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2	15	16/1517	GEDDES PACKAGING, DUMBLEDERY LANE, ALDRIDGE, WALSALL, WS9 0DH Ward: Aldridge Central And South	Portal frame extension to form new B1c/B2/B8 unit with associated offices (1446m2), parking and altered vehicle access.	Grant Permission Subject to Conditions
3	21	16/1245	GURU NANAK SIKH TEMPLE, 127, WEST BROMWICH STREET, WALSALL, WS1 4DE Ward: St Matthews	Proposed First Floor Extension to accommodate two additional class rooms.	Grant Permission Subject to Conditions

4	29	16/1160	LAND C/O WOLVERHAMPTON ROAD AND HOLLYHEDGE LANE, WALSALL Ward: Pleck	Temporary fencing to part of site. Temporary Change of Use of part of site to Car Sales Lot.	Grant Permission Subject to Conditions
5	37	16/0812	221 Lichfield Road, Willenhall, WV12 5BE Ward: Willenhall North	Change of use of car park of 221 Lichfield Road to mixed use car park and car wash.	Grant Permission Subject to Conditions
6	43	16/1600	13A, WODEN ROAD WEST, DARLASTON, WEDNESBURY, WS10 7SF Ward: Darlaston South	Proposed spray booth	Delegate to the Head of Planning, Engineering and Transportation to grant planning permission subject to conditions and subject to overcoming the objection raised by the Coal Authority.
7	53	16/0755	20, CORONATION ROAD, PELSALL, WALSALL, WS4 1BG Ward: Pelsall	Part change of use to cattery and construction of cattery building at end of rear garden.	Grant Permission Subject to Conditions
8	63	16/1147	CAR PARK OFF SISTER DORA GARDENS, SISTER DORA GARDENS, WALSALL Ward: St Matthews	Change of use, conversion and extension of existing car parking structure to 5 houses.	Grant Permission Subject to Conditions
9	75	16/0517	The Manor Club, Harper Street, Willenhall, Walsall, WV13 1SW Ward: Willenhall South	Demolish existing club and build 1 off detached dwelling and pair of semi- detached houses. Resubmission of 15/1335.	Grant Permission Subject to Conditions

10	87	16/0957	LAND ADJACENT, 64 BORNEO STREET, WALSALL, WS4 2HY Ward: St Matthews	Erection of 1 no. dwellinghouses and associated works	Grant Permission Subject to Conditions
11	101	16/1643	LAND AND GARAGES ON SLATERS LANE TO REAR OF 90 SHERIDAN ST, SLATERS LANE, WALSALL, WS2 9AQ Ward: Pleck	Proposed Residential Development (Outline) - Resubmission of Application No.16/0921	Grant Permission Subject to Conditions
12	113	16/1324	83 , Weston Crescent, ALDRIDGE, WS9 0HA Ward: Aldridge Central And South	First floor side, part two, part single storey rear extension.	Grant Permission Subject to Conditions
13	121	16/0837	10 , The Meadows, ALDRIDGE, WS9 0LB Ward: Aldridge Central And South	Single storey annex for living accommodation at rear of 10 The Meadows.	Grant Permission Subject to Conditions
14	131	16/1217	6, THREE CROWNS CLOSE, WALSALL, WS5 3AL Ward: Pheasey Park Farm	Single storey rear extension.	Refuse

15	137	16/1532	18, Poplar Avenue, Walsall, West Midlands, WS5 4EU Ward: Palfrey	Proposed Detached Garage/Workshop with vehicle access from Rowan Road and new boundary fencing fronting Rowan Road	Grant Permission Subject to Conditions
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Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 1.

Reason for bringing to committee: Major application

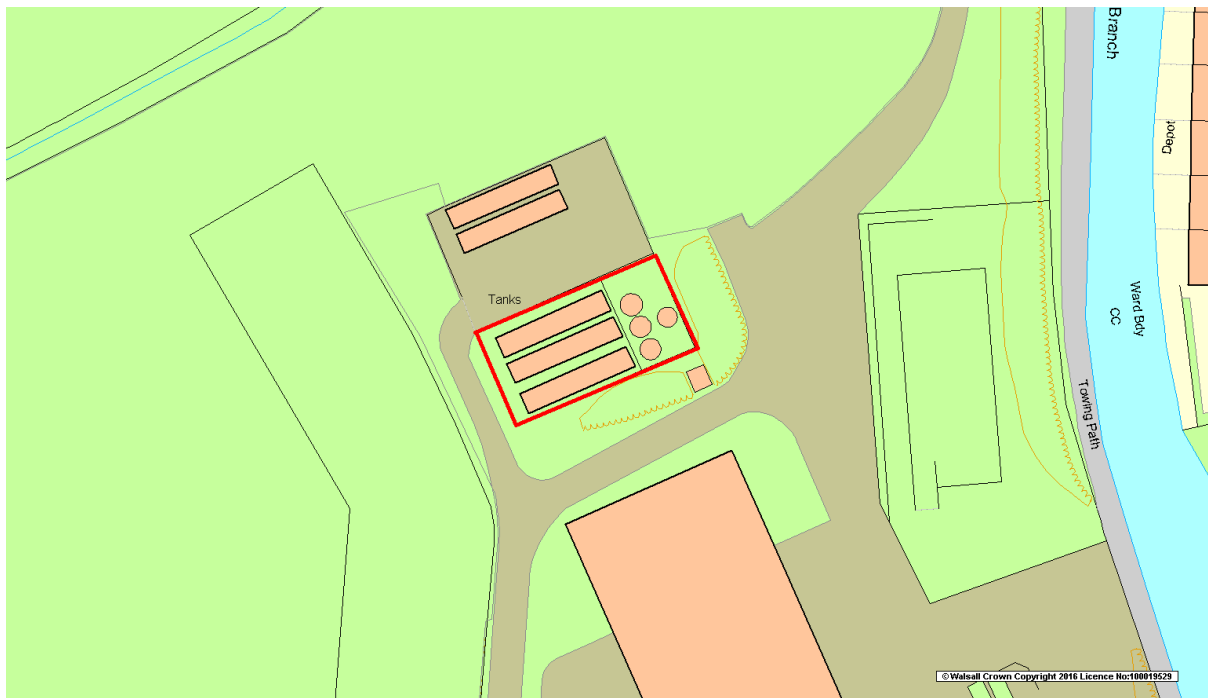
Location: VEOLIA ES UK LTD, EMPIRE WORKS, STUBBERS GREEN ROAD, ALDRIDGE, WALSALL, WS9 8BL

Proposal: PROPOSED CONSTRUCTION OF A NEW CANOPY TO ACCOMMODATE A PROPOSED WASTE DETERGENTS DE-PACKAGING OPERATION AT VEOLIA'S EMPIRE WORKS, STUBBER'S GREEN ROAD, ALDRIDGE, WALSALL

Application Number: 16/1043
Applicant: Veolia ES UK Ltd
Agent:
Application Type: County Matters Application

Case Officer: Devinder Matharu
Ward: Rushall-Shelfield
Expired Date: 10-Nov-2016
Time Extension Expiry: 07-Jan-2017

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application proposes the construction of a new canopy to accommodate a proposed waste detergents de-packaging operation. The canopy would be erected on the northern part of the site in an area that already houses three tanks positioned horizontally and would be partially clad. The canopy would be 'L' shaped with a longer section to the south west. In total the canopy would measure 30m in length, 12.2m at the shortest part and 15.6m at the widest part. The existing three tanks will be removed off site.

Within the de-packaging area the following equipment will be stored/utilise:

- Shredder-separator
- Auxiliary feed hopper
- Rotary washer
- Bagging unit
- Screw conveyor x3
- Clean water tank
- Bailer

The area to the north of the application site is set at a higher level and houses a number of tanks that are positioned vertically. A canopy over this part of the site currently exists.

To the south of the application site a further eight tanks are positioned vertically.

Between the application site and the tanks to the south a bund wall measuring 600mm high.

The treatment site is set back 660m from Stubbers Green Road, with a secure access and brick site office. To the south of the site is active Sandown Quarry and brickworks, and to the west is the now filled Empire Butterley Quarry, to the north is Highfields South Quarry, an active landfill site. Immediately to the east of the application site is the Daw End Branch Canal, with Empire Industrial Estate across the canal. Aldridge Marina is 100 metres to the east of the site and there is a public footpath immediately to the southern boundary. The site is 35m from the Green Belt boundary to the north.

The application site is 4.5m lower than the canal towpath and is partly screened from the canal by existing planting. The site includes a series of steel portal buildings constructed to house various treatment equipment and processes, including various pumps, storage/treatment tanks and scrubber systems to control potential emissions.

The agent has provided the following additional information:

- the tanks will be removed offsite to allow space to accommodate the proposed development.
- The bund wall will be 600mm high.
- the proposed operation will require an environmental permit variation. This has been submitted to the Environment Agency for their determination. It should be noted the EA has sanctioned a trial of the process which has been ongoing for the past 9 months with no issues reported during this time.
- Empire Works is a strategic waste site of importance locally and regionally. The proposed development simply expands the facility's contribution towards more sustainable waste management of potentially problematic waste streams.
- although we have applied for approximately 10k tpa (equating to approximately 30 tonnes per day, subject to opening times) it is likely that initially this will see approximately 1 or 2 HGV inputs per week. If the proposed development becomes more successful then this level of movement may increase to deliver up to the 10k

tpa. If the facility were to increase to 10k tpa the overall movements would be insignificant (around 2 inputs per day). It should however be noted that the existing facility has no limits on HGV movements and, as pointed out in the supporting statement, movements associated with the proposed development will be insignificant.

- fire risk of the De-Pack operation will be considered as part of the environmental permit application but the existing treatment site benefits from an effective system approved by the Environment Agency.
- Lighting - any new lighting will be limited to lighting within the building. The existing yard area lighting from the site's previous use (effluent tanks) is sufficient and will be retained. So, the only new lighting will be within the building with no likelihood of spillage etc or impacts on foraging bats in the area.
- Fire - there is a fire hydrant located near the site access on Stubber's Green Lane and also at Boatman's Lane (if required). Heat and smoke detection systems are currently fitted throughout the existing facility which notify the relevant authorities in the event of an issue detected onsite. The system will be expanded as required to cover the proposed development. This current arrangement is deemed adequate by all relevant authorities including the Environment Agency who regulate the process. Given the proposed development involves no receipt of bulk flammables there is no reason for this arrangement to change. The fire risk of the de-pack operation will be considered as part of the environmental permit application which has been submitted to the Environment Agency for their determination.
- Applied for approximately 10k tonnes per annum (equating to approximately 30 tonnes per day, subject to opening times) it is likely that initially this will see approximately 1 or 2 HGV inputs per week. If the proposed development becomes more successful then this level of movement may increase to deliver up to the 10k tonnes per annum. If the facility were to increase to 10k tonnes per annum the overall movements would be insignificant (around 2 inputs per day). The existing facility has no limits on HGV movements and movements associated with the proposed development will be insignificant.
- The proposed development will be located within a waste treatment facility which benefits from its own sealed drainage system as required under the environmental permit. This permit is currently being reviewed by the Environment Agency as part of an associated variation. The De-Pack process area will be fully sealed with an impermeable hardstanding and drainage system. Any rainwater from the new building roof will be captured and used to feed the washing part of the proposed De-Pack process. Excess clean rainwater will be diverted into the existing surface water drainage system prior to discharge off site in accordance with the environmental permit issued by the Environment Agency. Any process waters will be diverted into the wider treatment process and managed as currently authorised. Limited discharges of rainwater falling on the uncovered part of the site along with any minor spillages from the process will be diverted to the main drainage sump to the south of the facility, from where it will be pumped back into the wider Empire Treatment Works.

The following documents have been submitted in support of the application:

Supporting Statement

- The Empire Works site is largely developed for waste treatment with a series of steel portal buildings constructed to house various treatment equipment and processes, including various pumps, storage/treatment and scrubber systems to control potential emissions.
- The site is accessed from a westerly direction past an area of restored former landfill past a weighbridge, offices and laboratories and car parking to the south.

