted
- The untruths in the current application –
 1. It was demolished in January 2021, not May as suggested in the application
 2. Its not a partial re-build it's a new build
 3. How can the existing bricks / roof tiles fit in with the existing area when it's a new build?
- We understand that asbestos may be live in the properties because of the era they were built in, as they were DPD drivers that conducted the demolition, we have no proof that that this was dealt with correctly and we may now all be susceptible to asbestosis.
- The current structure certainly does not fall into the local landscape, it stands out.
- The sheer lack of H&S whilst the DPD drivers were working on the site.
- Ultimately the damage the owner and his DPD drivers have caused to the neighbouring property is an outrage.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 9

Reason for bringing to committee

Council application

Application Details

Location: Pleck Park, Car Park, Montfort Road, Walsall, WS2 9DE

Proposal: ERECTION OF A WOODEN CLAD STORAGE CONTAINER TO STORE CYCLING EQUIPMENT

Application Number: 21/1258

Case Officer: Helen Smith

Applicant: Walsall Council

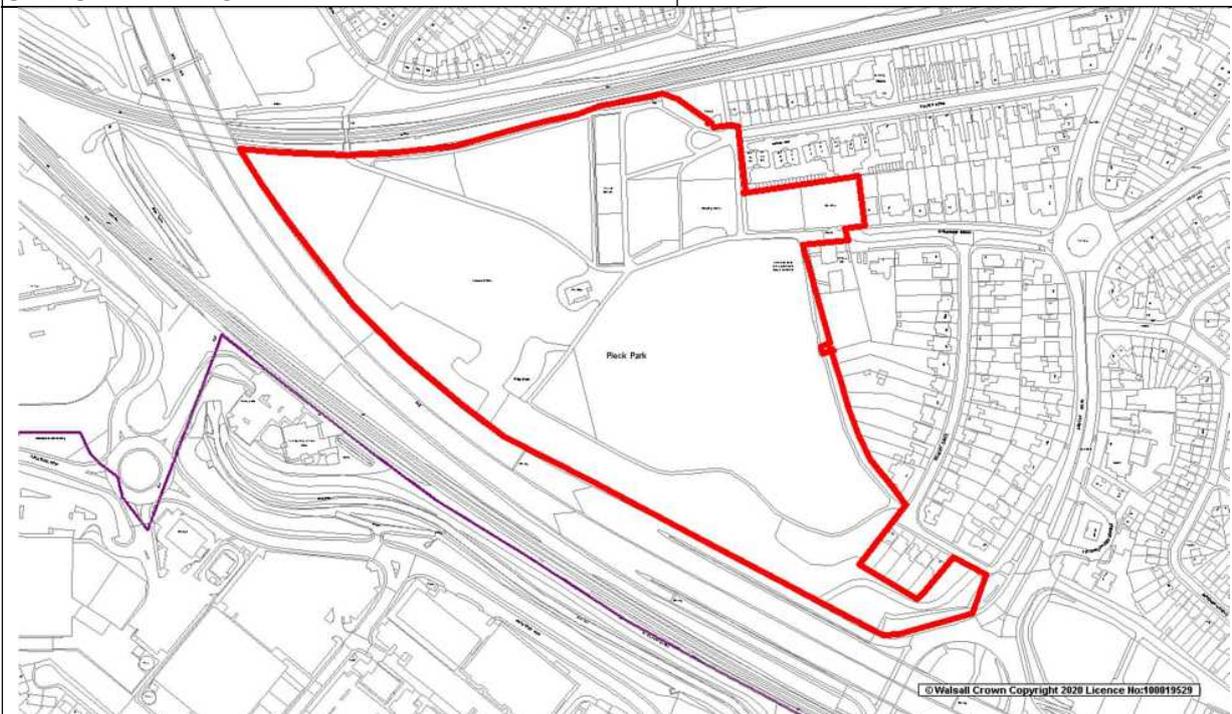
Ward: Pleck

Agent:

Expired Date: 13-Dec-2021

Application Type: Full Application: Minor Use Class Sui Generis

Time Extension Expiry:



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Recommendation

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

- The amendment and finalising of conditions.

Proposal

The proposed cycle storage container would be located on a single car parking space on the southern corner of Pleck Park Car Park and away from residential properties.

The storage container is part of a wider project called Places 2 Ride. The Places 2 Ride programme aims to fund the development of new or the improvement of existing cycle facilities in communities across England.

The aim of the programme is to encourage people to ride a bike so that cycling will develop into a habit for life for as many people as possible and the proposal is grant funded by British Cycling.

The proposed container would be a metal storage container with potentially a green roof and a proposed exterior horizontal wooden cladding. The container would be windowless with locked double opening doors to one end. The applicant has advised that the proposed lock would be covered to make the container more difficult to break into. The proposed container dimensions would be as follows;

Height 2.46 metres

Width – 2.4 metres

Length – 6.05 metres

The proposed storage container has been repositioned to locate this further from the boundary of 20 Montfort Road which is residential property. The container has been located to a more central position close to the main entrance to the car park.

Site and Surroundings

Pleck Park is a public open space and is owned by the Council. The car park is located to the north of the park entrance and sits behind existing 1.8 metres high double security entrance gates and a vehicle restricted height barrier to the park itself. Whilst there is restricted vehicle access the park is open 24/7.

The surrounding area has a predominantly residential character to the north and east with the southern and western boundaries of the park site defined by the M6 motorway.

Residential properties sit close to the entrance to the park on Montfort Road and the car park is overlooked by three storey flats known as Saldavian Court on Slaney Road.

The car park has demarcated parking spaces and one space will be used to site the container. There are trees located along the southern boundary of the car park and there is no lighting on the car park however there is a street lamp adjacent to the park entrance.

The site is within a High Risk Area for coal mining.

Relevant Planning History

14/0028/FL - Replacement of existing fencing with 1.8 metre vehicle bar, and alterations to park entrances off Montfort Road and Slaney Road and internal alterations to footpaths, structures and park areas – GSC 17/02/14

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

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

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

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

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV9: Environmental Improvement Initiatives
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- T9 – Cycling
- 8.3 Urban Open Space

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Walsall Site Allocation Document 2019

OS1: Open Space, Sport and Recreation

T4: The Highway Network

Supplementary Planning Documents

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW5 Ease of Movement
- DW7 Diversity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Consultation Replies

Coal Authority – No objections and require the inclusion of an informative note for the applicant

Community Safety Team – No objections

Fire Officer – No objections

Local Highway Authority – No objections

Police – No objections and have provided security recommendations in accordance with the principles of Secured by Design

Representations

Officers' comments in italics

Objections were received from 4 residents in respect of the initial plans on the following grounds;

- Crime and anti-social behaviour
- No cyclists in the area (*the aim of the project is to encourage more people to take up cycling*)
- Noise
- Different location should be found away from houses and trees (*the container has been re-positioned and amended plans received and re-notification has taken place*)
- Hinder the view of park users and dog walkers
- Fire risk (*the Fire Officer has no objections to the proposal*)

Following the proposed relocation of the storage container and re-notification of amended plans on 3/2/22 no further objections have been received.

Determining Issues

- Design and Character of the Area
- Amenity of Neighbours
- Security
- Access and Parking

Assessment of the Proposal

Design and Character of the Area

The proposed storage container would be sited on an existing public park. The storage container would include exterior timber cladding and a green roof which are considered would soften the appearance of the containers in their park surroundings. This proposal is not located near to any boundaries and would consequently not provide a climbing aid or pose a security risk to neighbouring properties.

The surrounding area consists of a park car park bounded on two sides by residential properties. The storage container would be sited within the park and located away from neighbours boundaries and is considered would integrate into its surroundings. Neighbours are concerned that the container would hinder the views across the park however whilst it is acknowledged that the container would provide a degree of visual hindrance it is considered that it's beneficial use and revised design and colour would provide mitigation when considering the planning balance.

The provision of cycles within the park area is considered would be a beneficial amenity for park visitors and the proposed revised location is considered acceptable.

Amenity of Neighbours

The proposed storage container would be located 32 metres from the boundary with 20 Montfort Road and 42 metres from Saldavian Court flats. It is considered that these separation distances would be sufficiently far enough from the adjacent residential properties to limit any impacts on neighbour's existing amenity, light and outlook.

Residents are concerned about additional noise arising from this proposal however this is a public park and there is no evidence to indicate that noise levels will increase significantly as a result of this development over and above that to already be expected at this public location.

Security

The proposed storage container will be located within an open area of car parking and passive surveillance would be available from rear windows in the three storey flats to the north which overlook the park.

The Council's Community Safety Team and the Police Designing out Crime Officer have raised no objections to the proposal. The Police recommend the principles of Secured by Design and an informative note can be included for the applicant.

Access and Parking

The storage container would be located in close proximity to the main park entrance off Montfort Road and on the existing car park.

Whilst this proposal would result in the loss of a single parking space it is considered that the benefits provided by this facility to encourage new and existing cyclists outweigh this loss. The Local Highway Authority has raised no objections to the proposal.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the proposed cycle storage container would integrate into the park surroundings. The repositioned proposal is considered would have a limited impact on the character of the wider area and the amenity for neighbouring occupiers.

The use of safeguarding conditions in respect of materials to maintain a satisfactory appearance will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

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

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

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant that the submitted details are acceptable in principle and any further changes to materials used can be addressed by planning condition if the application is approved.

Recommendation

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

- The amendment and finalising of conditions.

Conditions and Reasons

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

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

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

- Amended Location Plan, deposited 31/01/22
- Amended Block Plan, deposited 31/01/22
- Container Example, deposited 18/11/21
- Email dated 28/11/21 from Mr G Tarburton with dimensions included.

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

3: a. Notwithstanding the submitted details, prior to the commencement of the installation of the development hereby permitted full details of the external materials including their colour, finish and type shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

Notes for Applicant

Police – Designing Out Crime Officer Informative

Suitable lighting provides some security. External LED lights with daylight sensors to external walls, particularly by entrances and lighting to parking areas. Other lighting should not be located close to fencing to provide a climbing aid. Low bollard style lighting is not a security feature providing poor visibility and identification. Any cycle storage should be located close to and visible from a building. For natural surveillance.

Alarm and cctv installers should be approved by NSI, SSAIB or both
See <https://www.nsi.org.uk/> and <https://ssaib.org/>

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

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

Below is a link to Secured by Design commercial, police approved crime reduction information guidance.

[https://www.securedbydesign.com/images/downloads/SBD Commercial 2015 V2.pdf](https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf)

Secured By Design security standards are explained.

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

The Coal Authority Informative

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 within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. 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 a Coal Authority Permit 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: www.groundstability.com or a similar service provider. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 10

Reason for bringing to committee

Council application

Application Details

Location: Brownhills Activity Centre, Chester Road North, BROWNHILLS, WALSALL, WS8 7JW

Proposal: ERECTION OF A WOODEN CLAD STORAGE CONTAINER TO STORE CYCLING EQUIPMENT

Application Number: 21/1038

Case Officer: Helen Smith

Applicant: Walsall Council

Ward: Brownhills

Agent:

Expired Date: 13-Dec-2021

Application Type: Full Application: Minor Use Class B8 (Storage or Distribution)

Time Extension Expiry:



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Recommendation

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

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

Proposal

The proposed cycle storage container would be located within the rear enclosed car park area serving the activity centre and would be located centrally adjacent to a single storey brick built structure which has no windows facing the proposed addition. An existing planter has been removed to accommodate this proposal.

The storage container is part of a wider project called Places 2 Ride. The Places 2 Ride programme aims to fund the development of new or the improvement of existing cycle facilities in communities across England.

The aim of the programme is to encourage people to ride a bike so that cycling will develop into a habit for life for as many people as possible and the proposal is grant funded by British Cycling.

The proposed container would be a metal storage container with potentially a green roof and a proposed exterior horizontal wooden cladding. The container would be windowless with locked double opening doors to one end. The applicant has advised that the proposed lock would be covered to make the container more difficult to break into. The proposed container dimensions would be as follows;

Height 2.46 metres

Width – 2.4 metres

Length – 6.05 metres

Site and Surroundings

Brownhills Activity Centre is a Locally Listed Building and there is a Definitive Public Right of Way (Bro33) to the west and north of the application site. There is an access drive to the south western side of the building leading from Pelsall Lane.

The application site is located at the junction of Pelsall Road (A4124) AND Chester Road North (A452)

There is a car park to the rear of the existing centre which is open when the centre is in use. The hours of opening are 8am to 10.30pm Monday to Saturday and 8am until 5.30pm on Sundays. The car park is secured by 1.8 metres high fencing and locked gates along with CCTV cameras.

There are residential properties to the north on Parade View and to the west of the application site and the surrounding area has a mixed character of residential, retail and commercial premises.

The site is within a Low Risk Area for coal mining.

Relevant Planning History

17/0478 - Display of non-illuminated individual lettering across the front elevation – Advertisement consent granted 22/5/17

07/2635/FL/E15 - Installation of platform lift – GSC 3/3/08

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection

- GP5: Equal Opportunities
- GP6: Disabled People
- ENV9: Environmental Improvement Initiatives
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- T9 – Cycling
- 8.3 Urban Open Space

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Walsall Site Allocation Document 2019

OS1: Open Space, Sport and Recreation

T4: The Highway Network

Supplementary Planning Documents

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW5 Ease of Movement
- DW7 Diversity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Consultation Replies

Conservation Officer – To be updated in supplementary paper.

Community Safety Team – To be updated in supplementary paper.

Fire Officer – No objections.

Local Highway Authority – No objections

Police – To be updated in supplementary paper.

Representations

None received at the time of writing this report.

Determining Issues

- Heritage Asset
- Design and Character of the Area
- Amenity of Neighbours
- Security
- Access and Parking

Assessment of the Proposal

Heritage Asset

Brownhills Activity Centre is a locally listed building. The introduction of this modest sized stand-alone storage container within the rear car park area is considered would result in less than substantial harm and the benefits arising from the proposal in the public interest by way of encouraging healthy benefits of cycling weigh in favour of this application.

Design and Character of the Area

The proposed storage container would be sited in close proximity and within view of the existing Activity Centre. The proposed container would be sited adjacent to an existing single storey detached building and would be to the rear of the existing main building.

There would be long views of the container from residential properties on Parade View to the north however it is considered that as the container would be seen against the back-drop of the existing buildings and is to the rear, it is considered that the impacts on the existing character of the area would be limited.

The proposed timber cladding is considered would soften the appearance of the steel container and improve the design of this addition. It is therefore considered that the proposal would be acceptable in this location.

Amenity of Neighbours

The proposed storage container would be separated from houses on Parade View by a distance of 60 metres and it is considered that this addition would have a limited impact on residents' visual amenity.

The proposal would be screened from residential properties on Pelsall Lane by an existing wing of the activity centre. Houses to the west would be separated by a distance of 80 metres and it is considered the proposal would have a limited impact on neighbours' existing light and amenity.

Security

The container would benefit from CCTV surveillance from the centre whilst occupied and passive surveillance from residential properties facing the site outside of opening hours. The proposal would be located away from windows and is considered would not provide a security climbing risk into the existing premises in this position.

The site has perimeter fencing and locked gates which along with a covered lock on the container itself is considered to be adequate.

Access and Parking

The storage container would be available for use whilst the activity centre was open with vehicular access via an access road to the side into the car park. The Local Highway Authority supports the proposal.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance, it is considered that the proposed cycle storage container would integrate into the existing surroundings and the benefits outweigh any harm arising to the non-designated heritage asset in this instance. The proposal is considered would have a limited impact on the character of the wider area and the amenity for neighbouring occupiers.

The use of safeguarding conditions in respect of the materials to maintain its appearance will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

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

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

Positive and Proactive Working with the Applicant

The submitted details are acceptable in principle and any further changes to materials used can be addressed by planning condition if the application is approved.

Recommendation

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

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

Conditions and Reasons

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

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

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

- Amended Location Plan, deposited 22/2/22
- Amended Block Plan, deposited 22/2/22
- Container Example, deposited 18/11/21
- Email dated 28/11/21 from G Tarburton with container dimensions provided

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

3: a. Notwithstanding the submitted details, prior to the commencement of the installation of the development hereby permitted full details of the external materials including their colour, finish and type shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 11

Reason for bringing to committee

Council application

Application Details

Location: PAVILLION, WILLENHALL MEMORIAL PARK, PINSON ROAD, WILLENHALL, WV13 2PW

Proposal: ERECTION OF A WOODEN CLAD STORAGE CONTAINER TO STORE CYCLING EQUIPMENT

Application Number: 21/1039

Case Officer: Helen Smith

Applicant: Walsall Council

Ward: Willenhall South

Agent:

Expired Date: 13-Dec-2021

Application Type: Regulation 4: Minor Application (SI 1992/1492)

Time Extension Expiry:



Recommendation

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

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

Proposal

This proposal is for the installation of a cycle storage container to replace an existing storage container of similar dimensions and in the same location. The applicant has advised that the existing shipping container would be removed and re-located elsewhere in the park although there are no details of this alternative siting.

The storage container is part of a wider project called Places 2 Ride. This is a legacy of the UCI World Championships 2019. The Places 2 Ride programme aims to fund the development of new or the improvement of existing cycle facilities in communities across England.

The aim of the programme is to encourage people to ride a bike so that cycling will develop into a habit for life for as many people as possible and is grant funded by British Cycling.

The proposed container would be a metal storage container with a green roof and a proposed exterior horizontal wooden cladding. The container would be windowless with locked double opening doors to one end. The applicant has advised that the proposed lock would be covered to make the container more difficult to break into. The proposed container dimensions would be as follows;

Height 2.46 metres

Width – 2.4 metres

Length – 6.05 metres

Site and Surroundings

Willenhall Memorial Park is a public open space access by vehicle from Pinson Road.

There are approximately 1.6 metres high gates at the entrance to the park which gives access to a car park area to the west of the entrance.

There are a number of existing single storey buildings with flat roofs including an existing shipping container along the southern boundary of the car park next to the rear private residential garden boundaries serving no's 30 to 32 Pinson Road.

There is an existing dark green steel shipping container adjacent to the maintenance sheds and next to a tree within the park. The surrounding area has a predominantly residential character. There are trees located along the southern boundary of the car park.

The site is within a High Risk Area for coal mining.

Relevant Planning History

03/0959/FL/W4 - Amendment to BC55062P for demolition of existing pavilion & erection of new pavilion – GSC 24/9/03

BC55062P - Demolition of existing pavilion building and erection of new pavilion building (education/training centre and sports changing facilities), with associated car parking and landscaping – GSC 24/12/99

BC50426P - Replacement perimeter fencing & gateways at Parkside Avenue, Aston Road, Park Avenue, Pinson Road boundaries & adjacent Football Pitch – GSC 5/1/98

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

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

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

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

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection

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- GP5: Equal Opportunities
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- T9 – Cycling
- 8.3 Urban Open Space

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Walsall Site Allocation Document 2019

OS1: Open Space, Sport and Recreation

T4: The Highway Network

Supplementary Planning Documents

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW5 Ease of Movement
- DW7 Diversity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Consultation Replies

Coal Authority – No objections and require the inclusion of an informative note for the applicant

Community Safety Team – No objections

Environmental Protection – No objections

Fire Officer – No objections

Local Highway Authority – No objections

Police – No objections and have provided security recommendations in accordance with the principles of Secured by Design

Tree Officer – To be updated in supplementary paper.

Representations

None

Determining Issues

- Design and Character of the Area
- Amenity of Neighbours
- Trees
- Security
- Access and Parking

Assessment of the Proposal

Design and Character of the Area

The replacement cycle storage container would include an exterior timber cladding finish along with a green roof both of which are considered would soften the appearance of the containers in their park surroundings.

The replacement storage container would sit alongside existing park storage buildings adjacent to the car park and would not be visible from the public highway. It is considered the proposal would have a limited additional impact on the character of the surrounding area.

Amenity of Neighbours

The proposal would replace an existing storage container of similar size and location and it is considered this proposal would have a limited impact on neighbours existing light and amenity on Pinson Road.

Trees

On the basis that the container would replace an existing container in a similar position it is not considered likely that any significant impacts would arise to existing trees.

Security

The Councils Community Safety Team has raised no objections to the proposal and the Police have recommended that the principles of Secured by Design are implemented. An informative note is included for the applicant.

Access and Parking

Access would be via the existing park entrance and car park. The Local Highway Authority has raised no objections to the proposal.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance, it is considered the proposed replacement container would have a limited impact on the character of the wider area and the amenity for neighbouring occupiers.

The use of safeguarding conditions in respect of the materials to maintain its appearance will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report. Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

The submitted details are acceptable and no further changes have been requested.

Recommendation

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

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

Conditions and Reasons

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

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

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

- Amended Location Plan, deposited 18/10/21
- Amended Block Plan, deposited 18/10/21
- Container Example, deposited 18/11/21
- Email dated 28/11/21 from Mr G Tarburton with dimensions included.

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

3: a. Notwithstanding the submitted details, prior to the commencement of the installation of the development hereby permitted full details of the external materials including their colour, finish and type shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

Notes for Applicant

Police

Suitable lighting provides some security. External LED lights with daylight sensors to external walls, particularly by entrances and lighting to parking areas. Other lighting should not be located close to fencing to provide a climbing aid. Low bollard style lighting is not a security feature providing poor visibility and identification. Any cycle storage should be located close to and visible from a building. For natural surveillance.

Alarm and cctv installers should be approved by NSI, SSAIB or both
See <https://www.nsi.org.uk/> and <https://ssaib.org/>

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

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

Below is a link to Secured by Design commercial, police approved crime reduction information guidance.

[https://www.securedbydesign.com/images/downloads/SBD Commercial 2015 V2.pdf](https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf)

Secured By Design security standards are explained.

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

The Coal Authority Informative

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 within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. 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 a Coal Authority Permit 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: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

END OF OFFICERS REPORT

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Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 12

Reason for bringing to committee

Council application

Application Details

Location: THE GRANGE, KING GEORGE VI AVENUE, WALSALL

Proposal: ERECTION OF A WOODEN CLAD STORAGE CONTAINER TO STORE CYCLING EQUIPMENT

Application Number: 21/1239

Case Officer: Helen Smith

Applicant: Walsall Council

Ward: Paddock

Agent:

Expired Date: 17-Apr-2022

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

Time Extension Expiry:



Recommendation

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

- The submission of an amended siting of the storage container to an acceptable location;
- No new material considerations being received within the consultation or re-consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

Proposal

This proposal is for a cycle storage container to be located to the south of The Grange Pavilion near to The Crescent on the Arboretum extension.