- The operational plant is fully enclosed and comprises of oil reclamation, waste bulk/transfer area and a maintenance workshop.
- The application site is located on the northern edge of Veolia's Empire Waste Treatment Works which has been a waste treatment plant for almost 40 years.
- The site currently processes approximately 100,000 tonnes per year of various hazardous and non-hazardous wastes including acids, alkalis, sludges, aqueous wastes and air pollution control residues from waste incineration processes authorised through an environmental permit issued by the Environment Agency.
- The proposed de-packaging process will deliver a new treatment process on the site and further expand the range of services available to commercial customers and ensure waste is dealt with in a sustainable, innovative way producing green products for use in other processes in accordance with the aims of the Waste Hierarchy and Circular Economy principals.
- All vehicles entering the site will follow the site access road and acceptance protocols in the usual manner. Vehicles delivering wastes are directed over the weighbridge before advancing towards the relevant waste reception area, in accordance with the requirements of the environmental permit. Vehicles delivering to the proposed de-packaging facility will be directed to the proposed development site where material will be handled in accordance with requirements before being offloaded for storage and eventual processing.
- The application seeks consent to develop and operate a new treatment activity within the Empire Treatment Plant permit boundary for a plastic shredding and liquids/solids recovery operation (referred to as 'De-Pack') on part of the site located to the north-west of the main Empire Treatment Works within the ownership boundary of the main treatment plant
- Empire Works already accepts the wastes and treats them as part of a trial operation authorised by the Environment Agency. The area in which the trials have taken place is too restricted to allow a full scale process so it is necessary to relocate the process to another area of the site (the subject of the application).
- The proposed development site is a redundant area within the wider consented treatment site.
- The area currently contains three de-commissioned storage vessels which would require removal prior to the start of any installation. Some limited engineering modification works are required in the development site including improvements to the surfacing and drainage modifications to ensure any liquids are contained along with some amendments to an existing bund. Most notably, the proposal includes the erection of a partial clad steel portal building to house the process equipment and provide covered storage for incoming materials. The partially clad building will contain the shredder and washer and associated process equipment, including the bailer and clean water tank. It will also contain the waste storage bays. It is proposed to store all waste undercover.
- The proposed building will have a total footprint area of approximately 500 square metres (width 16 metres x 31 metres in length), maximum 8 metres height. It will comprise steel/ plastisol sheeted roof which will be constructed on a slight fall to shed any rain water. The building sides will be partial sheeted above 5m. The maximum front elevation will be 8m falling to 6m on the rear elevation to deliver adequate clearance. The colour and finish of the proposed will be similar to the other existing large buildings on the site.
- The De-Pack operation consists of two main processes - shredding and washing. The waste plastic packaging together with the liquid contents will be processed first in the shredder, to separate plastic packaging and liquids, and then in a washer to clean the shredded packaging, facilitating the removal of any remaining detergent/cleaning product. The washed shredded plastic packaging will then be moved via conveyor to a designated area for storage prior to being recycled/ recovery offsite. The waste liquid is pumped from the shredder into IBC-type

- containers for subsequent treatment on site as part of the wider waste treatment process or, in some circumstances, for off-site disposal.
- It is proposed that a series of connecting pipes will feed clean water to the washer via the clean water tank. Harvested rainwater from the building roof will be transferred to the clean water tank to ensure efficient water usage. Additional rainwater run-off from the De-Pack building roof that is not directed to the clean water tank and used in the process will be captured by the existing run-off point and discharged off site. Runoff from the uncovered area of the process will be diverted into the adjoining Treatment Works for use and processing.
 - It is estimated that the process will process around 10,000 tonnes per year. The specific waste types with any limitations will be detailed in the Environmental Permit for the site which will be the subject of a variation application with the Environment Agency. The range of proposed wastes for treatment is already largely consented on the existing environmental permit with the exception of a few specific non-hazardous waste codes. The application will be submitted alongside this planning application.
 - The proposed building is located within the developed footprint of the Empire Works Treatment facility. The proposed building is bordered by a series of large bunded tanks immediately to the north and a large clad building to the south. This adjacent building is separated by the existing haul road used by HGVs using the site which is at an elevated level.
 - Given the location of the development within the existing built treatment plant footprint, existing large structures and ground levels in the area, the proposed building will not have a material impact.
 - There will be no significant emission to air from the De-Pack process.
 - The level of noise generated from the proposed operation on the site will be limited due to the nature of operation which will be enclosed within process equipment and confined within the proposed new building which is within the developed treatment plant area as well as being at a reduced topographic level.
 - The wider treatment site does not have a history of noise complaints.

Relevant Planning History

EAB5822 – Trade Waste Treatment Plant. Granted subject to conditions 1974.

EAB6250 – Outline consent for extension of existing treatment centre to form regional waste treatment centre. Granted subject to conditions 1977.

BA08622P – Use of existing Westmid Centre as Transfer Station as well as for the reception, treatment and disposal of industrial wastes at former Empire Brickworks. Granted subject to conditions 1984.

04/1213/FL/E2 – Extension to existing building to further enclose treatment plan. Granted subject to conditions 28/7/2004.

09/0030/FL – Re-submission of 08/0916/FL: Construction of a waste transfer station. Granted subject to conditions 9/6/2009.

13/0196/FL – Replacement of existing effluent storage vessels. Granted subject to conditions 2/7/2013.

14/0636/CM -Proposed gas cylinder treatment plant through cladding of existing building, erection of external scrubber system and siting of new office. Granted subject to conditions 23-Jul-2014.

Relevant Planning Policy Summary

European Union Waste Framework Directive (2008/98/EC) and Waste Regulations 2011 (As Amended)

The most important objectives of national and local policy come directly from the European Union Waste Framework Directive (2008/98/EC). The Directive has been transposed into secondary legislation in England through the Waste Regulations 2011 (as amended).

Regard is also had to CLG Guidance on Implementing the Planning Requirements of the Waste Framework Directive (2008/98/EC) (December 2012) and Defra Guidance on Applying the Waste Hierarchy (June 2011), the Legal Definition of Waste (August 2012), Energy from Waste (February 2013)

Article 16 of the Waste Framework Directive (Regulation 18 (b) and (c)) is relevant and in the application of the “waste hierarchy” Article 4 of the Waste Framework Directive (Regulation 12); and application of the principle of “protection of human health and the environment” in Article 13 of the Waste Framework Directive (Regulation 18 (a)) are important considerations.

National Planning Policy Framework (NPPF)

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

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

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Support the transition to a low carbon future...and encourage the use of renewable resources.
- contribute to conserving and enhancing the natural environment and reducing pollution.
- encourage the effective use of land by reusing land that has previously been developed

On **planning conditions** the NPPF says:

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

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

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations)

The application has been assessed and does not meeting the qualifying criteria within Schedule 2 to be an EIA development.

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

The relevant key policies are:

CSP1: The Growth Network

CPS3: Environmental Infrastructure

CPS4: Place Making

CSP5: Transport Strategy

DEL1: Infrastructure Provision

EMP1-4: Providing for Economic Growth

EMP3: Local Quality Employment Areas

TRAN1: Priorities for the development of the Transport Network

TRAN2: Managing Transport Impacts of New Development

TRAN4: Creating Coherent Networks for Cycling and for walking

TRAN5 Influencing the demand for travel and travel choices

ENV2: Historic Character

ENV3: Design Quality

ENV4: Canals

ENV5: Flood risk, sustainable drainage systems and urban heat islands

WM1: Sustainable waste and resource management

WM2: Protecting and enhancing existing waste management capacity

WM3: Strategic waste management proposals

WM4: Locational considerations for new waste management capacity

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

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

GP2: Environmental Protection

ENV10: Pollution

ENV14: Development of derelict and previously developed sites

ENV18: Existing woodland, trees and hedgerows

ENV23: Nature Conservation and new development

ENV32: Design and Development Proposals

ENV33: Landscape Design

ENV35: Appearance of commercial buildings

ENV40: Conservation, protection and use of water resources

JP7: Use of land and buildings in other employment areas

JP8: Bad neighbour industrial uses

T1: Helping people get around

T4: The Highway Network

T7: Car Parking

T8: Walking
T9: Cycling
T10: Accessibility standards
T11: Access for pedestrians, cyclists and wheelchair users
T12: Access by public transport
T13: Parking Provision

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

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

DW1-Sustainability
DW2- Safe and Welcoming places
DW3 – Character
DW9 – High Quality public realm
DW10 – Sustainable development

Natural Environment SPD

Policies NE1, NE2, NE3, NE4, NE5, NE8, NE9 & NE10 deal with the need to fully assess protected species, assess, protect and secure compensatory planting for trees. Protection is proposed for protected animals, plants etc.

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

Walsall Employment Land Review

Area 9: Retain as Local Quality.

Consultations

Transportation – No objection.

Pollution Control- No objection subject a planning condition that restricts the use of the new de-packaging operation is included within any permission to ensure minimal noise impacts to nearby residential premises.

Environment Agency - No objection.

Canal and River Trust – No objection subject to a planning condition relation to surface and underground run off.

Inland Waterways - No objection.

Environmental Health – No objection.

Fire Services – No objection subject to provision of access to a water supply.

Strategic Policy - No objection. The application (or at least the plant it would accommodate) is supported by the legal and policy framework that encourages the sustainable management of waste to provide for more recycling (moving waste up the waste

hierarchy). The policy framework also supports the bringing of processes together (to meet the 'proximity principle' as well as to make the best use of available land, technologies and operations. The Empire Works is identified as a Strategic Waste Site where improvements are to be supported. The application can be supported in principle. Comments relating to permitted development, land use, traffic, amenity issues and fire risk are included.

Public Participation Responses

Site notice displayed, press notice and letters sent to nearby residents.

No comments received.

Determining Issues

- Principle of use
- Waste Management/Hierarchy Policy
- Impact upon amenity
- Impact upon the character and appearance of the Green Belt and area
- Drainage
- Fire risk
- lighting
- Highway safety

Observations

Principle of use

The application site is not specifically allocated in the UDP, but is a long established other employment area (policy JP7), undertaking waste treatment for a considerable time. The Employment Land Review defines this as local quality which is considered in policy EMP3 of the BCCS, policy WM4 permit transfer stations in this type of area, and encourage operations to be contained within a building, which is the case here. Waste cylinders and the cylinder plant are already accepted on the site through existing permissions. The proposed canopy and proposed waste detergents de-packaging operation would be consistent with the wider and ancillary use of this site and would in principle be acceptable in an employment area.

Strategic Policy has questioned whether the proposed use is permitted development. The proposed use is not permitted development as the site has been extended in the past and the proposals are therefore not permitted development for waste development.

Waste Management/Hierarchy Policy

Applications for waste related activities should seek to move waste up the waste hierarchy i.e. only take waste to landfill as a last resort. The proposed waste detergents de-packaging operation would consist of two main operations shredding and washing with waste packaging processed in the shredder and then in a washer to clean the shredded packaging from any remaining detergent. The washed packaging will be moved to storage prior to being recycle/recovery off site. The waste liquid is pumped from the shredder into intermediate bulk container for subsequent treatment on site as part of the wider waste treatment process. The agent states that they estimate the process will process around 10,000 tonnes per year. The proposal would therefore move waste up the waste hierarchy.

Waste regulations require waste planning authorities to apply certain Articles in the Directive when exercising their planning functions, including when they determine applications for waste management development. In line with Regulation 18 (b) and (c) of the Waste Regulations 2011 (as amended), the Council has a duty to consider whether the proposal

would contribute towards an “integrated and adequate” network of municipal waste recovery facilities, and addresses the principles of “self-sufficiency” and “proximity.” The information provided suggests that the proposal does address these principles, as it would concentrate waste treatment within one site, utilising the existing infrastructure.

Overall the proposals are compliant with the Waste Management policies as set out in the national regulations and national and local planning policy with the objective of moving waste as far up the “waste hierarchy” as possible.

Impact upon amenity

The NPPF says that authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Modern, appropriately located, well-run and well-regulated waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. Local planning authorities should assume that these regimes will operate effectively. While planning permission is required for the use of the site, environmental permits are required to operate it. The Environment Agency is the organisation in charge of day-to-day operations.

For amenity, the determining factor is whether the use is acceptable. The Environment Agency does not object to the use noting that the processes would be subject to the controls of an Environmental Permit.

The agent has stated that there will be no significant emission to air from the De-Packaging process and the level of noise generated from the proposed operation on the site will be limited due to the nature of operation which will be enclosed within process equipment and confined within the proposed new building which is within the developed treatment plant area as well as being at a reduced topographic level. Furthermore, the wider treatment site does not have a history of noise complaints.

Strategic Policy has raised concerns regarding noise and lighting but environmental health and pollution control officers are satisfied that the proposals will not raise significant issues in this respect.

With the exception of Aldridge Marina the application site and its surroundings are industrial or open space. There are no objections from Environmental Health and Pollution Control have suggested a planning condition to restrict the hours of operation of the de package area with regards to the proximity of the marina which is used as residential accommodation.

The continued use of the site for waste treatment would take place within the compounds of the existing waste treatment site. Consequently there would be no further impact upon local amenity in terms of the general activities. The management of the site would be controlled through other regulatory regimes controlled by the Environment Agency which should ensure that the site is properly managed and that adequate pollution control and health and safety standards are maintained.

With regards to lighting, clarification is being sought from the agent as to whether new lighting on this part of the site will be required.

Impact upon the character and appearance of the Green Belt and area

While aspects of the site can be viewed from the tow path of the higher level canal, the public footpath and the Green Belt, the proposed canopy and associated equipment would be viewed against the back drop of the existing site amongst taller structures and as such would not be visually harmful upon the open character of the Green Belt. Furthermore, the

proposed canopy would be set at a lower level than the existing canopy on site to the south and would not be any visually harm or impact upon the character or appearance of the area.