Amended plans are awaited to re-locate the storage container to an acceptable location, and Members are therefore asked to delegate the decision to the Head of Planning and Building Control.

The storage container is part of a wider project called Places 2 Ride. This is a legacy of the UCI World Championships 2019. The Places 2 Ride programme aims to fund the development of new or the improvement of existing cycle facilities in communities across England.

The aim of the programme is to encourage people to ride a bike so that cycling will develop into a habit for life for as many people as possible.

The proposed container would be a metal storage container with potentially a green roof and a proposed exterior horizontal wooden cladding. The container would be windowless with locked double opening doors to one end. The applicant has advised that the proposed lock would be covered to make the container more difficult to break into. The proposed container dimensions would be as follows;

Height 2.46 metres

Width – 2.4 metres

Length – 6.05 metres

The proposed positioning of the storage container has already been relocated to move this further from the boundary of 177 The Crescent which is residential property.

Site and Surroundings

The Arboretum Extension is a public open space. Access to the pavilion area is via a public car park and two sets of low padlocked gates.

The surrounding area is residential character to the south with vehicular access gained from The Crescent.

Residential properties sit close to the entrance to the park and the car park is overlooked by houses fronting Sutton Road (B4151).

The site is within a Low Risk Area for coal mining.

Relevant Planning History

None

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

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

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

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

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- ENV32: Design and Development Proposals

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- ENV35: Appearance of Commercial Buildings
- T9 – Cycling
- 8.3 Urban Open Space

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Walsall Site Allocation Document 2019

OS1: Open Space, Sport and Recreation

T4: The Highway Network

Supplementary Planning Documents

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW5 Ease of Movement
- DW7 Diversity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Consultation Replies

Community Safety Team – To be updated in supplementary paper.

Environmental Protection - To be updated in supplementary paper.

Fire Officer – No objection.

Local Highway Authority – To be updated in supplementary paper.

Police – To be updated in supplementary paper.

Representations

None received at the time of writing this report.

Determining Issues

- Design and Character of the Area
- Amenity of Neighbours
- Security
- Access and Parking

Assessment of the Proposal

Design and Character of the Area

The proposed timber cladding is considered would soften the appearance of the steel container and as this would be sited within the park and located away from neighbours boundaries it is considered that it would integrate into its surroundings and would not harm the character of the area.

The provision of cycles within the park area is considered would be a beneficial amenity for park visitors. A further assessment will be made once the final location is provided.

Amenity of Neighbours

An assessment will be made once the final location is provided.

Access and Parking

The storage container would be accessed via the existing access to the pavilion and park across the existing public car park.

Conclusions and Reasons for Decision

Members are asked to delegate this decision to the Head of Planning and Building Control to negotiate an acceptable siting of the proposed container and to allow the necessary re-consultation to take place prior to any decision being made.

The use of any necessary conditions that meet the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance will be included in any final decision.

Positive and Proactive Working with the Applicant

The submitted details are acceptable in principle, and negotiations are underway on a revised siting of the container.

Recommendation

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

- The submission of an amended siting of the storage container to an acceptable location;
- No new material considerations being received within the consultation or re-consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

Draft Conditions and Reasons (*Officer comments in italics*)

The following conditions are subject to change following receipt and consideration of the revised siting of the storage container: [Page 214 of 263](#)

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

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

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

- Amended Location Plan
- Amended Block Plan
- Container Example, deposited 18/11/21
- Email dated 28/11/21 from G Tarburton with container dimensions provided

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

3: a. Notwithstanding the submitted details, prior to the commencement of the installation of the development hereby permitted full details of the external materials including their colour, finish and type shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 13

Reason for bringing to committee

Council application

Application Details

Location: REEDSWOOD SONS OF REST, TALBOT HOUSE, BENTLEY LANE, WALSALL, WS2 8SP

Proposal: ERECTION OF A WOODEN CLAD STORAGE CONTAINER TO STORE CYCLING EQUIPMENT

Application Number: 21/1040

Case Officer: Helen Smith

Applicant: Walsall Council

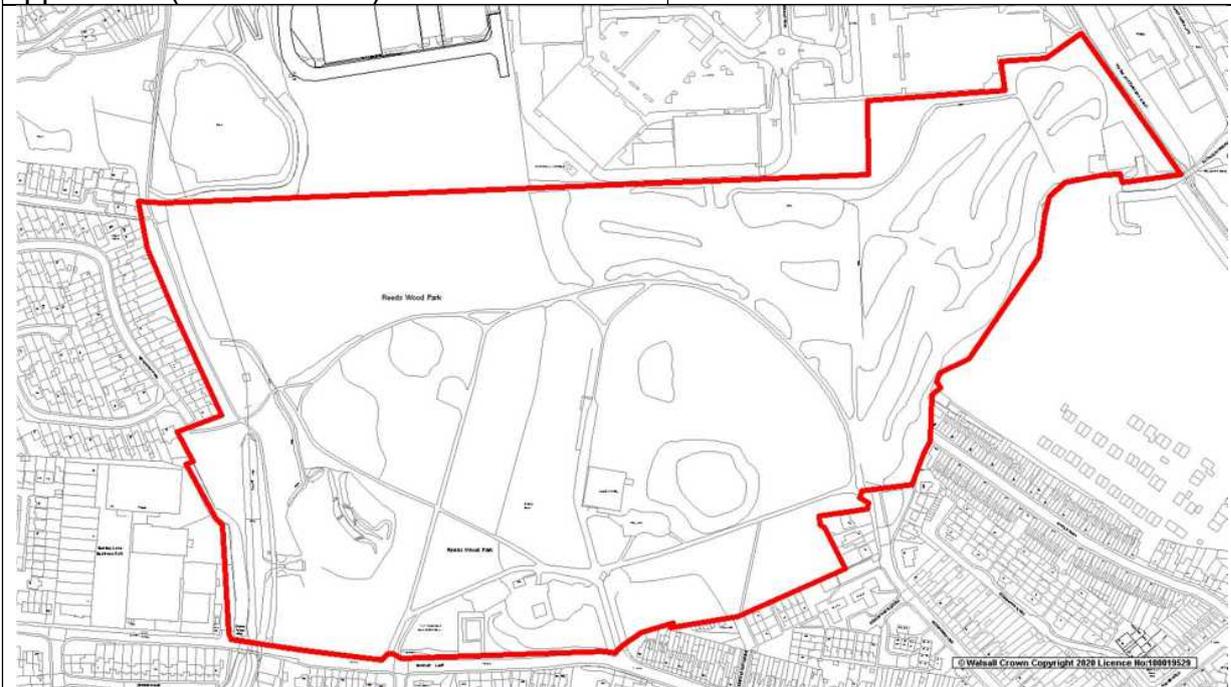
Ward: Birchills Leamore

Agent:

Expired Date: 24-Jan-2022

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

Time Extension Expiry:



Recommendation

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

- No new material considerations being received within the consultation period; and
- The amendment and finalising of conditions.

Proposal

This proposal is for a cycle storage container to be located adjacent to The Talbot Home Sons of Rest building in Reedswood Park which is Council owned land.

There is an existing smaller shipping container with bicycle racks to the rear in the same position. The applicant has advised that this existing container is too small for cycles and the new container would replace this.

The storage container is part of a wider project called Places 2 Ride. The Places 2 Ride programme aims to fund the development of new or the improvement of existing cycle facilities in communities across England.

The aim of the programme is to encourage people to ride a bike so that cycling will develop into a habit for life for as many people as possible and the proposal is grant funded by British Cycling.

The proposed container would be a metal storage container with potentially a green roof and a proposed exterior horizontal wooden cladding. The container would be windowless with locked double opening doors to one end. The applicant has advised that the proposed lock would be covered to make the container more difficult to break into. The proposed container dimensions would be as follows;

Height 2.46 metres

Width – 2.4 metres

Length – 6.05 metres

Site and Surroundings

Reedswood Park is a public open space. The Talbot Home Sons of Rest is located within the park and is a detached single storey building with its own separate access off Bentley Lane. The application site is separated from the public park by 1.8 metres high fencing. The entrance from Bentley Lane is via a locked wrought iron gate.

The existing smaller contained is located near to the existing building which has locked doors to the side facing the proposed container site.

The surrounding area has a residential character to the south with the park area located to the north, east and west of the proposed site. Bentley Lane is a Local Distributor.

Residential properties are opposite the entrance to the Talbot Home.

The site is within a High Risk Area for coal mining and the site is surrounded by trees.

Relevant Planning History

BC55058P - Erection of pavilion to contain changing rooms/multi-purpose room and public toilets – GSC 23/12/99

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

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

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

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

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- T9 – Cycling
- 8.3 Urban Open Space

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Walsall Site Allocation Document 2019

OS1: Open Space, Sport and Recreation

T4: The Highway Network

Supplementary Planning Documents

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW5 Ease of Movement
- DW7 Diversity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Consultation Replies

Coal Authority – No objection subject to note to applicant.

Community Safety Team – no objections subject to the sufficient gap between the proposed container and roof of the host building. An informative can be included for the applicant.

Environmental Protection – No objection

Fire Officer – No objection

Local Highway Authority – No objections

Police – To be updated in supplementary paper

Tree Officer – To be updated in supplementary paper

Representations

None

Determining Issues

- Design and Character of the Area
- Amenity of Neighbours
- Trees
- Security
- Access and Parking

Assessment of the Proposal

Design and Character of the Area

The existing container is visible from the Bentley Lane although existing tree screening mitigates its appearance to the side of The Talbot Home.

The replacement cycle storage container would include an exterior timber cladding finish along with a green roof both of which are considered would soften the appearance of the container in their park surroundings and when viewed from Bentley Lane.

The appearance of the proposed container is considered would integrate with its existing surroundings and would not harm the character of the area.

The provision of cycles within the park area is considered would be a beneficial amenity for park visitors.

Amenity of Neighbours

The proposed container would be sited on the opposite side of Bentley Lane to facing residential properties across a separation distance of approximately 37 metres.

It is considered that the design of the proposed container with wooden cladding on the exterior and existing screening trees and planting would have a limited additional impact on neighbours existing visual amenity.

Trees

Given the container is a free-standing unit which is to replace an existing container in a similar position it is not considered likely that this would result in significant impacts to existing trees.

Security

The Council's Community Safety Team have advised that a sufficient gap between the proposed container and the roof of the host building should be provided to avoid any unauthorised access to the building via the roof.

Access and Parking

Access would be the same as for Talbot House and the Local Highway Authority has raised no objections to the proposal.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance, it is considered the proposed replacement container would have a limited impact on the character of the wider area and the amenity for neighbouring occupiers.

The use of safeguarding conditions in respect of the materials to maintain its appearance will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report. Taking into account the above factors it is considered that the application should be recommended for

approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

The submitted details are acceptable and no further changes have been requested.

Recommendation

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

- No new material considerations being received within the consultation period; and
- The amendment and finalising of conditions.

Conditions and Reasons

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

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

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

- Amended Location Plan, deposited 18/10/21
- Amended Block Plan, deposited 18/10/21
- Container Example, deposited 18/11/21
- Email from G Tarburton dated 28/11/21 detailing container measurements

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

3: a. Notwithstanding the submitted details, prior to the commencement of the installation of the development hereby permitted full details of the external materials including their colour, finish and type shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

Notes for Applicant

Community Safety Team

Please note that sufficient gap between the proposed container and roof of the host building should be provided to avoid unauthorised access to the building.