Drainage

The applicant has stated that 'the proposed development will be located within a waste treatment facility which benefits from its own sealed drainage system as required under the environmental permit. This permit is currently being reviewed by the Environment Agency as part of an associated variation. The De-Pack process area will be fully sealed with an impermeable hardstanding and drainage system. Any rainwater from the new building roof will be captured and used to feed the washing part of the proposed De-Pack process. Excess clean rainwater will be diverted into the existing surface water drainage system prior to discharge off site in accordance with the environmental permit issued by the Environment Agency. Any process waters will be diverted into the wider treatment process and managed as currently authorised. Limited discharges of rainwater falling on the uncovered part of the site along with any minor spillages from the process will be diverted to the main drainage sump to the south of the facility, from where it will be pumped back into the wider Empire Treatment Works'.

The Canal and Rivers Trust have sought a planning condition for underground and run off on site. These details can be secured by condition.

Severn Trent Water has been consulted on the application and any comments will be reported at Planning Committee through the supplementary paper.

Fire Risk

Strategic Policy has raised concerns regarding fire risk. The agent has stated fire risk of the De-Packaging operation will be considered as part of the environmental permit application but the existing treatment site benefits from an effective system approved by the Environment Agency. The agent also states there is a fire hydrant located near the site access on Stubber's Green Lane and also at Boatman's Lane (if required).

The Fire Officer has confirmed that they have no objection to the proposal as fire crews have access to hydrants or existing water supplies and these are not obstructed by the canopy.

Lighting

The agent has confirmed that any new lighting will be limited to lighting within the building. The existing yard area lighting from the site's previous use (effluent tanks) is sufficient and will be retained. On this basis, it is considered a planning condition ensuring any new lighting on the building does not cause glare or sky pollution beyond the site boundary would be sufficient.

Highway safety

The application site is a distance from the public highway with a long two way access and HGV waiting areas. There is an internal one way road system.

The agent has stated 'whilst they have applied for approximately 10k tonnes per annum (equating to approximately 30 tonnes per day, subject to opening times) it is likely that initially this will see approximately 1 or 2 HGV inputs per week. If the proposed development becomes more successful then this level of movement may increase to deliver up to the 10k tonnes per annum. If the facility were to increase to 10k tonnes per annum the overall movements would be insignificant (around 2 inputs per day). The existing facility has no limits on HGV movements and movements associated with the proposed development will be insignificant'.

Transportation have advised that based on the 10k tonnes per annum this could mean either 1 or 2 HGV lorry movements per day and on this basis, the number of additional vehicles is likely to be imperceptible against background traffic levels and is unlikely therefore to have severe transportation implications and is acceptable in accordance with the NPPF.

Positive and proactive working with the applicant

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

Recommendation: That planning permission is granted subject to the following conditions

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

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

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

- Location plan drawing number VES_TD_EMPW_100_001 submitted on 26 July 2016.
- Drawing number D-PACK-007 entitled de pack equipment layout submitted on 26 July 2016.
- Drawing number 4485-100-P1 entitled canopy over de pack area submitted on 26 July 2016.

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

3. No surface or underground run off or SuDS shall be permitted.

Reason: Given the proposed use the escape of pollutants into the waterway must be prevented. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided.

4. The De-packaging Activity shall only be conducted between the hours 07.00 to 23.00.

Reason: To protect the amenity of nearby residential occupiers.

5. The position of any new lighting on the proposed canopy hereby approved shall be positioned so as not to cause glare or light pollution.

Reason: To protect the amenity of nearby residential occupiers, in the visual amenities of the area and adjacent Green Belt and to protect foraging bats.

6. The proposed canopy hereby approved shall be constructed in materials that match in colour to existing structures and material finishes on the site as it currently exists.

Reason: In the visual amenities of the area.

Note for applicant

1. The applicant/developer is advised to contact the Works Engineering Team on 01827 252038 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".
2. The application site is being used for hazardous waste processing, which may have resulted in contamination to land. The Applicant shall advise construction workers to take adequate health and safety precautions to guard against contact with potentially contaminated land (inhalation, ingestion, skin contact).



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 2.

Reason for bringing to committee: Major application

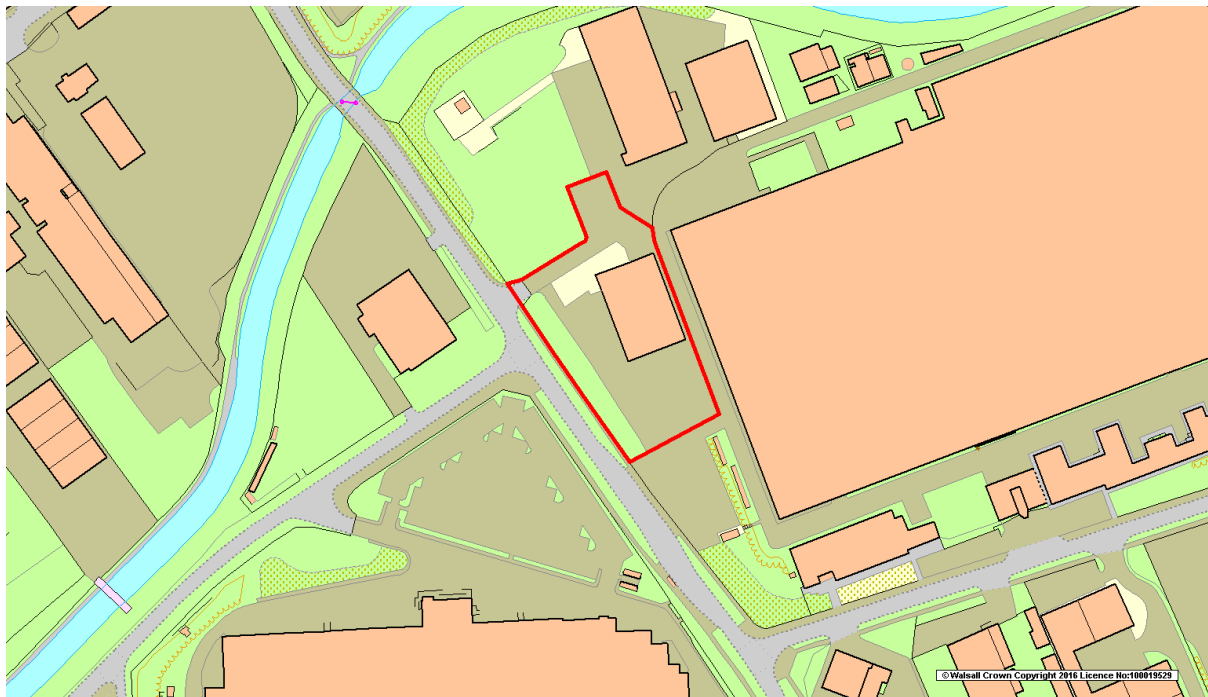
Location: GEDDES PACKAGING, DUMBLEDEY LANE, ALDRIDGE, WALSALL, WS9 0DH

Proposal: PORTAL FRAME EXTENSION TO FORM NEW B1C/B2/B8 UNIT WITH ASSOCIATED OFFICES (1446M²), PARKING AND ALTERED VEHICLE ACCESS.

Application Number: 16/1517
Applicant: Mr Grant Wheatley
Agent: Mr Stephen Morris
Application Type: Full Application (Major)

Case Officer: Stuart Crossen
Ward: Aldridge Central And South
Expired Date: 19-Jan-2017
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application proposes a Portal frame extension to form new B1c/B2/B8 unit with associated offices (1446m²), parking and altered vehicle access. The extension would be attached to an existing similar style industrial building to the North.

The site lies within a core employment area in Aldridge.

The design would include a low pitched roof with a smaller (less than half the height) flat roof element. The key measurements are:

1222m²

33.5m wide

38.5m deep

6.2m high to the eaves

8m high to the roof ridge

A flat roof office projection is proposed facing Dumblederry Lane which would provide an office room, reception, toilet, tea room, electrics room and cleaning cupboard. The key measurements are:

42.31m²

14.6m wide

12m deep

3m high

Also proposed is a service yard to the North of the proposed extension and in front of the existing building with a new access onto the industrial estate road onto Dumblederry Lane. The service yard would have 16 car parking spaces and an additional disabled car parking space.

On the opposite side of the industrial estate road would be an additional 13 car parking space area and another disabled car parking space.

New Security gates are also proposed but no details have been provided.

Relevant Planning History

BC64973P - Erection of 2.4 metre palisade fencing. Granted subject to conditions, 9 November 2001.

02/0813/FL/E3 - New road access, vehicle turning area and parking area. Granted subject to conditions on 17 May 2002.

04/2524/FL/E3 - Warehouse for existing business. Granted subject to conditions on 20 January 2005.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 7 - Requiring good design***

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

- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP3: Local Quality Employment Areas
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV32: Design and Development Proposals
- JP5: Core Employment Areas
- JP8: Bad Neighbour Industrial Uses
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability

- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Policies are available to view online:

Consultation Replies

Transportation – No objections subject to conditions for pedestrians crossing areas within the site, electric vehicle charge point, consolidated and demarked spaces and provision for cyclists.

Pollution Control – No objections, advisory note recommended warning of potential localised contamination

Canal & Rivers Trust – No objections

Inland Waterways – No objections

The Coal Authority – No objections

Representations

- None

Determining Issues

- Principle of development
- Design and Character of the Area
- Access and Parking

Observations

Principle of development

The site falls within a Core Employment Area that supports development proposals for core employment uses defined as Classes, B1(c), B2 and B8. The proposed B8 use would therefore comply with policy JP5 (b) of the UDP and policies EMP1 and EMP2 of the BCCS. The proposals would enhance and existing developed site and retains an established company based in the Borough.

Design and Character of the Area

The site lies within a core employment area where it is not uncommon to find such large warehouse units and in the circumstances the proposals are in keeping with the surrounding area.

The proposed building will be located adjacent an existing warehouse unit, which would allow the building to blend into its surroundings. The building in terms of its appearance is considered to be in keeping with other buildings in the immediate area. A condition can be attached to any decision issued to ensure details of the materials to be used in the construction of the building and for the submission of proposed landscaping details.

Access and Parking

The proposal incorporates 31 parking spaces for both units which is just below the UDP T13 parking policy requirement of 34 and is considered acceptable by the Highways officer. This is on the basis that the parking policy requirement for the B1(c) use is considered similar to the parking requirement for a B2 use.

The development is served by an existing industrial access on Dumblederry Lane which is shared with the applicants other premises under the applicant's control. The Highway officer considers the development will not have severe transportation implications and is acceptable, subject to the imposition of the above mentioned conditions.

An amended plan is recommended to be secure by condition to ensure pedestrian access and a segregated pedestrian access as requested by highways officers. .

Positive and Proactive working with the applicant

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

Recommendation: Grant Permission Subject to Conditions

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

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

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

Location Plan received 27/09/16

Amended site plan (1045 01 rev B) received 29/11/16

Existing Floor Plans and Elevations (1045 02) received 27/09/16

Proposed elevations (1045 03) received 27/09/16

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

3a) Prior to commencement details shall be provided of materials to be used in the walls and roof of the extension.

3b) The details shall be approved in writing by the Local Planning Authority, and shall be retained as such after completion of the extension.

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

4a) Prior to commencement landscape details shall be provided.

4b) The details shall be approved in writing by the Local Planning Authority, and shall be retained as such after completion of the extension.

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

5) Prior to the commencement of the development, a revised site layout plan shall be submitted to and approved in writing by the Local Planning Authority, showing a separate pedestrian gate and segregated pedestrian route to the proposed offices from the Dumblederry Lane site entrance together with 'zebra' type pedestrian crossings across the internal access roads between the proposed parking areas and new offices.

Reason: To minimise pedestrian and vehicle conflicts around the site entrance, parking and internal access road, to ensure the safe and satisfactory operation of the development and in accordance with the NPPF and UDP Policy GP2.

6a) Prior to the development first coming into use, all access ways, vehicle manoeuvring areas and parking and service yard areas shall be fully consolidated, hard surfaced and drained and the parking bays clearly demarcated on the ground. One parking space shall be allocated for electric vehicles and the appropriate charging point fully installed and commissioned.

6b) These areas shall thereafter be retained and used for the sole use of the two units subject of this application and used no other purpose.

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

7a) Prior to the development first coming into use, full details of the proposed cycle shelter for the use of staff and visitors and 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.

7b) The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

8) There shall be no open storage at the application site.

Reason: To safeguard the visual amenities of the area and ensure adequate parking is provided to comply with UDP policies ENV32, T7 and T13

Notes for Applicant

Pollution Control

The area of this proposed development was formerly used for industrial activities which may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

Highways

Notes to Applicant:

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.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 3.

Reason for bringing to committee: Delicate Judgement

Location: GURU NANAK SIKH TEMPLE, 127, WEST BROMWICH STREET, WALSALL, WS1 4DE

Proposal: PROPOSED FIRST FLOOR EXTENSION TO ACCOMMODATE TWO ADDITIONAL CLASS ROOMS.

Application Number: 16/1245
Applicant: Mr Kundan Khera
Agent:
Application Type: Full Application

Case Officer: Karon Hulse
Ward: St Matthews
Expired Date: 18-Oct-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application seeks consent to increase the size of the previously approved first floor extension to create two additional classrooms above the existing plant room at the Guru Nanak Sikh Temple, West Bromwich Street, Walsall. The existing hours of teaching are between 0930 and 1130 hours on Saturdays and Sundays only for 50 students. The proposed extension is intended to increase the number of students from 50 to potentially 100, the hours of teaching will not change.

The previous planning permission gave consent for a first floor side extension measuring 5.2 metres deep (from the existing elevation) 11.4 metres wide and 11 metres high.

This proposed extension will increase from 5.2 mts to 12.7 metres from the side elevation being the same width 11.4 metres and the same height 11 metres as the previously approved extension. This proposed first floor extension which is 11 metres high (same as the existing temple building) will now be closer to rear boundaries of no.'s 226 to 248 Sandwell Street being 9 metres from the houses at ground level and 12 metres at first floor level.

In both cases it will create either one large classroom or four individual ones (two new ones) by using sliding folding partition doors

The site is occupied by a large two storey building on land between West Bromwich Street and Sandwell Street. To the east (Sandwell Street) is a row of terraced houses also within the ownership of the applicants.

Around the existing building is car parking for the temple. To the rear of the application site is a block of high rise flats, directly opposite the entrance and over 25 metres away are a row of shops.

The extension would be constructed in the same materials as the existing temple and will have windows to the front rear and side with the side facing ones being obscure glazed and non-opening.

Relevant Planning History

09/1475/FL - Erection of a single storey storeroom to the rear of existing temple. Granted

13/1297/FL – Proposed new front entrance, relocation of Sach Khand and dome over front entrance. Granted 14/11/13

16/0139 - Proposed construction of 2 no. classrooms over existing plant room at first floor. Granted 21/3/16

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Find ways to enhance and improve places in which people live their lives

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making

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

- GP2: Environmental Protection
- ENV10: Pollution
- ENV32: Design and Development Proposals
- T7: Car Parking
- LC8: Local Community Facilities

Supplementary Planning Document

Designing Walsall

- DW3 Character
- DW10 Well Designed Sustainable Buildings

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

Consultations

Transportation – no objections

Pollution Control – no objections subject to Building Bulletin 93 “Acoustic design of schools: performance standards”

Police ALO – no objections

Fire Service – no objections

Public Participation Responses

One representation received commenting on the following:

- constant noise, loud speaker vocals and drum beatings early in the mornings and on weekends.
- The extension will be much closer right behind my property and garden
- windows in side will impact on our privacy
- there is not adequate parking arrangements for the temple visitors.
- no extra parking spaces have been created
- littering problem in this area due to the shops and more visitors in this place will also increase this issue.
- More parking on Sandwell Street from the new one way system
- reducing parking spaces with new extension.
- informed residents of Sandwell Street but only those under temple ownership
- building work has already started.

Determining Issues

- Design of Extension and Character of Area
- Relationship to adjacent housing
- Noise and disturbance
- Highways/Parking
- Conclusion

Observations

Design of Extension and Character of Area

The design and choice of materials reflects the previously approved extension which has been commenced, the existing building and from the main frontage on West Bromwich Street. The position and design of the windows replicates the existing elevations. It is considered the extension integrates into the fabric of the existing building.

The objector states that there is a littering problem in this area due to the shops and that more visitors to the Temple will also increase this issue. Littering cannot be directly attributed to the proposed extension and the use of the extension is unlikely to result in additional littering above that which appears to currently exist.

On balance it is considered the design of the extension reflects the scale and appearance of the existing building and is acceptable within the area where this Temple has been in place for many years.

Relationship to the adjacent houses

This proposed first floor extension which is 11 metres high (first floor) will now be closer to rear boundaries of no.'s 226 to 248 Sandwell Street being 9 metres from the houses at ground level and 12 metres at first floor level. Whilst these properties are within the ownership of the applicants in order to protect the amenity of those occupiers the side facing elevation of the extension, facing Sandwell Street, will be restricted to having only obscure glazed windows and non-opening (effectively a blank gable wall). The rear habitable windows of the Sandwell Street houses face west towards the temple. This will ensure that

light is provided into the classrooms whilst protecting the amenity and privacy of those residents.

The Temple and its proposed extension are to the west of the Sandwell Street houses. The extension being to the west of the rear of properties in Sandwell Street will have limited impact in terms of shadowing and will be restricted to late evenings during the summertime if at all. The rear amenity areas to houses along Sandwell Street are subjected to shadowing for the majority of the morning and lunchtime from their own buildings. The extension will be nearer and therefore may increase overshadowing of the rear of those houses; however, overshadowing is already experienced by the existing temple particularly late in the day and early evening due to the orientation.

The outlook of the extension will be seen against the existing Temple elevation, with its design to reflect the Temple design of the existing elevation. Again the scale of the extension reflects the scale of the Temple side elevation.

The proposed extension will be closer to the rear of 222 Sandwell Street being 18 metres away, than the existing Temple. It is considered that the relationship between the two properties provides acute angle views of the proposed extension from 222's rear facing windows. Other rear windows of 222 are within the rear wing facing north where there are no views of the extension.

The proposed extension includes rear north facing windows towards the Caldmore Evangelical Church 40 metres away. It is considered there will be no impact on the use of Evangelical Church.

A neighbour commented on the lack of consultation. Consultation letters were sent out to all adjacent properties including the high rise flats to the north, church, and the properties 210 to 248 Sandwell Street.

Resident commented that building work has already commenced. The previous planning permission (13/1297/FL – Proposed new front entrance, relocation of Sach Khand and dome over front entrance) can be carried out and it would appear that this is the case.

On balance it is considered that modest scale of the development is acceptable.

Noise and Disturbance

A complainant about noise, loud speaker vocals and drum beatings early in the mornings and on weekends is noted. Whilst there may be some noise attributed to the use of the temple as a place of worship as a whole, the proposed extension is for education purposes. Noise and disturbance has been considered by Pollution Control Officers who have not objected to the proposed classroom extension subject to the recommendation and requirements of Bulletin 93 "Acoustic design of schools: performance standards" which protect both users of the education facility as well as nearby occupiers.

The previous application was approved subject to the hours of operation being restricted to between 0930 and 1130hours on Saturday and Sundays only and a maximum of 80 students. It is considered that again this conditions is appropriate but allowing the small increase to 100 students at one time to safeguard the amenities of adjacent residential occupiers.

On balance it is unlikely that the extension will result in a loss of amenity for those residents in Sandwell Street as a result of the education facility to be provided by the proposed extension.

Highways/Parking

The development looks to provide 2 additional classrooms to the existing 2 classrooms to create a more flexible learning space/teaching environment and to accommodate a further 50 pupils in addition to the existing 50 pupils.

Teaching will take place between 9:30am and 11:30 am on Saturdays and Sundays only. The site has parking for 82 cars including 3 disabled bays, the extension will not result in the loss of any existing parking. In policy terms the development requires a maximum of 4 additional parking spaces. A parking survey has been undertaken on a representative Saturday morning which shows that there is spare capacity available on the car park. In addition, the application is supported with a Travel Plan which encourages sustainable travel modes to reduce car borne trips.

On balance it is considered that modest scale of the development, the times of operation, the availability of parking on site and the implementation of a travel plan, on balance the Highway Authority considers that the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32.

Conclusion

On balance it is considered that the scale of the overall development, the restricted times of operation for the classrooms and number of students, the design of the extension which incorporates non opening and obscure glazed windows and which is an extension to one previously approved, will not result in any detrimental impact on the amenities of residents in Sandwell Street by virtue of noise, close proximity, loss of privacy, parking problems and littering and that the proposed extension will allow for the continued provision of an education facility in this area.

Positive and proactive working with the applicant

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

Recommendation: Grant Permission Subject to Conditions

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

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

2. This development shall not be carried out other than in conformity with the following plan:

- Location Plan (02) received 23/8/16
- Existing and Proposed site block plan (13) received 26/10/16
- Existing and Proposed Right Hand Side elevation (05) received 23/8/16
- Existing Floor Plans received 1st August, 2016
- Proposed Floor Plan (09) received 23/8/16
- Proposed Ground Floor Plan (07) received 23/8/16
- Part Proposed Ground Floor Plan (10) received 23/8/16
- Existing and Proposed Front elevations (03) received 23/8/16
- Existing First Floor Plan (08) received 23/8/16
- Existing Ground Floor Plan (06) received 23/8/16
- Part Proposed First Floor Plan (11) received 23/8/16
- Existing and Proposed Rear elevations (04) received 23/8/16
- Proposed construction details (14) received 23/8/16
- Topographical survey (01) received 23/8/16

- Travel plan received 23/8/16

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

3a. Prior to the first occupation of the development, the commitments, measures and targets to encourage sustainable travel modes and to reduce car based trips to the site contained with the JMP Travel Plan dated 22nd December 2015 shall be fully implemented by the Temple.

3b. The measures shall thereafter be monitored and reviewed by the Temple for the lifetime of the development and in accordance with the approved JMP Travel Plan dated 22nd December 2015.

Reason: To encourage sustainable travel modes, in accordance with BCCS policy TRAN2 and UDP Policy T10.

4a. Before this development is brought into use, any side windows facing towards houses along Sandwell Street, Walsall shall be glazed in obscure glass to at least Pilkington level 4, and permanently fixed.

4b. Thereafter the window(s) shall be maintained in that condition.

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

5. The disposal of surface water and foul sewage shall be to the main drainage system only.

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

6. The proposed extension shall only be used for education purposes for no more than 100 pupils at any one time between the hours of 9.30am and 11.30am Saturday and Sundays only.

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

7. The walls and roof of the extension shall comprise facing materials that match in colour, texture, size and design those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

8. The approved development shall be constructed in accordance with Secure By Design specification for schools.

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

Reason: To ensure the safety of future occupants

Note for Applicant

The applicant is advised that as the development is part of an independent school then the requirements of Building Bulletin 93 "**Acoustic design of schools: performance standards**" will be relevant.

West Midlands Police - The Police Architectural Liaison Officer has been consulted on the application and draws your attention to the use of Secure By Design specifications which will significantly increase the security of the building from future crimes. Such information can be found at <http://www.securedbydesign.com/pdfs/New-Schools-2014.pdf>



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 4.

Reason for bringing to committee: Contrary to emerging policy

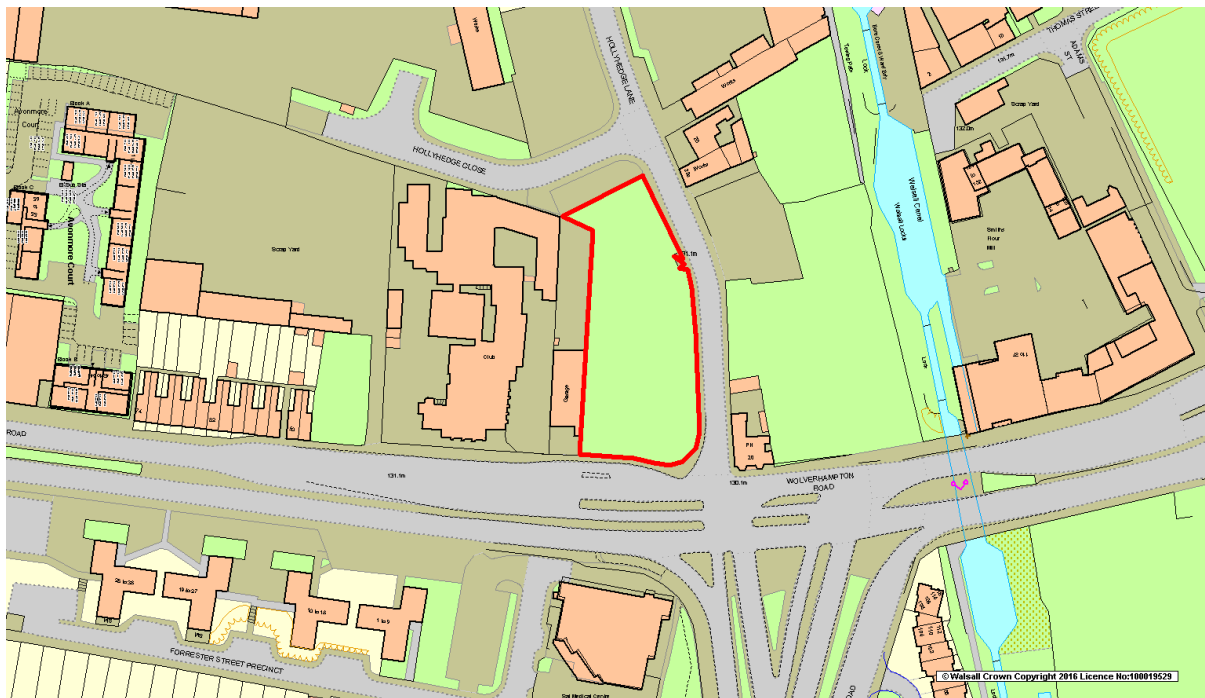
Location: LAND C/O WOLVERHAMPTON ROAD AND HOLLYHEDGE LANE, WALSALL

Proposal: TEMPORARY FENCING TO PART OF SITE. TEMPORARY CHANGE OF USE OF PART OF SITE TO CAR SALES LOT.