Coal Authority

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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 14

Reason for bringing to committee

Called in by Councillor Elson

Application Details

Location: 16, BRAMBLE CLOSE, WILLENHALL, WV12 5AH

Proposal: TWO STOREY SIDE AND REAR EXTENSION, SINGLE STOREY FRONT AND SINGLE STOREY REAR EXTENSIONS.

Application Number: 21/1606

Case Officer: Claire Woodcock

Applicant: MR L SANGHERA

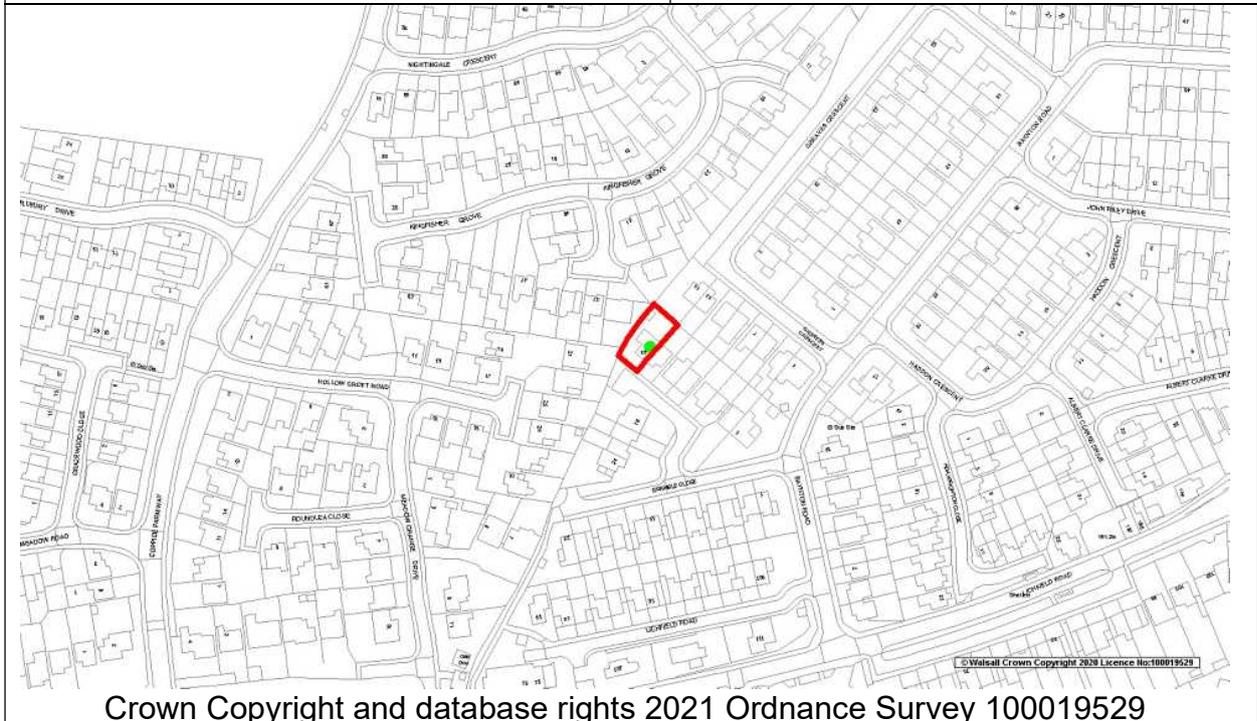
Ward: Willenhall North

Agent: Mr Roger Palmer

Expired Date: 31-Dec-2021

Application Type: Full Application:
Householder

Time Extension Expiry: 18-Mar-2022



Recommendation

Grant Planning Permission Subject to Conditions

Proposal

The proposal is for two storey side, two storey rear and single storey front and rear extensions wrapping around the dwelling on three sides. The two storey extensions will provide a larger living room, shower room, utility and larger kitchen on the ground floor and larger bedrooms and additional bedroom with dressing area at first floor. The single storey extensions will provide a larger living room, hallway and family room to the front and a larger family room at the rear.

Having two windows and entrance door at ground floor and first floor window on the front elevation, a window at ground floor and bi-folding doors plus a window on the first floor on the rear elevation. A window to the shower room and an entrance door on the ground floor side elevation facing towards number 35 Kingfisher Grove are also proposed.

The two storey side extension dimensions are:

4 metres wide

7.6 metres deep

Stepped in 0.4 metres at the first floor

Having a gable end tiled roof that is stepped down 0.2 metres from the roof ridge

4.7 metres high to the eaves

7.4 metres high overall

The two storey rear extension will adjoin the two storey side extension and the dimensions are:

4.4 metres wide

3 metres deep

Having a tiled hipped roof set down from the roof ridge by 1.1 metres

4.7 metres high to the eaves

6.4 metres high overall

The single storey rear extension dimensions are:

3 metres deep

5.9 metres wide

Having a tiled mono roof with three roof lights inset

2.2 metres high to the eaves

3.3 metres high overall

The single storey front extension dimensions are:

2.5 metres deep

4.1 metres wide

Having a tiled mono roof with velux window inset which will run across the front elevation and replace the present flat roof.

2.2 metres high to the eaves

3.3 metres high overall

Site and Surroundings

The applicant property is a two-storey semi-detached dwelling, with an integral garage and bay window projection at ground floor and is located at the end of a residential cul-de-sac. The surrounding properties are mainly semi-detached dwellings of a similar design and terraced properties. Many of the surrounding dwellings have front, side and rear single storey extensions and also two storey side extensions.

A former conservatory extension on the side of the property has been removed.

Apart from the adjoining house and others in Bramble Close the nearest properties are Nos 33 and 35 Kingfisher Grove positioned to the north and west of the application property and No 21 Hollow Croft Road positioned to the south west of the application property.

Relevant Planning History

Applicant property: None

35 Kingfisher Grove:

BC41162P Extension over Existing Garage refused 26-Jul-1994

BC42730P Extension over existing garage. (Resubmission of BC41162P). GSC 27-Feb-1995

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T7 - Car Parking NOTE for case officer: *(Also see AAP Policy AAPT5)*
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- ENV3: Design Quality

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

Consultation Replies

None received

Representations

There have been the following objections from 2 neighbouring properties:
(Officers comments in italics).

- Size of extension
- Overbearing
- Not in keeping with the surrounding area

- Overlooking
- Privacy
- Loss of sunlight
- Over shadowing
- Trees/shrubbery
- Traffic
- Potential for windows on the upper floor side elevation. *(There are no proposed windows on the side elevation and a condition is included to prevent any further side facing windows).*
- Satellite and internet signal may be affected. *(This is not a material planning consideration).*

It can be confirmed that additional imagery has been received from the Councillor, which appears to be based on google maps. The LPA creates a committee presentation based on its own documents and images and does not use third party imagery as part of the presentation, as the LPA cannot confirm its providence or that it is a true reflection of the situation, plus the imagery is based on google maps.

Determining Issues

- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Conclusions

Assessment of the Proposal

Design of Extension and Character of Area

The proposal is for two storey side rear extensions to provide a larger living room, shower room, utility and larger kitchen on the ground floor and larger bedrooms and additional bedroom with dressing area at first floor. A single storey front extension to the living room, hallway and family room and rear extension to create a larger family room are also proposed.

The proposal would be visible from within the street scene and is located at the end of a cul-de-sac. The proposed extensions are considered to reflect the scale of the dwelling, the character of the original dwelling and evolving character of the area. Whilst neighbours are concerned the proposed extensions are not in keeping with the surrounding area, and concerned they would be overbearing and excessive in overall size, there are several properties in the surrounding area that have similar extensions.

The proposal is considered to be proportional to the host house, and neighbouring houses within the area, reflecting the local varied housing designs, plus the evolving character of the area.

Amenity of Neighbours and Amenity of Future Occupiers.

No 14 Bramble Close is the adjoining property. The proposed two storey side extension will not be visible to the habitable windows of number 14, so causes no harm and the two-storey rear extension adheres to the 45-degree guidelines in relation to number 14. The single storey rear extension draws in line with the present

conservatory extension of number 14, and the single storey front extension will not project beyond the existing front projection of the garage and hallway of number 14. The proposals would not harm the amenities of this neighbour and no objections have been received from this neighbour.

Comments received from neighbouring properties to the north and west numbers 33 and 35 Kingfisher Grove, relating to potential for overlooking, loss of privacy, loss of sunlight and over shadowing.

Number 33 Kingfisher Grove is set to the north of number 16 Bramble Close and at angle that results in the side elevation of number 33 facing towards number 16. Whilst the proposal will draw the two properties closer together, there are no habitable room windows on the side elevation of number 33 Kingfisher Grove that face towards number 16, which ensures that there will be no direct facing habitable windows. Furthermore, there is a tall boundary fence and outbuildings of both properties that partially screen the neighbouring properties. Whilst number 33 is set to the north of number 16, the habitable windows of this property at the front and rear, do not directly face number 16. There will be a remaining distance of 17 metres between the two properties and this distance, combined with the boundary treatment and lack of any directly facing habitable windows will protect the amenities of 33 Kingfisher Grove occupiers without significantly worsen the existing situation between the properties.

Number 35 Kingfisher Grove is set to the north-west of number 16 Bramble Close and the orientation of the two properties results in the two side elevations of the dwellings being at a slight angle from the boundaries. The garage of number 35 has a rear single storey extension attached, which is near the boundary with number 16. The proposed two storey side extension at 4.1 metres wide, will be 0.4m wider and also 5.1 metres taller than the former conservatory in this position, and whilst drawing the two properties closer together there will be a remaining gap of 5.5 metres. The rear habitable windows of number 35 Kingfisher Grove face the side of number 16, consequently, there is no direct habitable room windows interface between the properties, protecting the privacy of the adjacent neighbouring properties. This coupled with the boundary fence and planting between the two properties contributes to screening the proposal and protect the privacy of the neighbouring properties.

Number 35 is set back to the north-west from number 16. The direction of the sun travel from the east results in No 35 being overshadowed by the properties that are set to the east in the morning and as the sun moves towards the west during the midday will move across the rear of number 35 and the front of number 16. Whilst it is acknowledged, the proposal will create some additional shading of the rear of number 35 during the early morning, it is considered the proposal would have no greater sunlight impact to this adjacent neighbour sufficiently enough to sustain refusal of the application on this basis.

Regarding the 45-degree guidelines, when measuring the quarter point of the nearest rear facing habitable window of number 35, the proposal technically breaches these guidelines. However, this would be at a distance of 6.5 metres and the positioning between the two dwellings is already in breach. It is considered, the proposal would have no significant impact on outlook, sunlight or privacy to the occupiers of 35, sufficiently enough to sustain refusal of the application.

Number 15 Greaves Crescent is set to the rear of number 16, whilst the proposal at ground floor will reduce the current separation distance from 21m to 18m. This separation is interrupted by boundary fencing and ancillary garden buildings. Given

the pattern of surrounding housing already has shorter distances between dwellings, this proposed shortfall is considered to reflect the character of the area and given the presence of boundary treatment will have no significant adverse impact on outlook or privacy for these neighbours.