Application Number: 16/1160
Applicant: Sidhu Properties
Agent: Maurice Cotton
Application Type: Full Application

Case Officer: Karon Hulse
Ward: Pleck
Expired Date: 21-Dec-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application seeks partial retrospective temporary permission (2 years) for the change of use of land on the corner of Wolverhampton Road and Hollyhedge Lane for car parking and car sales. This site is currently being used for the storage of vehicles but not for sale.

The application includes erection of temporary security fencing to the boundaries with Wolverhampton Road and Hollyhedge Lane consisting of black 1.9 mt high European wire mesh fencing and gates and 2 x portable type building black powder coated finish measuring 3.5 mts wide by 7.5 mts long by 2.4 mts high sited along the boundary with the adjacent tyres sale garage on Wolverhampton Road.

The proposed hours of opening are between 9 – 6 pm Monday to Saturday and 9pm to 1pm on Sundays.

The site has a frontage onto Wolverhampton Road and Hollyhedge Lane with two existing access points from off Holly hedge Lane. The junction of Wolverhampton Road and Holly hedge Lane forms part of the busy strategic signalised junction with Pleck Road and the ring road. The site was formally an industrial site but has been vacant since at least 2004.

The site is not allocated in the saved Unitary Development Plan but is allocated for housing in the emerging Site Allocation Document: Site HO65 in policy HC1.

Relevant Planning History

None

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed.

Key provisions of the NPPF relevant in this case:

4: Promoting sustainable transport

32. Decisions should take account of whether:

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

35. Developments should be located and designed where practical to:
- Give priority to pedestrian and cycle movements and have access to high quality public transport facilities.
 - Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.
 - Consider the needs of people with disabilities by all modes of transport.
6. Delivering a wide choice of high quality homes
49. Housing applications should be considered in the context of the presumption in favour of sustainable development.
50. Aim to deliver a wide choice of high quality homes and advises local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community such as older people and people with disabilities amongst others.
- 7: Requiring Good Design
56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.
57. It is important to plan positively for the achievement of high quality and inclusive design for all development.
58. Planning policies and decisions should aim to ensure that developments meet criteria that include:
- Function well and add to the overall quality of the area.
 - Optimise the potential of the site to accommodate development.
 - Create safe and accessible environments.
 - Respond to local character and history and reflect the identity of local surroundings and materials.
 - Are visually attractive as a result of good architecture and landscaping.
60. Decisions should not attempt to impose architectural styles of particular tastes and they should not stifle innovation. It is proper to seek to promote or reinforce local distinctiveness.
61. Decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.
64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On **planning conditions**, the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

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

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

The relevant key policies are:

CSP4: Place Making

TRAN2: Managing Transport Impacts of New Development

ENV2: Historic Character and Local Distinctiveness

ENV3: Design Quality

Walsall’s Unitary Development Plan (UDP)

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

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

The relevant policies are:

GP2: Environmental Protection

ENV14: Development of Derelict and Previously-Developed Sites

ENV32: Design and Development Proposals

ENV33: Landscape Design

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

T7 - Car Parking

T8 – Walking

T10: Accessibility Standards – General

T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Documents (SPD)

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

Designing Walsall

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

Emerging Site Allocation Document

The Site Allocation Document (SAD) is the plan that will identify specific sites to but excludes Walsall Town Centre and the District Centres. The SAD will replace many of the policies in Walsall's current saved Unitary Development Plan (UDP), in particular the Proposals Map which shows the land uses that are currently allocated for individual sites. This particular site is proposed to be allocated for housing in the emerging Site Allocation Document as site HO65 in policy HC1.

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

Consultations

Strategic Planning Policy – objects on the grounds of it conflicting with the emerging character of the area for housing.

Transportation - No objection

Severn Trent Water – No comments received

Public Participation Responses

None received

Determining Issues

- Principle
- Visual amenity
- Neighbour amenity
- Traffic

Observations

Principle

The site has no allocation in the UDP but is proposed to be allocated for housing in the emerging Site Allocation Document as site HO65 in policy HC1.

No objection has been received to this allocation therefore the proposed allocation can be given some weight.

The main planning policy issue is the extent to which any temporary use might discourage permanent development for housing in the longer term. The council has plentiful supply of housing to meet identified need to 2026, however this is subject to using sites that have already been identified, such as this one. In the longer term it is important that suitable housing sites are not lost to other uses.

BCCS Policy DEL2 states that in areas identified for new housing we will positively plan to facilitate housing growth by resisting new development where this may restrict the regeneration of the area by virtue of the scale and nature of operations, traffic generation and other amenity considerations. Any proposals submitted in advance of the adoption of AAPs or SADs should demonstrate a comprehensive approach. Incremental development will only be allowed where it would not prejudice master planning of the wider area.

In view of the above the council's policy section is concerned that even a temporary permission might not be acceptable particularly on the basis of the likely imminent start on the Harvestime site. Also they consider that residential development of the application site itself may even be more difficult to achieve if it has to happen at a later date in isolation from the development of Harvestime.

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed.

This site is defined as brownfield land, being land previously used for industrial purposes. The site has been cleared of buildings since before 2006 and has remained vacant since that time, it is currently being used to store motor vehicles.

The proposed two year temporary use for car sales does not include the siting of any permanent buildings and only requires the erection of security fencing which has already been installed around the perimeter of the site along Wolverhampton Road and Hollyhedge Lane.

The site is located on a busy strategic signalised junction which forms part of the main ring road around Walsall. It is well located being close to the Walsall town centre (300 mts to Crown Wharf Retail Park) and junction 10 of the M6 motorway (one mile to the west), with bus stops directly outside the site on both Hollyhedge Lane and Wolverhampton Road giving access to Walsall town centre and surroundings. As such it is considered a sustainable location. The proposed use will provide a suitable short term use for a site on a temporary 2 year basis without prejudicing the Council's aims and objectives to bring forward residential uses on this site and nearby sites in the near future.

The nearby Harvestime bakery outline planning consent was issued on 1st December, 2016. The development of that site is still subject to a reserved matters and a discharge of conditions application. In view of this it is unlikely that the works will have been commenced / completed or even occupied within the period of the two year temporary consent.

Visual amenity

This area is dominated by the ring road and traffic passing through at a constant rate, the site has been enclosed with euro style security fencing black in colour, this allows views into and out of the site

Neighbouring amenity

The proposed use is unlikely to impact on the neighbouring uses such as the adjoining garage and adjacent school in the short term, with the nearest residential properties approximately 80 metres away on the opposite side of the main Wolverhampton Road dual carriageway.

As such the principle of the use is considered to be acceptable and a two year temporary consent will allow for the site to be brought into beneficial use prior to the future development of this site and surrounding ones. As set out above, the Harvestime Bakery consent was only issued an outline permission for all matters reserved except for access at the beginning

of December. It is subject to a reserved matters application being submitted and a further discharge of conditions, all of which may result in the site not being developed within the next two years. As such and on balance, it is considered that a two year temporary permission will remove a vacant site in the short term whilst not precluding a house developer negotiating its purchase to bring forward for housing at a similar time to the Harvestime site.

Traffic

The application looks for a temporary change of use to car sales. The development looks to utilise two existing access points on Hollyhedge Lane which is acceptable subject to improvements to visibility and the position of the access gates.

Whilst the site is located on a busy strategic signalised junction, it is considered that vehicle trips to the site are likely to be relatively low and outside peak traffic periods and is therefore unlikely to have any significant impact on the operation of the junction, subject to the imposition of the conditions above.

On balance the Highway Authority considers the change of use will not have severe transportation implications and is acceptable in accordance with the NPPF in this respect

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant's and the period of a temporary 2 year consent which enables support to be given to the application subject to conditions.

Recommendation: Grant Permission Subject to Conditions

1. The use hereby permitted shall cease no later than 6th January, 2019 and all vehicles, site cabins and fencing shall be removed from the site and the land restored to its former condition prior to this development having commenced on the site.

Reason: A permanent permission would prejudice the future development of the site and potentially blight future development of surrounding sites for residential.

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

- Location plan submitted on 27/10/16
- Site modifications plan submitted on 15/8/16
- Block plan submitted on 15/8/16

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

3a. Prior to the car sales use first coming into operation, a revised site layout plan shall be submitted to and approved in writing by the Local Planning Authority, demonstrating; -

i) A 2.4m x 43m visibility splay in both directions at the southern access point on Hollyhedge Lane and a 2.4m x 43m visibility splay in a southerly direction at the northern access point on Hollyhedge Lane.

ii) The existing boundary security fence repositioned outside of the visibility splays required under (i) above.

iii) The gates at the access points set back 5 metres from the back of highway.

3b. The areas within the splay envelopes shall, at all times, be kept free of structures and planting exceeding 600mm in height above carriageway levels and the area between the set back gates and the public highway shall be fully consolidated and hard surfaced and thereafter retained.

Reason: To ensure adequate inter-visibility at the access points, to ensure vehicles can pull clear of the public highway whilst accessing the site and to prevent unbound surface material being deposited on the highway by accessing and egressing vehicles, in the interests of highway safety and in accordance with UDP Policy GP2.

4. At no time shall cars for sale, lease or otherwise, be loaded or unloaded on the public highway.

Reason: To ensure the free flow of traffic on the public highway and to prevent the potential of queuing of traffic back onto a strategic signalised junction, in the interests of highway safety.

5. No washing of cars shall take place on any part of the site until full drainage details, to prevent waste water from discharging onto the public highway or into any highway drain, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

6. At least 10% of the site area shall at times be dedicated for customer parking only.

Reason: To ensure adequate customer parking space on site, in accordance with UDP Policy T13 and to ensure the free flow of traffic on the public highway and to prevent the potential of queuing of traffic back onto a strategic signalised junction, in the interests of highway safety.

7. The site shall not be open for business outside the hours of 0900 to 1800 Monday to Saturday and 0900 to 1300 hours on Sundays, Bank Holiday or Public Holiday

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

Reason: To define the permission and to protect the amenity of the nearby residents.

8. There shall be no amplification equipment installed on the site at any time.

Reason: To safeguard the amenity of nearby occupiers

9. There shall be no external lighting installed on the site.

Reason: To safeguard the amenity of nearby occupiers and in the interests of highway safety

10. There shall be no open storage on any part of the site.

Reason: To ensure the satisfactory appearance of the site.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 5.

Reason for bringing to committee: Councillor Shires call in on the grounds of insufficient parking, inadequate access, traffic capacity and due to ongoing anti-social behaviour issues in the area.

Location: 221 LICHFIELD ROAD, WILLENHALL, WV12 5BE

Proposal: CHANGE OF USE OF CAR PARK OF 221 LICHFIELD ROAD TO MIXED USE CAR PARK AND CAR WASH.

Application Number: 16/0812
Applicant: Mr Ludhi
Agent:
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Willenhall North
Expired Date: 07-Dec-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and site details

The application proposes a mixed use of an existing restaurant car park to incorporate a hand car wash facility.

The restaurant (Silk/Bar Restaurant - formerly the Crown and Sceptre PH) access runs from Lichfield Road along an access road owned by the Council which leads to a parking area to the North of the application site. Opposite the proposed in and out access points is the rear of shops at The Square shopping precinct.

The submitted plan illustrates vehicles entering the site at the Southern point, one way around the rear of the restaurant to a car wash area to the North of the site which has space for three cars and a valeting area which is large enough for two cars. Two staff car parking spaces are also proposed.

To the East are blocks of flats and to the South is Lichfield Road a district distributor road. The application site is within the Square New Invention local centre.

The applicant proposes that the car wash is open between 10am and 5.30pm and that the restaurant is open between 5.30pm and 11.30pm.

Relevant Planning History

None

Relevant Planning Policy Summary (Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website)

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- NPPF 1 - Building a strong, competitive economy
- NPPF 2 - Ensuring the vitality of town centres
- NPPF 7 - Requiring good design

On planning conditions the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV32: Design and Development Proposals
- S11: Drive-Through Facilities
-
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

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

Policies are available to view online:

Consultations

Transportation – No objections subject to conditions ensuring no conflict between the hours of operation of the restaurant and car wash, appropriate signage and management of the in and out system proposed and sufficient drainage measures.

Pollution Control – No objections subject to conditions to restrict hours, public address and sound amplification.

Severn Trent – No comments

Environmental Health – Confirm that no complaints have been logged against the current restaurant use.

Representations

8 objections have been received on the following grounds:

There is already a car wash

Would cause a traffic hazard and congestion
Would cause pollution to air and water
Will cause anti-social behaviour and littering
Noise
Loss of shoppers car park

Determining Issues

- **Principle of use**
- **Impact of the character of the area**
- **Parking and Highway Safety**

Observations

Principle of use

The site is currently used during the evening for restaurant parking. The site is in a prominent location and there is little activity on the site for much of the day. The proposed use is considered would complement the existing parking which would be retained for the restaurant.

It is considered that a drive-through facility is required for a car wash facility and because it would complement the existing parking use it would comply with policy S11.

Impact of the character of the area

The use of the land to wash cars and as a car park would not be so different to the current parking of cars. It is considered that the car wash use in the context of an existing parking area would not visually detract from the Local Centre, being to the rear of the main shopping area and would generate some activity on the site which is lacking for large portions of the day. This would improve surveillance to help deter anti-social activities.

No details have been provided for where the car wash equipment would be stored, so it is considered reasonable that a condition can be attached to ensure there is no open storage of equipment outside of the permitted hours of use of the car wash.

Impact on neighbouring amenity

With regard to noise the proposed development is located next to the Local Centre and opposite a district distributor road. The predominant noise source in the vicinity of the proposed development is road traffic.

In order to minimise the possibility of the proposed development affecting local amenity, Pollution Control recommends that the car wash business hours of operation are conditioned in any planning permission, with a greater restriction on the Sunday opening hours. Similarly conditions are recommended to prohibit the use of any public address system or electronic equipment for the purpose of amplifying and producing or reproducing music or other sounds at the site.

Although the applicant has suggested hours of operation of the restaurant, the Council has not received any complaints about the existing unrestricted use and it is considered unreasonable to attach conditions with respect to the restaurant opening hours in this instance.

An objection has been raised about potential air and water pollution, both Pollution Control and Severn Trent have been consulted on the application and no such concerns have been raised. A note for applicant can be attached making the applicant aware of other legislation which they may be required to adhere to.

An objection has been raised about littering, however the car wash would not be selling goods or services that could generate litter and the presence of cars would be no difference than is already the case for the car park use.

Parking and Highway Safety

The Highway Authority is satisfied that the proposed one-way access arrangements together with the staggered operational times of the two uses on the site will be sufficient to prevent any significant detrimental impact on the public highway.

Paragraph 32 of the National Planning Policy Framework states that development should *only be refused on transport grounds where the residual cumulative impacts of development are severe.*

The Highway Authority considers that the shared use of the site as a car wash and restaurant would not be harmful to the operation of the highway network and therefore is considered not to be severe, nor contrary to the Framework.

The Highways Officer has also referred to a recent appeal for a similar scheme which was allowed at Union Street, Willenhall.

An objection has been raised about the loss of a public car park. The proposal would be within a privately owned parking area to the restaurant and would not displace any public parking.

Other matters raised through consultation

There is no justification for restricting the number of car washes in a particular area, such matters are for the market to dictate and are outside the scope for determining a planning application.

Positive and Proactive working with the applicant

The agent has sought pre-application advice and has made suggested changes to the location plan to enable officer support for the scheme.

Recommendation: Grant permission subject to conditions

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

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

2) The development shall be carried out in accordance with the following plans unless otherwise superseded by condition:

Amended location plan and block plan (1904/01B) received 13/12/16

Reason: To define the permission.

3) Prior to the car wash first coming into use, the waste water drainage shall be fully installed and commissioned in accordance with the approved details.

Reason: To ensure the site is adequately drained to prevent waste water from discharging outside the site boundary and onto Council owned land or into Council owned drains.

4) Prior to the car wash first coming into use, full details of appropriate signage and markings to clearly indicate the proposed one-way access/egress arrangement of the site, shall be submitted to and approved in writing by the Local Planning Authority and the signage and markings shall be fully installed in accordance with the approved details and thereafter retained in a clearly legible at all times.

Reason: To ensure the satisfactory operation and completion of the development and to minimise potential queuing back on the public highway and vehicle conflicts around the access points.

5) Business activities that include vehicle washing and valeting shall not operate when the restaurant is open for use and be restricted to 10.00 to 17.30 Mondays to Saturdays, and 10.00 to 16.00 on Sundays, Bank and Public Holidays, unless otherwise permitted in writing by the local planning authority.

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

Reason: To safeguard the amenities of the area and to comply with UDP policies GP2 and ENV10

6) No public address or similar system shall be installed as part of the development hereby approved.

Reason: To safeguard the amenities of the area and to comply with UDP policies GP2 and ENV10

7) No electrical or electronic equipment for the purpose of amplifying and producing or reproducing music or other sounds shall be used externally.

Reason: To safeguard the amenities of the area and to comply with UDP policies GP2 and ENV10

8) There shall be no open storage of equipment on the site.

Reason: To protect the visual amenities of the area and to comply with UDP policy ENV32.

Note for applicant

Concerning effluent and run-off, vehicle washing and cleaning activities can pollute rivers, streams, burns and groundwater. Washed off dirt, brake dust, traffic film residue and oil are all pollutants. The applicant should be made aware that they must implement proper drainage arrangements if run-off is produced from activities on the site. In this regard they should seek further guidance from the Environment Agency. Alternatively the applicant will need permission from the local sewer provider to discharge vehicle washing and cleaning effluent to a public foul sewer. Permission (a consent or agreement) isn't given automatically so the applicant must talk to the sewer provider before making any connection or discharge.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 6.

Reason for bringing to committee: Significant community interest

Location: 13A, WODEN ROAD WEST, DARLASTON, WEDNESBURY, WS10 7SF

Proposal: PROPOSED SPRAY BOOTH

Application Number: 16/1600
Applicant: Commercial Trucks Repairs Limited

Case Officer: Paul Hinton
Ward: Darlaston South

Agent: Integrated Designs & Associates Ltd
Application Type: Full Application

Expired Date: 06-Dec-2016
Time Extension Expiry:

Recommendation Summary: Delegate to the Head of Planning, Engineering and Transportation to grant planning permission subject to conditions and subject to overcoming the objection raised by the Coal Authority.



Application and Site Details

This application seeks planning permission for the erection of a commercial spray booth within the rear yard area of this commercial vehicle repairs and maintenance company. The spray booth would measure 20.2m by 9.5m with an eaves height of 6.8m and ridge height of 6.3m. Four extraction flues are proposed which would project a further 3.5m above the height of the building. Four inlet flues are also proposed, projecting 1m above the proposed roof. The spray booth would have a metal clad finish with a colour to be agreed by condition.

The spray booth building would have two 5.5m high roller shutter doors, one at the front and one at the rear with two personnel doors to both end elevations. The sides of the buildings have no openings. Two gas burners would be located within the building.

The application site is on the northern side of Woden Road West and forms the end of Wood Banks Industrial Estate. The west boundary of the site is the rear gardens of houses along Dangerfield Lane which are 2-3m lower than the application site and screened from the site by a line of coniferous planting in the control of the applicant. The application site is rectangular with a site office set behind a car park at the front and commercial building immediately to the rear which is used to repair accident damaged HGV cabs and trailers. At the rear of the buildings is a long yard where vehicles are stored pre and post repair. To the west boundary is a large flat roof commercial building, with roof height of approximately 7.8m. The spray booth would be erected on an open part of the site, 27m from the rear of the main building and immediately to the boundary with the large commercial building next door.

The application is supported by the following documents

Design and Access Statement

- Length will accommodate small, medium and large vehicles
- Width will allow operatives to work with ample space to manoeuvre.
- The unit will be 0.7m from the closest boundary fence, 4.3m from the neighbouring unit.
- The spray booth will be 14m from the opposite boundary.
- The unit will allow the company to operate more efficiently.

Site Investigation

- Risk of ground gases due to close proximity of landfill site
- Medium risk to the proposed development from shallow mining activities in the vicinity of the site and further investigation is required in that respect
- Risk of potential contamination to humans and the environment from the past use of the site as a railway line backfilled material
- An intrusive investigation should be carried out to address the issues in the report.

Relevant Planning History

BC55676P - Change of use to operation as a self drive hire business including vans and lorries. Granted 02/05/2000

12/0001/FL - Erection of detached HGV workshop – Refused 27/02/12

Refused on the following grounds:

The application has failed to demonstrate that the proposed building, use of the building or use of the site will not have any detrimental impact on surrounding nearby residential amenity by virtue of associated noise.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- contribute to conserving and enhancing the natural environment and reducing pollution.

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 7 - Requiring good design***
- ***NPPF 11 – Conserving and enhancing the natural environment***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- EMP1: Providing for economic growth
- EMP2: Actual and potential and strategic high quality employment areas
- TRAN1: Priorities for development of the transport network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- 3.6 and 3.7: Environmental Improvement
- ENV10: Pollution
- ENV14: Development of derelict and previously developed sites
- ENV32: Design and Development Proposals
- JP7: Use of Land and Buildings in Other Employment Areas
- JP8: Bad Neighbour Industrial Uses
- 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

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW4 Continuity
- DW6 Legibility
- DW9 High Quality Public Realm
- DW10 Well designed sustainable buildings

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

Walsall Employment Land Review

IN118.1 – Wood Banks Trading Estate – Existing High Quality – Has excellent access to the Black Country Spine Road and Black Country Route.

Consultations

Transportation – no objection.

Pollution Control – no objection subject to the use of recommended conditions similar to planning permission 12/0846 in regard to lighting, operating hours, public address facility, no repairs/maintenance external to the building, details of extraction systems, control over future doors and control over the use.

Fire Authority – no objection.

Coal Authority – objects on the grounds that a Coal Mining Risk Assessment has not been submitted.

An assessment has been submitted and is currently being considered by the Coal Authority whose comments will be reported at the meeting.

Public Participation Responses

Surrounding occupiers notified by letter and site notice displayed.

Two letters have been received from nearby neighbours objecting to the application on the following grounds:

- Existing issues of noise
- Smell will make it more unpleasant
- Concrete fence which provided noise and privacy screen has been removed and replaced with open style railings
- Loss of property value (*not a material planning consideration*)
- In breach of existing planning permissions in regard to perimeter fence
- Proposal is for a substantial building note a Spray Booth (*full details of the proposal are on the submitted drawings*)
- Residents would breath in stench of toxic cellulose paint fumes and particulates
- Building would have to operate continually for 6 days a week to make it viable (*not a material planning consideration*)
- Additional noise and vibration from heavy duty extraction fans, air compressors, pumps and paint washing facilities.
- Environment at severe risk should paint or solvent enter watercourses.
- Impact on wildlife.
- Company operating a vehicle van hire company.

Councillor James has also objected to the application on the grounds of creating noise and air pollution and would be unsightly, inconveniencing household in the close.

A petition with 22 signatures has been received objecting to the application on the grounds of causing nuisance, fumes and particles in the air will make people ill.

Determining Issues

- Principle of development
- Impact upon visual amenity
- Relationship to residential properties
- Impact upon ground conditions
- Car parking, manoeuvring and access arrangements

Observations

Principle of development

The application site falls within an 'other employment area'. The proposed additional facility to this general industrial use (B2) is consistent with UDP policy JP7. Currently once repaired, vehicles are transported to a site in Wolverhampton where they are re-sprayed. Vehicles are then brought back to site for final completion before being returned to the customer. The spray booth would ensure vehicles can be dealt with on site which would create up to 15 jobs. The Employment Land Review considers the site and the immediate adjoining industrial area as Existing High Quality. BCCS policy EMP2 encourages high quality development that increases employment and encourages investment. The proposal would achieve both. The site continues to be defined as existing high quality, an area of strategic importance for industrial use. The principle of the spray booth is supported.

Impact upon visual amenity

This 6.8m high building would be 14m from the rear garden boundary with residential properties along Dangerfield Lane and approximately 39m from the rear windows of the closest houses. The spay booth would have a length of 20.2m. The neighbouring building, known as Woodbanks Trading Estate is 53m from the rear of the houses, with the mature conifer screen between. This unit has a length of 145m. The proposed spray booth would be lower than this neighbouring building and would have a shorter length. While the built form would be closer, it would be viewed in the context of the much larger adjacent commercial

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building. Therefore the proposed spray booth would not be viewed in obvious contrast to the existing building. The colour of the building has yet to be confirmed and this can be secured by condition. The use of neutral colour would assist with its assimilation into the area.

The 3.5m high extraction flue would be noticeable as they would project higher than the neighbouring buildings. They are designed in a 2 x 2 layout which minimises clutter when viewed side on as per the outlook of the houses along Dangerfield Lane. The flues have a diameter of 0.7m which when considered against the massing of the much larger building to the rear would not be a significant feature. With appropriate colour finish (e.g. goosewing grey) the flues would not appear significant. Weight is given that the site is an existing high quality employment area where policies support investment and job creation to maintain the quantum of commercial use. Existing landscaping provides a valuable screen, however this does not form part of any control under planning legislation. The retention of the landscaping is important for this proposal and it is considered in the interests of good planning to recommend a condition that requires the retention of the landscape screen for the length of the proposed building. On balance and subject to this condition the proposal is not considered to have an adverse impact upon visual amenity.

Relationship to adjoining occupiers

The unit would be 14m from the boundary with the gardens with houses along Dangerfield Lane and would be approximately 39m from the rear of the houses. The application is presented as further commercial facility to a site used for general industrial purposes.

This includes HGVs driving up, down and manoeuvring around the yard. The proposed building is viewed in this context. Currently vehicles are brought to site and parked in the rear yard, they are then moved into the building where repairs take place. One repaired, vehicles that need a re-spray are parked within the site before they are taken off-site to be sprayed. They are then returned to site and stored until they are returned to the customer. The proposal would reduce vehicle movements off and onto-site as re-spraying would take place within an enclosed building. The proposal would not generate any further noise and disturbance than existing vehicle movements. In terms of odour the spray booth would use high quality extraction and filtration systems with extraction flue terminating some 10.8m above the ground. Pollution Control raise no objection subject to the use of conditions that were required as part of the 2012 planning permission. They also comment that the Applicant is aware that they will be required to apply for an Environmental Permit under regulation that is overseen by the Pollution Control Section, which controls emissions from the spray-booth, types of paints that can be used, and filtration of emissions to air

In the 2012 planning application an acoustic report was provided that demonstrates if all operations are conducted inside a building, with doors and windows shut then noise should not be a major issue for their activity. It was also considered that other B2 use activities could cause harm to local residential properties and therefore the use was restricted so that other general industrial uses will need to apply for planning permission to protect residential amenity from any future changes.