Comments have been made that trees and shrubbery will be affected by the proposal. Whilst it cannot be guaranteed the existing shrubbery within the curtilage of number 16 would be unaffected by the proposal, the planting is within the boundary of the applicants property, there are no formally protected trees or hedgerows within the boundary of number 16, consequently, the applicant may choose to remove them if they wished.

Highways

The proposal increases the number of bedrooms from 3 to 4, so under the terms of the saved UDP policy T13 requires 3 off-street parking spaces. The existing garage has already been converted to a shower room and store; however, the front curtilage of the application site has ample parking to accommodate three parked vehicles. Notwithstanding residents' concerns regarding traffic, the proposals comply with parking policy T13 and will not have a detrimental impact on highway safety.

Conclusions

The proposal when weighing the concerns of the neighbours, against the national/local policies and guidance and material planning considerations, it is considered the proposal accords with the aims and objectives of the national and local policies and guidance, and in this instance is considered to be acceptable in planning terms. There are no objections from significant consultees and the community interest that has been expressed is considered to not outweigh the recommendation to approve.

Conclusions and Reasons for Decision

The design is acceptable in relation to the original dwelling and is considered appropriate within the street scene and does not harm the visual amenities of the area and accords with saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

The proposal would have little impact on the light, outlook or privacy of the nearby residents and would comply with saved policy ENV32 of Walsall's UDP and Designing Walsall SPD.

The proposal would increase the number of bedrooms from 3 to 4 to the property. There is ample parking for three vehicles on the front curtilage of the applicant property. Therefore, the proposal is in accordance with the requirements of parking policy T13.

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 subject to conditions [Page 229 of 263](#)

Conditions

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

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

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

- Existing plans and elevations, location and block plan drawing number PD708/01 Rev A received 05-11-2021
- Proposed plans and elevations drawing number PD708/02 Rev A received 05-11-2021

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

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

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

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no side facing windows, doors, or other openings other than those shown on the approved plans, shall be installed in any part of this development.

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

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 15

Reason for bringing to committee

Called in by Councillor Harrison

Application Details

Location: 72, Selsdon Road, Bloxwich, WS3 3UE

Proposal: PROPOSED 2-STOREY SIDE AND SINGLE STOREY REAR EXTENSION

Application Number: 21/1009

Case Officer: Sheila Denison

Applicant: Mr Steve Gilruth

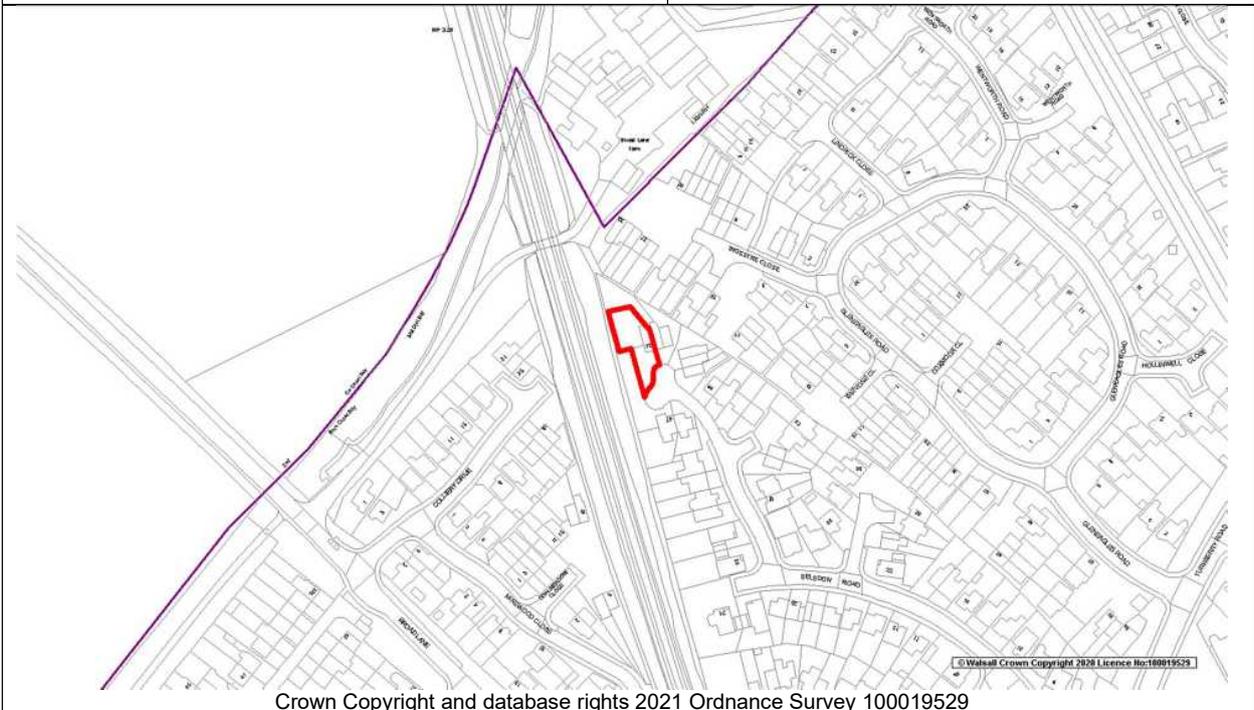
Ward: Bloxwich West

Agent: Mr Steve Wright

Expired Date: 25-Aug-2021

Application Type: Full Application:
Householder

Time Extension Expiry: 08-Feb-2022



Recommendation

Refuse

Proposal

This application seeks permission for a two storey side extension to a two bedroom terraced house creating a kitchen dining area and ground floor bathroom and at first floor two bedrooms and a bathroom.

Two storey side extension

9.9m deep ground floor

7.5m deep 1st floor

3.8m wide

5m high to the eaves set down from the main roof 0.2m

Single Storey Rear Extension

0.8m deep increasing to 2.4m deep adjacent to the shared boundary with No.70

7.8m wide reducing to 6.4m wide

2.2m high to the eaves

Having a mono pitched roof with roof lights

Site and Surroundings

The application site is at the end of a cul-de-sac at the turning head and adjacent to an allocated parking area on a modern estate with a mix of styles and types of dwellings.

Trees along the edge of the parking area screen the elevated railway tracks.

At this end of the cul-de-sac the houses consist of two blocks of three, two bedroom terraced houses at right angles to each other.

There is also a pair of semi-detached houses adjacent to the allocated parking area, number 47 has a garage and both have paved parking area on the front curtilage. The street scene down to the end of this cul-de-sac are semi-detached houses with garages and driveways

Number 72 has a front porch, a paved front curtilage a rear conservatory and a rear garden that extends across to the side of the railway embankment.

The front curtilage of number 70 the middle house has grass and a front pathway, there is a rear conservatory and a long rear garden that extends beyond that of number 72. Number 70 have a pathway between the railway embankment and the side of number 72's rear garden into their allocated parking space

Number 68 has an allocated parking space adjacent to the front curtilage of number 72.

Numbers 64 and 66 have no parking on the front curtilage. Number 60 has parking at the side.

Relevant Planning History

The original planning permission for the estate BC16918P removed permitted development rights to; Retain garage and driveway and 8 No access to Turnberry Road without the submission of a planning application.

20/1451, 72 Selsdon Road, Proposed new additional two bedroom dwelling on garden land to the side of the existing house, Withdrawn 24/06/21

This application was withdrawn due to concerns about the parking provision for the existing and the new dwelling, the reduced private amenity space of 54sqm which is below the minimum guidance of 68sqm for the existing dwelling, the materials were out of keeping with the existing terrace, residents have also indicated that there are additional allocated parking spaces to the side of the proposed dwelling which would need to be taken into account. A householder application for an extension could be submitted plans would need to be designed sensitively in line with the existing development, which has an established character.

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**

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

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

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

National Planning Policy Guidance

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

[Page 233 of 263](#)

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- ENV32: Design and Development Proposals
- T7 - Car Parking NOTE for case officer: *(Also see AAP Policy AAP T5)*
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

Consultation Replies

Network Rail have not made any comments on this current application as it is for a house extension.

The withdrawn planning application 20/1451 for the new dwelling had objections from: **The Highway Authority** objected as no parking layout for the existing and proposed dwellings was submitted. Two 2.4m x 4.8m spaces shall be demonstrated for both dwellings.

The site layout shall respect the 1.8m wide highway service strip that follows around the entire cul de sac turning area which is not in the ownership of the applicant.

Pollution Control objected due to the proximity of the railway network having concerns following complaints for noise and vibration due to trains of both a passenger (daytime) and freight (night-time) use. As the issue complained of concerned noise and vibration due to trains, no solution is/was possible as it is a construction of close proximity of residential properties to the railway.

The Coal Authority the application site falls within the defined Development High Risk Area. A coal mining assessment was provided prior to the application being withdrawn

Fire Officer provided standard comments from Approved Document B, Volume 1, Dwelling-houses, 2019.

The withdrawn application for the new dwelling had no objections from: **Network Rail** has no objection in principle to the proposal, but included requirements which must be met as the proposal includes works within 10m of the railway boundary.

Severn Trent Water commented - **as** the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Strategic Planning Policy commented, it should be noted that there may be a gas main alongside the railway. I believe previously proposals for housing in the gap next to the railway have been discouraged for this reason.

Representations

Neighbour objections have been received:

- The close proximity to my existing property
- Parking and there are no additional spaces available
- There has been flooding in the cul-de-sac more building will cause further issues

Neighbour concerns raised

- Additional drainage will be needed as that area at the bottom of the cul-de-sac is subject to flooding

Neighbours have asked to be advised if /when:

- I. works may commence
- II. the length of time proposed for and what proposals are in place to prevent disruption both to noise and additional vehicles being in a small close.

The withdrawn planning application 20/1451 for the new dwelling had objections from four neighbours

Determining Issues

- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Flood Risk / Drainage

Assessment of the Proposal

Design and Layout of the Extension and the Character of the Area

The design of the proposed side extension is 3.8m wide this is the same width as the existing house and also the previously proposed new dwelling. The proposed extension extends out to the side boundary adjacent to the allocated parking area leaving no access to the rear of the dwelling and garden without crossing over land outside of the control of the applicant, leaving no access for rubbish bins. If bins are left outside the front of the house, they may compromise parking whilst presenting an unattractive feature to the street scene. Number 70 the middle house of this terrace, has a pathway the boundary of number 72 and the railway embankment, with a gate opening onto their allocated parking bays, this is shown on the land registry deeds.

The proposed extension has been set back 1m from the front elevation and set down 0.2 from the main roof.

The width of the proposed extension has been considered and being the same as the original house means the proposed extension, notwithstanding to the set back and the small set down in height, is not subservient to the host dwelling. The current plans are the same width as the withdrawn application that was to be refused. A minimum reduction of the width was requested of the proposed extension of 1m. The agent advised, this was too much and offered a reduction in width of 750mm.

Plans indicate the internal design of the second floor to be an additional bedroom and a study. The study has been taken as a bedroom as any future occupiers could use it as a bedroom making this a 4 bedroom dwelling.

The proposed plans show materials to be part render and brick matching the existing terraced row on the front elevation.

The proposed single storey rear extension replaces an existing conservatory and would be across the width of the rear elevation of the original dwelling and the extension. As with the existing conservatory, the extension would follow the shared boundary with number 70. Given the proposed internal layout of the proposed side extension, if planning permission was granted for the extension, a condition for it remain ancillary to the main dwelling should be imposed..