The applicants explain that the site is operated 08.30-17.00 Monday to Friday with no operations during the weekend – the 2012 planning permission found 07.00-19.00 on weekdays and 07.00 to 14.00 on Saturdays to be acceptable (condition 5). In the context of the existing use and existing high quality industrial estate it is considered that there would be no further loss of amenity to residential occupiers subject to the use and compliance with conditions (as per planning permission 12/0846/FL) in regard to, control over external lighting, operating hours, public address facility, controls over operations within the open yard, details for extraction specification, no additional openings, keeping doors closed and control over the use.

Neighbours raise concern that recently a concrete boundary fence between the application site and the rear gardens of houses has been removed in breach of planning permissions. This fence was not required to be retained as part of previous planning permissions.

Concern has been raised about risk to the environment from spillages and impact on wildlife. Spray booths are designed with impermeable bases to contain any substances should an accident take place. The site is not within a wildlife corridor and operations would be controlled by the environment permit to ensure it operates at appropriately on a day to day basis.

Concern has also been raised that a vehicle van hire company is being operated at the front of the building. The 2012 planning permission is controlled by condition 12 requires that the site is only used for HGV and commercial vehicle repairs and maintenance. The vehicle sales operation is being operated without the required permission. Officers have contacted the applicant's agent about the issue and discussions are on-going.

Impact upon ground conditions

The Coal Authority records indicate the site and surrounding area there are coal mining features and hazards, which need to be considered as part of the application. The Coal Authority objects to the application as insufficient information had been provided. The application has submitted a Site Investigation report which is currently being considered by the Coal Authority, their comments will be reported at the meeting.

The report notes the coal mining legacy and recommends an intrusive investigation should be carried out to address the issues in the report. Pollution Control are also considering the comments in the report in regard to landfill gas and backfilled material. Their comments will be reported at the meeting.

Officers therefore recommend that the decision is delegated subject to resolving the concerns of the Coal Authority. If the concerns cannot be resolved the matter would be brought back before the committee.

Car parking, manoeuvring and access arrangements

The proposed spray booth would be located within the rear yard of the site in an area currently used for storage. Sufficient space would continue to exist for the manoeuvring and parking of commercial vehicles around the site.

Due to vehicles being repaired and re-sprayed wholly on site, the proposal would result in a reduction of vehicle movements as they would not longer need to be transported to Wolverhampton and back. Highways raise no objection.

Positive and proactive working with the applicant

The application has not required positive or proactive working to enable full support to be given to the scheme.

Recommendation: Delegate to the Head of Planning, Engineering and Transportation to grant planning permission subject to conditions and subject to overcoming the objection raised by the Coal Authority.

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

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

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

- Location, block and proposed elevations received 12/10/16
- Phase I Geo-Environmental and Coal Risk Report received 16/12/16

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

3a. The development hereby permitted shall not commence until drainage plans for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority.

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

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

4a. Built development shall not be carried out until a schedule of facing materials to be used within the building hereby permitted, including a coloured finish to the extraction and intake flues have been submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be completed in accordance with the approved details and thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

5a. Prior to their installation, details of any new lighting and modifications to existing external lighting shall be submitted to and approved in writing by the Local Planning Authority. Details submitted shall ensure that lighting is directed away from residential properties and as such shall comply with the recommendations by the Institute of Lighting Engineers\Professionals for the reduction of light pollution.

5b. The lighting shall be implemented in accordance with the approved details.

Reason: To avoid light pollution to neighbouring residents

6. Permitted operating hours including collections, deliveries and despatches shall be: 07.00 to 19.00 weekdays excluding Bank Holidays and Public Holidays; 07.00 to 14.00 on Saturdays and not at all on Sundays or Bank and Public Holidays.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring residential occupiers.

7. No public address facility shall be installed internally or externally on the application site.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring residential occupiers.

8. No manufacturing, vehicle re-spraying, fabrication, production, servicing or associated operation(s) other than essential building maintenance shall take place external to the building structure.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring residential occupiers.

9a. No extraction systems for the purposes of industrial odour, fume, smoke, ash, girt or dust control shall be installed without first submitting details the written approval of the Local Planning Authority (note – this does not include flues used for the heating of buildings).

9b. Only the approved details shall be installed and shall thereafter be retained.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring residential occupiers.

10. No new windows or doors shall be installed in the façade of the building, facing the properties (gardens) on Dangerfield Lane.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring residential occupiers.

11. Doors to the spray booth shall remain closed except for when being used for ingress and egress.

Reason: To ensure that the development forms a satisfactory relationship to neighbouring residential occupiers.

12. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any succeeding legislation, the site shall be used solely for the purposes of HGV and commercial vehicles repairs and maintenance and for no other purpose within Use Class B2.

Reason: The site may not be suitable for other operations, having regard to the relationship of the site to neighbouring residential properties on Dangerfield Lane.

13a. The conifer planting along the boundary of the application site and the rear gardens of houses along Dangerfield Lane shall be retained for a length parallel with the spray booth hereby approved.

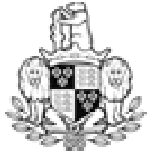
13b. Should any tree die, is removed, or become seriously damaged or diseased, it shall be replaced as soon as practicable with others of similar size and species.

Reason: In the interests of visual amenity.

PETITION

FROM THE RESIDENCES OF DANGERFIELD LANE
 OBJECTIONS TO THE PROPOSED PLANNING
 APPLICATION (NO 16/1600/A SPRAY BOOTH AT
 13A ~~THE~~ WOODEN ROAD WEST, DARLSTON-WEDNESBURY
 WS107SF

NAME	ADDRESS	SIGNATORY
	36, DANGERFIELD LANE	
	36, DANGERFIELD LANE	
	38 Dangerfield Lane	
	40, Dangerfield Lane	
	40, Dangerfield Lane	
	40, DANGERFIELD LANE	
	24, Dangerfield Lane	
	22 DANGERFIELD LANE	
	18 DANGERFIELD LANE	
	34, DANGERFIELD LANE	
	34, DANGERFIELD LANE	
	20, DANGERFIELD LANE	
	44 Dangerfield Lane	
	56 dangerfield Lane	
	58 DANGERFIELD LANE	
	60 Dangerfield Lane	
	54 DANGERFIELD LANE	
	28 Dangerfield Lane	
	28 Dangerfield Lane	
	32 Dangerfield Lane	
	48 " " "	
	62 Dangerfield Lane	
	66 Dangerfield Lane	
	30 DANGERFIELD LANE	
	" LANE	



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 7.

Reason for bringing to committee: Significant Community Interest

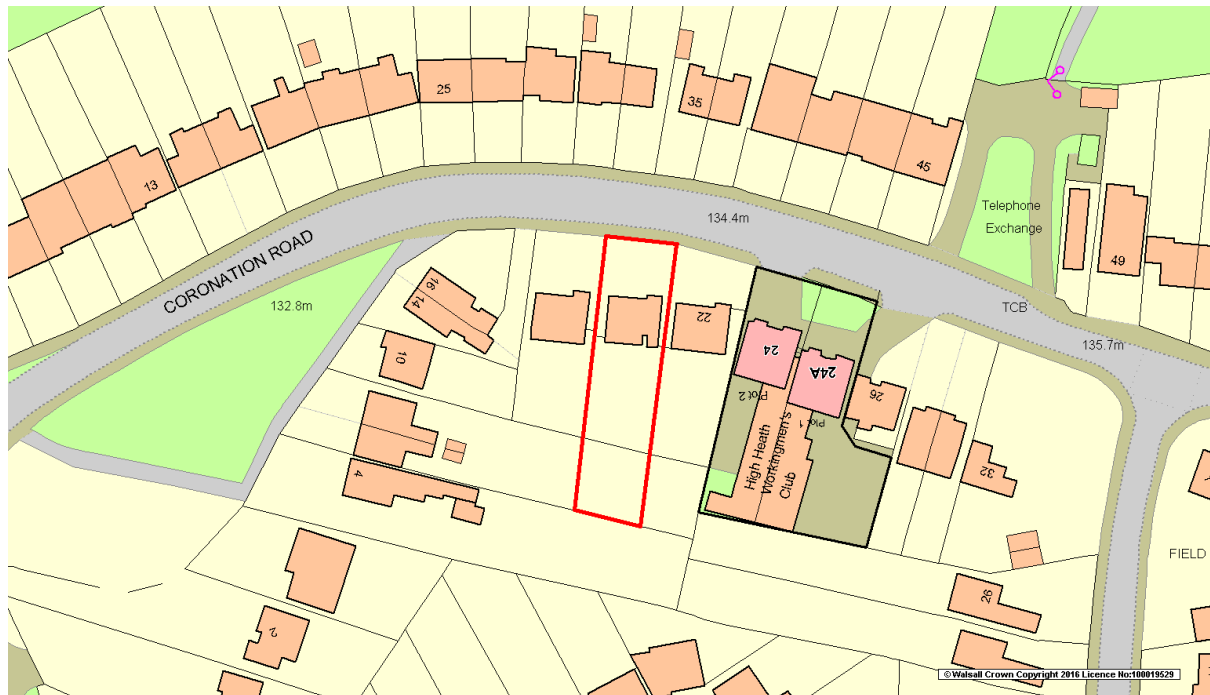
Location: 20, CORONATION ROAD, PELSALL, WALSALL, WS4 1BG

Proposal: PART CHANGE OF USE TO CATTERY AND CONSTRUCTION OF CATTERY BUILDING AT END OF REAR GARDEN.

Application Number: 16/0755
Applicant: Barnaby Robinson
Agent:
Application Type: Full Application

Case Officer: Barbara Toy
Ward: Pelsall
Expired Date: 31-Aug-2016
Time Extension Expiry: 13-Jan-2017

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The site is situated on the southern side of Coronation Road and comprises a two storey detached house with a single storey rear conservatory, integral garage, gated entries to each side of the property and front driveway/garden area. The rear garden is 30m in length.

The neighbouring properties 22 and 18 Coronation Road are similar detached houses with similar length rear gardens. The rear boundary of the garden adjoins the rear garden of 4 Coronation Road which sits at right angles to the site.

Coronation Road comprises a mix of residential properties, with two new build properties at 24 and 24A (in place of the High Heath Working Men's Club) and a mix of detached and semi-detached houses in the vicinity.

This application proposes the part change of use of the property and erection of a cattery in the end of the rear garden. The scheme has been amended since submission and now proposes an 'L' shaped structure at the bottom of the garden measuring 11.5m x 11.1m, the structure would have a maximum height of 2.6m. It would have a series of mono pitched roofs and be constructed from insulated timber frame panels with horizontal timber cladding to the southern and western elevations with a mix of timber cladding and wire mesh wall panels and doors to the northern and eastern elevations. The cattery layout would include 2 x large pens which include a chalet and run, 10 x standard pens (chalet and run), 1 x isolation pen (chalet and run) and a store. The facility would have two entrance doors on the northern elevation. The timber cladding to be used would be insulated and the roof would have a felt finish.

The proposed cattery business would be open to visitors by appointment only between 0900 – 1000 hours and 1400 – 1800 hours Mon – Sat closed on Sundays and bank holidays. The applicant would run the business possibly with one additional staff member in the future if necessary.

The front driveway would provide parking for at least 4 cars and the side access gate adjacent to the boundary with No 22 would be utilised by customers dropping of or collecting cats on an appointment only basis. The appointments would be spaced out to ensure that no more than one customer is at the site at any one time.

A Supporting Statement has been submitted in support of the proposals.

In this the applicant has confirmed that the business would be operated in accordance with Environmental Health Model for the Licensing of Catteries which includes guidelines on the cleaning out of the pens and disposal of waste. Waste would be sealed in refuse bags and stored in a commercial waste bin that would be stored in the integral garage and collected once a week.

Relevant Planning History

15/0901/PAHD, prior notification for larger home extension for single storey rear extension 5m deep, 2.3m eaves height and 3.1m to highest point, granted 24-07-15.

Relevant Planning Policy Summary

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

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to

contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

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

- Seek to secure high quality design and good standards of amenity for all existing and future occupants
- Ensuring the vitality of town centres
- Take account of the different roles and character of different areas

Key provisions of the NPPF relevant in this case:

- **NPPF 4 - Promoting sustainable transport**
- **NPPF 7 - Requiring good design**

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV3: Design Quality

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

- GP2: Environmental Protection
- ENV10: Pollution
- ENV32: Design and Development Proposals
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

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

Consultations

Transportation –No objections subject to conditions to ensure that the existing gravel driveway is replaced with consolidated hard surfaced material and drained to ensure no surface water run-off into the highway and to ensure that the cattery remains ancillary to the main residential property and shall not operate independently.