The plans for this proposed two storey side extension mirror the previous plans for a separate dwelling that was withdrawn before it was refused. Despite the request and negotiation with the agent regarding the reduction in width, the amended plans have not been provided and Councillor Harrison has called the application before planning committee.

Amenity of Neighbours and Amenity of Future Occupiers

The proposed two storey side extension is separated from the adjoining neighbour at number 70 by the existing 3.8m wide house. It is at the end of the terrace so causes little harm to number 68 at the other end of the terrace.

The single storey rear extension replaces the existing conservatory and follows the dog leg shaped boundary line. The single storey rear extensions proposed plans have a solid wall creating two separate room similar to that of the withdrawn application for a new dwelling amended plans have been requested either removing this wall or showing a doorway so it is clear it is an part of an extension and not a new dwelling.

Flood Risk / Drainage

Nearby residents objected to the new dwelling and have again objected to the two storey extension stating that the parking area is allocated parking shown on their deeds with land registry and not in the control of the applicant.

The addition of more building may cause more flooding at this end of the cul-de-sac which slopes downwards. Whilst some additional surface water run off may be caused by the development, it is not within flood zone 2 or 3.

Parking

Parking for the two rows of terraces is allocated and shown on land registry deeds. The application site has the front curtilage paved for parking.

The property is taken as having four bedrooms and 3 parking spaces are needed to comply with parking policy T13. The paved front curtilage is 4.5m deep at the shortest point and 9.2m wide, the driveway extends out towards the highway and is 15.6m at the deepest point, taking into account the 1m highway safety strip around the edge. Any parking immediately in front of the front elevation will block access to the front

door and encroach onto the highway safety strip around the front edge of the site causing a potential highway safety issue to pedestrians.

Should any planning permission be approved, before the decision is issued the applicant should demonstrate that there are three clear parking spaces that do not encroach onto highway land and nor will the proposed extension cause detrimental harm by blocking or encroachment onto the allocated parking area adjacent to the site belonging to number 68.

Any approval granted will be subject to parking conditions to ensure the development has and retains three parking spaces to comply with parking policy T13

Conclusions and Reasons for Decision

The proposed side extension is built to the boundary leaving no access to the rear.

The proposed two storey side extension is the same width as the existing house and plans have not been provided to reduce the width of the extension. The plans indicate that the two storey side extension could be considered as a separate dwelling as the only difference to the previous plans was a 1m set back at the front elevation and a marginal set down at the main roof

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal and the agent has failed to provide amended plans stating that the reduction compromised the proposed layout and additional living space on the ground floor although he did agree to remove part of the internal wall in the single storey extension and concluded that he would be happy for this to be heard at the next committee meeting, if we are not in the agreement with the above.

Recommendation

Refuse

1. The design of the proposed two storey side extension is incongruous due to the size, scale, mass and bulk of the extension in comparison to the original dwelling being detrimental to the amenities of the neighbours and the locality. The proposal is contrary to the aims and objectives of the National Planning Policy Framework including paragraphs 56, 57, 58, and 64, Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV32, and the Supplementary Planning Document "Designing Walsall".
2. The design of the two story side extension built to the boundary causes harm to the owner of the adjacent allocated parking space and without a parking plan is likely to lead to encroachment over the public highway footpath and awkward reversing manoeuvring leading too grounds of highway safety and is contrary to the requirements of saved Unitary Development Plan policies GP2, T7, T13 and ENV32 and in the interests of highway safety.

3. The design of the proposed two storey side extension built to the boundary without the requested reduction will potentially cause harm and land encroachment to the owner of the allocated parking space adjacent to the application site and is contrary to the aims and objectives of the National Planning Policy Framework including paragraphs 56, 57, 58, and 64, Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV32, T7 and T 13 and the Supplementary Planning Document "Designing Walsall".

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 16

Reason for bringing to committee

Called in by Councillor Wilson on the grounds that the application requires delicate judgement.

Application Details

Location: 33, LITTLE ASTON ROAD, ALDRIDGE, WALSALL, WS9 0NP

Proposal: PROPOSED DETACHED GARAGE.

Application Number: 21/0686

Case Officer: Rebecca Rowley

Applicant: Mr Martin Collins

Ward: Aldridge Central And South

Agent: Mr Paul Spooner

Expired Date: 13-Jul-2021

Application Type: Full Application:
Householder

Time Extension Expiry: 30-Jul-2021



Recommendation

Refuse

Proposal

This application seeks permission to erect a detached garage on the frontage of the site at 33 Little Aston Road in the street scene. The garage would provide floor space to park 3 vehicles. The applicant's agent has confirmed that at the moment the applicant has no intention of a first floor being installed in these proposals but should that change in the future, then a planning application will be submitted to show this and its proposed use.

- Depth: 6m
- Width: 10m
- Height to eaves: 2.5m
- Height: 5.8m

The garage would be inset a minimum of 4.7m from the boundary with the highway on Little Aston Road and a minimum of 5.6m from the boundary with the highway on Branton Hill Lane. The front elevation would face towards the application site dwelling. There would be 3 garage doors, 2 small hooded dormers in the front roof slope and a small front gable feature in the centre of the front roof slope.

Proposed facing materials would be a smooth render finish and roof tiles to match the site dwelling.

Site and Surroundings

The application site is a large triangular plot prominently located on the corner of the junction with Little Aston Road and Branton Hill Lane. It comprises a large detached two storey dwelling which is set back 22m from the boundary with the highway on Little Aston Road and 15m back from the boundary with the highway on Branton Hill Lane.

The area to the rear and side of the dwelling is grassed and is separated from the remainder of the site with a garden wall. The area in front of the dwelling is hard surfaced with sufficient space to park multiple vehicles. 7 vehicles can be seen parked on aerial images from Google maps, with space available to park more. In front of the hard surfaced area up to the boundary with the highway on Little Aston Road is another grassed area.

The entire boundary with the highway has a 2m high wall which is smooth rendered in white, matching the white rendering of the site dwelling. Behind the wall within the site, the boundary is lined with bushes, which at the time of the site visit in January 2022 rise between 0.5m and 1m above the top of the wall. Historic street view images show these bushes have previously been higher.

The street scene on Little Aston Road, from where the proposed garage would be most visible comprises large detached dwellings which are also set back from the highway by a significant distance with low boundary walls, trees and foliage defining the front boundaries with the highway.

Opposite the dwelling on the Little Aston Road frontage is the grounds of Aldridge Court nursing home which forms part of the Aldridge Conservation Area.

Planning History

06/1371/FL/H1	Variation of condition 1 of planning permission 02/0894/FL/H1 to extend period of time for a further 5 years	Grant Permission Subject to Conditions	2006-09-13
02/0894/FL/H1	Detached 3 car garage	Grant Permission Subject to Conditions	2002-07-05
BC62075P	Erection of brick wall up to 2.6 metres high in front garden between No.s 31 and 33	Refuse Permission	2000-10-31
BC57567P	Outline erection of detached bungalow.	Refuse Permission	1999-02-04

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect trees, woodlands and hedgerows

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

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.

Consultee Comments

Conservation Officer

No objections

Environmental Protection

No comments to make

Local Highway Authority

Support

Neighbour and Interested Parties Comments

A site notice was displayed for 21 days.

No comments have been received from interested parties.

Determining Issues

- Impact on the Aldridge Conservation Area
- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Parking

Assessment of the Proposal

Impact on the Aldridge Conservation Area

Whilst the Conservation Officer has raised concerns regarding the height and design of the garage being a visually obtrusive feature in the street scene. It is considered the proposed garage would cause less than substantial harm to the significance of the Aldridge Conservation Area which has a boundary on the opposite side of the highway and therefore there are no objections from a conservation point of view.

Design of Extension and Character of Area

The single storey garage structure would have a 5.8m high roof ridge that is considered excessive for its siting within the plot as it would be clearly visible rising significantly above the boundary wall in an undeveloped area of the site, which forms part of the wider street scene.



A positive character of the street scene in this location, is the wide and spacious street scene with the dwellings along this section of Little Aston Road being set back from the front boundary with the public footpath by a significant distance without any buildings or structures other than boundary treatments. The trees and bushes within the street scene add to the positive and spacious nature of the street scene. This distance is at least 20m for no.s 31 and 29 Little Aston Road adjacent to the application site and reduces slightly but to no less than 17m when moving from the application site along the road towards no 21. The proposed siting of the detached garage would be visible in the street scene, rising some 2.5m to 3m above the current boundary treatment would represent a significant disruption in the street scene of this part of Little Aston Road that would be considered an incongruous feature at this location.

The dwelling at no. 2 Branton Hill Lane on the opposite corner of the junction of Little Aston Road with Branton Hill Lane is set back some 13m from the boundary with the highway on Little Aston Road. There are mature trees surrounding the boundary of this site but when travelling along Little Aston Road from the application site towards no. 2 Branton Hill Lane there are open views into the frontage of the site. It is considered that the proposed garage would also disrupt the appearance of balance across this junction.

Whilst the proposed facing materials reflect the existing application site dwelling, this does not overcome the harm of a building being include in the street scene. Should the application be approved, a materials condition should be included.

It is considered that this proposal would cause significant harm to the existing open views along this section of Little Aston Road, that benefit from trees and hedges, plus the only structure is front boundary treatments. The inclusion of a large one and half storey building at this location would alter the character of this street scene to the detrimental harm of the visual amenity of the locality contrary to the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall DW3.

Amenity of Nearby Residents

It is considered that the proposed detached garage would not cause shading to neighbouring sites nor pose the potential for loss of privacy, as long as the structure is not used for habitable purposes. However, it is considered to be detrimental harm to the visual amenity of nearby residents in the context of the character of the street scene, outlook from the nearest neighbouring windows and obscuring of the existing lines of sight across and along Little Aston Road, which is, contrary to the requirements of saved UDP policy GP2. It was suggested to the applicant's agent that relocation of the proposed garage to the rear of the existing dwelling would allow the applicant to secure the garage space they require, without the level of harm that has been assessed. The agent has confirmed that the applicant wishes for the application to be decided based on the current plans.

The floor area of the proposed garage is 60m² and there is sufficient headroom to include a small first floor. The applicant has confirmed that there is no intention to include a first floor at this time. If committee are minded to approve this application, a condition should be included to restrict the use of the detached garage from being converted to residential use in order to assess any additional impacts of that use and impose any conditions that may be relevant if necessary, plus a condition ensuring the building is not sub divided from the existing house or that an internal first floor is added.

Parking

This proposal would not alter the number of bedrooms in the dwelling house so no additional off-road parking spaces would be required and in any case the site can far exceed the required 3 parking spaces in accordance with the requirement of saved UDP policy T13. The Local Highways Authority have no objections for this proposal.

Conclusions and Reasons for Decision

When assessing the material planning considerations and taking into account the local and national planning guidance, it is considered that whilst the proposal, according to the plans submitted, would not harm the amenity of neighbouring occupants from within their houses, nor cause harm to highway safety it would cause harm to the visual amenity of the area by disrupting the front building line and obstructing the long lines of view along this section of the street which is considered would be significantly detrimental to the character of the locality.

Taking into account the above factors it is considered that the application should be refused.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the scale of the original design, amended plans have been submitted however, on account of the siting within the plot, in this instance are unable to support the proposal.

Recommendation

Refuse

Reasons for Refusal

1. The inclusion of dormers in the roof slope of the proposed detached garage creates the resemblance of a small bungalow rather than a garage. Due to its height and footprint, sitting forward of the application site dwelling and visible rising above the site boundary wall, the garage would be an incongruous feature of this section of Little Aston Road which is characterised by a significant separation distance between the front boundary with the highway and the building line. The garage would present an obtrusive feature that would block clear views to the west along Little Aston Road and would impact on the openness of the street scene to the detriment of the visual amenity of the locality. The proposal would therefore be contrary to the requirements of the NPPF, Black Country Core Strategy policies CSP4 and ENV2 and saved policies of Walsall's Unitary Development Plan GP2 and ENV32.

Notes for Applicant

None

END OF OFFICERS REPORT



Walsall Council

PLANNING COMMITTEE

10th March 2022

REPORT OF HEAD OF PLANNING & BUILDING CONTROL

Development Management Performance Update Report

1. PURPOSE OF REPORT

To advise Members of the Planning Committee of the latest performance and outcomes during the 3rd quarter of 21/22 (1st October to 31st December 2021) regarding development management matters and in particular to: -

- i) The performance figures for applications determined in Q3 of 2021/22.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q3 of 2021/22.
- iii) An update of Planning Applications 'called-in' by Councillors in Q3 of 2021/22.
- iv) A progress report of enforcement proceedings.

Details of previous planning performance in the 3rd and 4th quarters of 20/21 (1st October to 31st December 2020 and 1st January to 31st March 2021) and the 1st and 2nd quarters of 2021/22 (1st April to 30th June 2021 and 1st July to 30th September 2021) can be found in the report to Planning Committee of 4th November 2021.

2. RECOMMENDATIONS

That the Committee notes the report

3. FINANCIAL IMPLICATIONS

None arising directly from this report but where a planning appeal is accompanied by an appeal for an award of costs then if the appellant is successful the costs are payable by the Council.

4. POLICY IMPLICATIONS

Within Council policy. All planning applications and enforcement proceedings relate to local and national planning policy and guidance.

5. LEGAL IMPLICATIONS

The briefing of members as to the outcome of individual appeals made by the Planning Inspectorate will enable members to keep abreast of planning issues as may be raised within individual cases. Appeal decisions are material considerations and should be considered in the determination of subsequent applications where relevant.

6. EQUAL OPPORTUNITY IMPLICATIONS

None arising from the report. The Development Management service is accredited by an Equality Impact Assessment.

7. ENVIRONMENTAL IMPACT

The impact of decisions made by the Planning Inspectorate on the environment is included in decision letters and all planning applications are required to consider environmental issues where material to the proposed development.

8. WARD(S) AFFECTED

All.

9. CONSULTEES

None required.

10. CONTACT OFFICER

Mike Brereton: Group Manager, Planning
Michael.brereton@walsall.gov.uk

11. BACKGROUND PAPERS

All published.

Mike Brereton
Group Manager, Planning

PERFORMANCE UPDATE REPORT

Development Management Performance Update Report

- i) **Speed of planning applications determined in Q3 of 2021/2022 (1st October to 31st December 2021).**

Note that the table also includes figures for earlier years.

Description	National Performance Target	Q1 Apr - Jun	Q2 Jul - Sep	Q3 Oct - Dec	Q4 Jan - Mar	Annual Cumulative
21-22 - Major	60%	100%	85.71%	100%		
20-21 - Major	60%	100%	100%	85.71%	90.00%	93.92%
19-20 - Major	60%	100%	100%	100%	90.91%	97.72%
21-22 - Minor	70%	85.00%	81.25%	78.72%		
20-21 - Minor	70%	95.65%	86.05%	78.05%	83.33%	85.77%
19-20 - Minor	70%	91.80%	92.11%	97.73%	90.00%	92.91%
21-22 - Other	70%	92.00%	86.08%	87.08%		
20-21 - Other	70%	92.80%	91.77%	92.55%	91.04%	92.04%
19-20 - Other	70%	92.22%	91.78%	87.20%	90.22%	90.35%

- 12.1 The latest performance figures represent a continuation of results exceeding national performance standards in all areas. Whilst performance has slightly reduced for minor applications in quarter 3 of 21/22, this in part relates to the issuing of older applications during this period in an effort to reduce the current backlog and the annual cumulative figure is anticipated to remain above the national target.
- 12.2 As noted in previous reports, the challenge for 2021/22, has been to maintain these performance levels given the high case-loads of officers as a result of a number of staffing changes and absences experienced within the team. These issues have been compounded by the Service Transformation Plan (STP), and the associated inability to recruit to vacant posts during that time. The ability to recruit experienced planning officers continues to prove to be difficult and coupled with a need for continued input from an agency contractor to assist with clearing backlog planning applications. This position is not unique to Walsall as other local authorities are in the same position. Officers continue to strive to keep this impact to a minimum and work is underway to implement the new structure and to introduce additional resources to help improve this situation. Service performance benefits arising from this are anticipated in future reporting periods.
- 12.3 A wider range of chargeable services has also been introduced from January 2021 which has been well received by customers, and has resulted in an increase in paid-for advice and other services being applied for. This has contributed to the high workloads of officers, and the STP aims to address this through the implementation of a new structure with appropriate resources. The annual review of chargeable services is underway to ensure the fees reflect the amount of work involved and to

include the appropriate rates of inflation. The updated schedule is due to be implemented in quarter 1 of 2022/23.

- 12.4 Work is underway on the implementation of an upgrade to the back-office planning software which will enable, and support the service, in providing greater transparency on the overall process through the publication of additional information on the Council's website to provide customers with a greater ability to 'self-serve' and will enable integration with the corporate 'single sign on' approach improving access to Council-wide information. This will also help to continue the service's shift towards the use of electronic communications.
- 12.5 Processes are being reviewed regularly to aim to improve the speed of decision making and the overall customer experience. This includes the introduction of a 'one revision' only policy for householder planning applications from June 2021 which will also be rolled out to minor / other application types to help speed up determination periods. Other recommendations arising from the recent PAS Peer Review are also in the process of being worked up and implemented to further improve service performance and customer satisfaction, along with a comprehensive review of the Council's constitution and scheme of delegation in an effort to empower officers and to enable Members of Planning Committee to focus on the key regeneration development proposals of strategic importance.
- 12.6 The LPA seeks to agree extensions of time (EOT) on planning applications in negotiations with applicants and planning agents where necessary to aim to work through any matters arising throughout the life of an application, and within an agreed timeframe to offer a level of certainty and commitment. Whilst there will be a continued role for EOTs in certain cases, it is anticipated that the introduction of the above measures will help to reduce the need for an EOT whereby additional resources, and a reduction in the number of accepted revisions, should help to speed up the decision making process.
- 12.7 Officer training, procedures and templates have been implemented to ensure Ward Members are engaged once a decision to secure a S106 Planning Obligation has been resolved by Planning Committee. For consistency planning officers' co-ordinate negotiations between the Ward Members and service area teams responsible for the expenditure to ensure that any agreement reached in regard to expenditure is allocated in accordance with the policy and legislation. Member training on the overall Section 106 process is also planned for the new Municipal year.

ii) **Decisions made by the Planning Inspectorate in Q3 (between 1st October and 31st December 2021)**

Application Number	Site Address	Proposal	Council Decision	Appeal Decision
20/0096	137-138 Stafford Street, Walsall, WS2 8EA	48 Sheet Digital Advert	Refused (Delegated Decision)	Allowed
Comments on: Proposed set-back from road and position above ground level combined with nature of road would not result in public safety impacts in relation to highways safety.				
	Zandi tyres & Car	48 Sheet Digital	Refused	Dismissed

21/0312	Wash, Ward St, Walsall, WS1 2AG	Advert	(Delegated Decision)	
Comments on: Detrimental to amenity due to visual prominence and illumination method and detrimental to public safety due to introducing a distraction to drivers in a location with a considerable amount of vehicle and pedestrian traffic.				
20/1539	26, Banks Street, Willenhall, WV13 1SP	Lawful Development Certificate: Increase in number of children under Use Class C3(b)	Refused (Delegated Decision)	Dismissed
Comments on: Appellants evidence insufficient to clearly demonstrate that the increase would not result in a material change of use.				
E18/0248	Pelsall Stop, rear of 211 Norton Rd, Pelsall	Enforcement Notice: Domestic use, extensions and alterations	Enforcement Notice Served	Part Allowed / Part Dismissed
Comments on: Inspector agreed that the domestic use should cease along with the removal of an inappropriate rear extension, stainless steel flues and other works but allowed the retention of elements of the work including those that provided a water-tight structure to preserve the buildings.				
20/0173	First Floor 41-45 Bridge Street, Walsall, WS1 1JQ	Prior Approval: Change of use from office to residential	Undetermined	Quashed
Comments on: Appellant documents not received within appeal timeframe and Inspector turned the appeal away.				
21/0391	Telecommunications equipment, Broad Lane, Bloxwich	Prior Approval: 15m Street Pole and associated works	Refused	Allowed
Comments on: Not necessary to consider alternative locations for the replacement equipment, height of mast would be similar to existing street lights, overall simple form would not result in intrusive views from nearby dwellings and would not be out of character with the area.				
21/0588	Telecommunications equipment, Owen Road, Walsall, WV13 2AB	Prior Approval: 15m Street Pole, cabinet and associated works	Refused	Allowed
Comments on: No harm to existing trees, no available alternative sites, moderate harm to character and appearance of area is significantly outweighed by the benefits arising of improved network coverage and capacity for the local community.				
21/0563	Walsall Road, Willenhall, WV13 2EG	Prior Approval: 15m Street Pole, cabinet and associated works	Refused	Dismissed
Comments on: Prominent position and height and bulk of mast would be a dominant				

feature and incongruous with the area, benefits arising would not outweigh the significant harm to character and appearance of area and insufficient evidence on alternative sites.

Target = no more than 10% determined contrary to Council’s decision

Total number of qualifying appeals = 5

(Appeals against non-determination, conservation / listed building consent, adverts and those withdrawn are not included).

2 qualifying appeals, not decided in accordance with Councils decision = 40%

12.8 To enable the Council to ensure it retains the ability to refuse the most harmful applications which may affect the people and businesses in the Borough, it is vital that robust reasons for refusal are given that state relevant National and Local policies. In this way decisions can be presented in the most robust manner possible to the Planning Inspectorate to optimise the Councils ability to defend refusal decisions most effectively at appeal, and minimise the risk of costs being awarded to appellants.

iii) Called in Applications

12.9 Planning Committee requested information regarding the number of applications that have been called in and agreed that this should appear in this performance report as a regular item. The table below shows the following:

Period	Call Ins
Q3 2019/2020 (Oct-Dec 2019)	5 applications called in during 3 meetings
Q4 2019/2020 (Jan-Mar 2020)	5 applications called in during 3 meetings
Q1 2020/2021 (Apr-Jun 2020)	4 applications called in during 2 meetings
Q2 2020/2021 (Jul-Sept 2020)	6 applications called in during 3 meetings
Q3 2020/2021 (Oct-Dec 2020)	4 applications called in during 3 meetings
Q4 2020/2021 (Jan-Mar 2021)	4 applications called in during 3 meetings
Q1 2021/2022 (Apr-Jun 2021)	9 applications called in during 2 meetings
Q2 2021/2022 (Jul-Sept 2021)	7 applications called in during 3 meetings
Q3 2021/2022 (Oct-Dec 2021)	7 applications called in during 3 meetings

12.10 The Call-in Procedure is set out in paragraph (12) of Part 3: Responsibility for Functions of the Constitution.

(12) Call-in procedure

(a) Notwithstanding the terms of reference of Planning Committee any planning application can be called in by a Councillor for determination by the Committee;

(b) Prior to a Councillor calling in an application he/she must inspect the submitted plans and discuss the application with the Development Control Team Leader or his/her deputy or Head Of Service/Service Manager.

(c) The call-in will be activated by the completion of an appropriate form which must give a planning reason why it should be determined by the Committee;

(d) The form must be received by the Planning Department within 10 working days from the receipt of the weekly list by Councillors (one day will be allowed for delivery following date of dispatch)

(e) The Committee report will identify the Councillor who called in the application along with the reason given.

12.11 For details of applications previously called in please refer to the previous performance reports.

12.12 The call-in form has been updated to make the section clearer on a Members intention to speak on an item at Planning Committee and to provide clear material planning reasons for the call-in.

Q3 2021/2022 (Oct-Dec 2021)

Called in by Councillor	The Electoral Ward for the Application	Planning App Number	Planning Agent	Application Address	Method/Reason for Call In
Planning Committee - 7th October 2021					
Councillor S Coughlan	Willenhall South	21/0526	D2 Planning Limited	Unit 1, Former Magnet PLC, Rose Hill, Willenhall, WV13 2AR	Development is intrusive on the area and nuisance to neighbours.
Councillor Singh-Sohal	Paddock	21/0416	Lapworth Architects Ltd	31 Springvale Avenue, Walsall, WS5 3QB	Grounds of the application being sensitive planning.
Councillor Pedley	Streetly	21/0873	The General Architecture Company	184 Thornhill Road, Streetly, B74 2EH	Requirement for Planning Committee judgement
Planning Committee - 4th November 2021					
Councillor Singh-Sohal	St Matthews	20/1289	Mr Jim Malkin	Former Jabez Cliff, Lower Forster St, Walsall, WS1 1XA	Requiring sensitive planning judgement – Community interest.
Councillor Andrew	Pelsall	21/0047	Design Construction	Pear Tree Farm, Fishley	In the public interest and re-use

			Management Services	Lane, Bloxwich, WS3 3PZ	of a previously developed site to protect other untouched Green Belt land which is under threat.
Councillor Andrew	Bloxwich East	20/1222	Peter Jackson	Land to the rear of 105, 107 and 109 Lichfield Road, Walsall, WS3 3LU	Public interest.
Councillor S Nasreen	St Matthews	20/0068	M.K. Cotton	49-51, Eastbourne Street, Walsall, WS4 2BN	Reasons for refusal are considered to be subjective, the proposal is not detrimental to the street scene and should be considered by Planning Committee
Planning Committee - 2nd December 2021 (no call-ins)					

iv) Progress on Enforcement Proceedings

- (i) Public session – attached Table 1 and 2
- (ii) Private session – see attached Table 3

Please note that Table 3 contains information which is private and confidential and so is not available for public inspection.

It includes information which reveals that the authority proposes:

- a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
- b) to make an order or direction under any enactment.

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

PLANNING COMMITTEE – 10th March 2022: PROGRESS OF FORMAL ENFORCEMENT ACTIONS

Table 1 - Sites with Notices served or authorisation to Serve Notices

Case Number	Officer	Address	Date	Type of Action and date of issue	Current position
E20/0033	RS	Foley Wood, Egerton Road, Streetly	10 th December 2020 17 March 2021 10 March 2022	Unauthorised COU. PEN Authorised – Pending further info prior to service. 4 ENs served	Cease use and remove fence/domestic paraphernalia - within 3 months from when the notice takes effect. Ownership details unknown at time of enquiry. Land owners not identified 3 ENs appealed, one complied with. 1 appeal is currently being dealt with by (adjourned) public inquiry now set for 17th May 22. Other 2 written representation appeals waiting for PINS decision
E17/0135	RH	Three Crowns Public House	2 nd April 2015 3 rd August 2017		Enforcement Notice regarding unauthorised car wash use and associated paraphernalia, siting of a residential caravan, the untidy nature of the site, the engineering works and depositing of spoil on the adjacent SINC. Compliance period ends on 29 th January 2018. Appeal has been lodged with PINS. Appeal dismissed for planning decision to refuse a further temporary planning consent for the hand car wash facility and associated residential caravan. Awaiting Enforcement appeal start date, there is a backlog of cases at the Inspectorate.

			5th June 2018		Appeal confirmed as valid by PINS. Start date of 11th May 2018.
			25 th Sept 18		Appeal ongoing appellant failed to attend appeal site visit, awaiting a new date to be set by PINS.
			19 th Dec 2018		Appeal site visit booked for 7 th January 2019.
			11 th March 2019		Appeal dismissed notice upheld slight amendment to remove elements relating to tidying the site on 26 th February 2019. Works to be completed within 90 days.
			3 rd June 2019		Compliance site visit undertaken and partial compliance has occurred car wash ceased and items removed apart from storage container and caravan use ceased and removed. Owners written to a requested further works to secure full compliance with requirements of the notice.
			14 th November 2019		Further works have been undertaken to address the notice requirements, still awaiting confirmation from owner with regards to ecological issues.
			10 December 2020		Applicant has implemented their planning approval and erected hoardings around the application site. Car wash doesn't appear to be operating. Site to be monitored.
			10 March 2022		Former public house has been demolished and no further car wash use. Case has been closed.

E17/0463	RS	Land south of Cartbridge Lane	<p>25th Sept 18</p> <p>19th Dec 2018</p> <p>3rd June 2019</p> <p>10 December 2020</p> <p>10 March 2022</p>	<p>Enforcement action authorised by planning committee 12/7/18</p>	<p>Enforcement Notice served 26th July 2018 and notice became effective on 24th August 2018 and due to be complied with by 24th October 2018.</p> <p>Agents have sought advice on amending structure to overcome the Enforcement Notice, this is not supported and officers are seeking compliance with notice.</p> <p>Owners have submitted a certificate of lawfulness application (relating to the keeping of horses on the land). Additional information requested –</p> <p>19/0091 – CLEUD not yet determined. Site being monitored.</p> <p>As above. 19/0091 – CLEUD not yet determined. Site being monitored.</p>
E18/0248	RS	Stables Rear of 211-212 Norton Road, Pelsall	<p>4th June 2019</p> <p>14th November 2019</p> <p>10 December 2020</p>	<p>Enforcement action authorised by planning committee 18/4/19</p>	<p>Enforcement Notice served on 3rd May 2019 and notice is to be effective on 5th June 2019. Compliance date is 5th December 2019.</p> <p>Appeal lodged 3rd June 2019, awaiting validation by PINS. Requested to be a Public Inquiry.</p> <p>No update matter still with PINS to set Inquiry date</p>

			10 March 2022		<p>Inquiry set for 8th June 2021. Council's case is being prepared.</p> <p>Appeal decision received (part allowed and part dismissed). Site is being monitored for compliance.</p>
E14/0515	RH	Cloudwood Arabian Stud, Aldridge Road	<p>3rd June 2019</p> <p>14th November 2019</p> <p>17 July 2020</p> <p>20 July 2020</p> <p>10 December 2020</p> <p>10 March 2022</p>	<p>Enforcement action authorised by planning committee on 18/4/19</p>	<p>Enforcement Notice served for material change of use and operational development on 28th May 2019, notice will be effective on 27th June 2019. Compliance to be undertaken by 27th Sept 2019.</p> <p>Original Notice withdrawn and new amended notice served removing reference to flood lighting. Served 28th June 2019, effective on 30th July 2019 and compliance due 20th October 2019. Appeal has been lodged.</p> <p>Appellant signed a legal undertaking to withdraw the appeal against the enforcement notice and three months from covid restrictions being lifted for caravans</p> <p>Planning Inspector confirmed the appeal had been withdrawn</p> <p>Checking compliance on site</p> <p>Owner has been reminded of obligations to clear the site in accordance with legal undertaking. Further monitoring taking place.</p>

E21/0066	FW	Arrow Industrial Estate	10 March 2022	Enforcement action authorised by Planning Committee 6/1/21	A Planning Contravention Notice has been served and responses informed the Enforcement Notice which was served on 25 February.
E21/0315	FW	Wood Farm Cottage, Wood Lane, Willenhall	10 March 2022	Enforcement action authorised by Planning Committee 6/1/21	Following expiry of Temporary Stop Notice, no works on site have resumed, therefore enforcement notice not currently required. The situation is being monitored and a planning application is expected.
E21/0137	FW	44 Mill Lane, Willenhall	10 March 2022	Breach of Condition Notice (BCN) authorised and served under delegated powers 7/2/22	Failure to adhere to approved plans as required by Condition 2 of permission 19/1497. BCN requires roof shape and other design details to revert to approved scheme by 7 May 2022.
E20/0160	RH	53 Charlemont Rd, Walsall	10 March 2022	Enforcement notice served on 29 October 2021 requiring demolition of wall, removal of hard surface	Enforcement Notice appealed. Currently waiting for Planning Inspectorate to confirm hearing date.

					To be reviewed as part of other cases in this area which individually, and cumulatively, have potential heritage impacts.
E13/0103	RS	Ravencourt Shopping Precinct	March 2014	Section 215 Notice	<p>Awaiting return of Section.16, this is required to establish all parties responsible for the land before serving Section 215 Notice. Notice being prepared.</p> <p>Update 9-3-15 – Owners of the site have been in contact with the LPA to discuss future the enforcement action and the future of the site. Officers have been negotiating with developers who intend to submit a planning application early 2017. The owner has confirmed they have appointed a highways consultants and are in the process of finalising a planning consultant. In addition they wish to work closely with the Town Centre Manager to ensure the security of the site and minimise ASB issues.</p> <p>Update 18-10-17 – Planning Application 17/1131 for part demolition of existing retail units and erection of 2 x A1 retail units with storage and gym at first floor and car parking and service area to the rear. Consultation period expires 15-11-17</p> <p>As there is a current application in for consideration at this stage it is not expedient to pursue formal action.</p> <p>Site visited, action to remain in abeyance pending outcome of application.</p>
			November 2017		
			May 2018		

			19 th Dec 2018 4 th June 2019 10 th December 2020 10 March 2022		At last planning committee members resolved to support the planning application to redevelop the site subject to updated ecology report. Matter in is abeyance pending resolution of application. Ecology report submitted and consultation ongoing. Enforcement action held in abeyance pending resolution of application. Planning permission granted on 28 th June 2019 and can be implemented up to June 2022. New owner looking to re-develop.
E14/0323	RS	39 Shire Ridge, Walsall Wood	01/09/16 10 th December 2020 10 March 2022	Enforcement action authorised by 01/09/16 planning committee	The fence and wall to the side have been reduced in height in accordance with the approved planning application. The owners have been advised that an application will be required for the change in levels of the rear garden. Officers in negotiation regarding this matter. To be reviewed by new enforcement officer. Works likely to have become lawful over time. Not expedient to pursue and recommend closing the case.