Environmental Health – No objections to the amended scheme subject to conditions regarding details of storage and disposal of waste, opening hours of the business, cats to be restricted to the sleeping area at night, for boarding of cats only and for no more than 12 cats at any one time.

The cattery must be licenced under the Animal Boarding Establishments Act 1963 and comply with the licence before being able to commercially board any cats. The applicant

should also have regard to the CIEM Model Licence Conditions and Guidance for Cat Boarding Establishments 2013.

Public Participation Responses

Eight objections submitted to the original proposals and 3 additional objections received on the amended plans.

Original Objections:

- The development will create a business in a residential area, which is not the right environment for this business, not in character with this residential area
- There are a large number of properties in the immediate area (13 within 25m radius and 23 in 50m radius) likely to be affected by disruption from the business
- Considerable number of pens would allow for large numbers of cats
- Catteries usually in rural and semi-rural areas
- Cats are territorial and when in the cattery in close proximity to each other their territorial behaviour is likely to increase including howling and crying, causing disruption to neighbours
- This will attract other cats in the locality and will increase cat excrement in surrounding gardens
- Noise and disturbance to residents in the area from cats and comings and goings of customers
- This is a busy residential road with parking restrictions, high volumes of traffic at peak times
- Parking on the site is restricted and would create reversing movements onto the busy road, no adjustments made to accommodate the business
- The property is on a bend in the road with restricted sight lines, a safety issue.
- Coronation Road is the main route to Sheffield Academy and appointments for drop off and collection could be at busy school times
- Even with a cleaning regime there is the potential for odour affecting neighbours
- All cats scent mark and spray their territory causing odour
- Risk of vermin with so many cats feeding
- Rubbish sealed in bags waiting for weekly collection will be susceptible to vermin such as foxes
- Many residents who own pets may find unfamiliar cats in close proximity disruptive
- Close dog owners include 8, 10 & 18 Coronation Rd, large number of cats could be disruptive and cause increase barking and distress to cats and bother neighbours
- Bird and bat population displaced
- Set a precedent for other similar projects
- Long lasting effect on enjoyment and use of property and garden
- Too close to other gardens, spoil the use of the garden particularly in summer due to noise and smell
- Enough catteries already in the area in semi-rural locations, not amongst residential properties. 5 catteries listed within 7.3 miles.
- Noise from the cats due to the number and unfamiliar surroundings
- 27m to closest house in the submission is misleading, the development will impact on the use of surrounding gardens
- Already a large number of cats in the area that call through the night and have reduced bird life
- The cattery building will be visible and an eyesore from surrounding gardens and houses
- There is already a car driver training business run from the property.
- The noise and smell will disturb residents and it will be 24 hours a day

Objections to the amended scheme

- There is little change in the proposals and make no difference to previous objections that still stand
- Amendments make no difference to the development

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

Determining Issues

- Principle of the use
- Design and Layout
- Amenities of the surrounding occupiers
- Access and Parking

Observations

Principle of the use

The Planning Portal Guidance on Working from Home advises that the key test is whether the overall character of the dwelling will change as a result of the business. The guidance states that if the answer to any of these questions is yes then planning permission will probably be needed.

The key questions to be considered can be used as a guide to the principle of the proposed partial change of use of the property:

- Will the home no longer be used mainly as a private residence?
- Will the business result in a marked rise in traffic or people calling?
- Will the business involve any activities unusual in a residential area?
- Will the business disturb the neighbours at unreasonable hours or create other forms of nuisance such as noise or smells?

These are each considered in turn as follows

- Will the home no longer be used mainly as a private residence?
No, the home will still be used mainly as a private residence, the character and appearance of the property within the street scene would remain unchanged.
- Will the business result in a marked rise in traffic or people calling?
No, whilst the business will obviously increase the visitors to the property, this will be on an appointment basis to ensure that only one customer will be at the site at any one time, with an estimated 12 vehicles per week. This is considered not to be a marked increase in people calling and not dissimilar to general visitors to a residential property for example where a house is occupied by a large family.
- Will the business involve any activities unusual in a residential area?
Whilst the business will involve the boarding of a number of cats in the garden which might be considered an unusual activity in a residential area the intensity of the development has been reduced since its original submission to a maximum of 12 cats which is considered to be an acceptable level of activity in this residential location so as not to adversely impact on the amenities of the surrounding occupiers.
- Will the business disturb the neighbours at unreasonable hours or create other forms of nuisance such as noise or smells?
The cattery would obviously operate on a 24 hour basis but the applicant has advised that the cattery will be constructed of modern soundproofing materials that would also serve to

insulate the cats in colder weather and the cats will be locked in their sleeping areas during the hours of darkness. Screening between each pen will also reduce direct contact between the cats reducing the stress to the cats. The cattery would be run in line with the Environmental Health Model for the Licensing of Catteries which includes guidelines on the cleaning out and disposal of waste. All waste will be in sealed plastic refuse bags that will be stored in a commercial waste bin that will be stored in the integral garage and collected once a week. Only male cats that are neutered will be accepted which reduces the scent marking by the male cats. It is therefore considered that on the basis of a maximum of 12 cats the proposals will not disturb the surrounding residential occupiers.

It is considered that this business would not cause any additional adverse impact on the amenities of the surrounding occupiers than other businesses run from home.

The number of cats to be boarded has been significantly reduced during the course of the application from a maximum of 28 down to 12. This restricted number of cats is considered to be an acceptable level to ensure that the business remains incidental to the main dwelling and not altering the residential nature of the property. This is borne out by two other residential properties in urban locations that already have planning consent and Cattery Licences from Environmental Health and have received no complaints about the operation of the business, noise, smell or disturbance. These are 15 Sandbeds Road Willenhall, registered for 12 cats and 79 Stoney Lane Bloxwich registered for 10 cats. Other examples quoted by neighbours relate to cattery businesses in rural areas and are not similar to the current proposals.

It should be noted that despite any planning consent for the use the cattery would also have to be licensed by Environmental Health in order to operate. The licence is required to be renewed on a yearly basis. If any complaints are received regarding the operation of the business this would be taken into consideration in the renewal of the licence, which may not be granted.

In light of the above assessment it is considered that the principle of the partial change of use of the property to a cattery is acceptable in these circumstances.

Design and Layout

The proposed cattery structure would sit at the bottom of the garden adjacent to the boundaries with Nos 18, 22 and 4 Coronation Road. The maximum height of the structure at 2.6m would be just 0.1m higher than the permitted development height restriction for an outbuilding within 2m of any boundary. Bearing this in mind if minor amendments were made to the height/design of the roof the structure it could be built as permitted development without the requirement for any planning consent. A remaining garden area of approx 190sqm would be retained, exceeding the 68sqm required for a residential property in Appendix D of Designing Walsall.

The rear elevation to the boundary with No 4 and the side elevation to No 18 would be timber cladding and would not appear dissimilar to a garden shed or outbuilding. The elevation to No 22 would include wire mesh panels but these would sit some 7m from the boundary.

The gardens of 18 and 22 are the same length as the site and so the structure would be situated at the end of their gardens between 17 and 24m from the rear elevations of the houses. No 18 has two garden sheds situated adjacent to the boundary in the vicinity of the proposed cattery obscuring views and creating a separation to the garden area. The structure would be situated 15m along the garden boundary of No 4 (away from the rear elevation of the house), with a detached brick outbuilding situated between the house and the proposed structure which together with the existing landscaping along the boundary

would screen full views of the cattery structure from the house at No 4. The applicant has indicated that additional planting to the boundaries would be provided upon completion of the structure to help with screening the structure and provide an improved environment for the cats.

Amenities of the Surrounding occupiers

The objectors have raised concerns about the disruption to residential amenity from the proposed cattery through noise and disturbance from both cats and comings and goings of customers as well as attracting additional cats to the area and disturbing existing pets in the area. The other key cause for objections is the likely odour from the proposed use.

It is considered that the level of additional comings and goings to the property for a maximum number of 12 cats would not be dissimilar to activity at a residential property occupied by a large family and would not have a significant adverse impact on the amenities of the surrounding occupiers. The proposal is for customers to arrive at the premises on an appointment basis which can be controlled by condition better than random visitors to a large family home. A condition is recommended to restrict operating hours and to ensure the cattery operates on an appointment only basis.

The possible noise and odour from the cats has been considered by Environmental Health who consider that a cattery for a maximum number of 12 cats, that operates in accordance with the guidelines within the Environmental Health Model for the Licensing of Catteries would not have an adverse impact on the amenities of the surrounding occupiers as noise and odour from the cattery structure would be controlled by the working practices.

The objection relating to the car driver business run from the property is not a material consideration in determining this application as the vehicle parked at the premises belongs to the owner who picks up trainee drivers from their home addresses and not from the application site. This is no different to someone parking a works van at their home overnight.

Access and Parking

The front driveway of the property provides off street parking for at least 4 cars with an additional integral garage. Whilst the integral garage would be used for the storage of the commercial waste bin, Transportation consider that the remaining level of parking would be sufficient for the residential use and business use on the basis that the business would be run by the applicant with possibly an additional member of staff in the future and that the business would be run on an appointment basis only, providing a control over the visits to ensure no more than one customer is at the site at any one time.

It is recommended that the existing loose chippings driveway be resurfaced with hardstanding to ensure that no loose chippings end up in the road and to allow for the commercial waste bin to be wheeled to the highway for emptying. Conditions are recommended to secure these measures.

Whilst it is recognised that Coronation Road is a busy road and route to local schools it is not considered that any increased activity at the property would be sufficient to have severe transportation implications or any highway safety implications to warrant refusal of the proposals.

Positive and proactive working with the applicant

Officers have liaised with the applicant's agent during the course of the application to obtain amended plans and additional information and is now sufficient to enable support of the proposals.

Recommendation: Grant permission subject to conditions

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

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

2. The development hereby approved shall be built in accordance with the following plans:

Location Plan Drawing 0131(A)GA 001 submitted 10th November 2016
Existing Block Plan Drawing 0131(A)GA 002 submitted 10th November 2016
Cattery Elevations Drawing 0131(A)GA 001 Rev A submitted 10th November 2016
Proposed Site Plan Drawing 0131(A)GA 003 Rev A submitted 10th November 2016
Cattery Layout Drawing 0131(A)GA 004 Rev A submitted 10th November 2016
Cattery Roof Plan Drawing 0131(A)GA 005 Rev A submitted 10th November 2016
Proposed Parking Plan Drawing 0131(A)GA 006 Rev A submitted 19th November 2016
Supporting Statement submitted 10th November 2016

Reason: To define the permission.

3a. Prior to the commencement of the use hereby permitted, a scheme for the collection, storage and disposal of waste shall be submitted to and approved in writing by the local planning authority.

3b. The approved scheme shall be implemented on commencement of the use and retained thereafter.

Reason: In order to ensure satisfactory refuse disposal.

4a. Prior to the development first coming into use, the existing loose bound driveway and parking area surface treatment shall be replaced with a fully consolidated, hard surfaced material and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, full details of which shall be submitted to and approved in writing by the Local Planning Authority.

4b. These areas shall thereafter be retained and used for no other purpose.

Reason: To remove the potential of loose surface material being deposited on the public highway due to the likely intensification of the access and parking as a result of the proposal in the interests of highway safety and to ensure the safe and satisfactory operation of the development and in accordance with UDP policy GP2, T7 and T13.

5. The cattery business hereby permitted shall not be open to the public outside the hours of 9am to 10am and 4pm to 6pm Monday to Saturday at any time. Visits to the cattery, including collection and delivery of cats, shall be by appointment only.

Reason: In order to minimise any disturbance to surrounding neighbours.

6. All cats within the cattery shall be restricted to their sleeping areas between the hours of 2000 hours and 0730 hours.

Reason: In order to protect the amenity of the surrounding occupiers.

7. The cattery business shall only be used for the boarding of cats.

Reason: In order to ensure the satisfactory operation of the development.

8. The cattery shall accommodate no more than 12 cats at any one time.

Reason: In order to ensure the satisfactory operation of the development and protect the amenity of the surrounding occupiers.

9. The proposed part Change of Use to a Cattery shall thereafter remain ancillary to the main dwelling house, shall not at any time operate independently and shall be specifically for a Cattery use only and shall not at any time being changed to another use.

Reason: To define the permission and to ensure compliance with UDP Policy GP2, T7 and T13, in the interests of the free flow of traffic on the public highway and to highway safety.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 8.

Reason for bringing to committee: Significant community interest and requiring delicate judgement

Location: CAR PARK OFF SISTER DORA GARDENS, SISTER DORA GARDENS, WALSALL

Proposal: CHANGE OF USE, CONVERSION AND EXTENSION OF EXISTING CAR PARKING STRUCTURE TO 5 HOUSES.

Application Number: 16/1147
Applicant: Accord Group
Agent: Accord Group
Application Type: Full Application

Case Officer: Paul Hinton
Ward: St Matthews
Expired Date: 04-Oct-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application seeks planning permission for the change of use and extension to this two storey private car park serving existing houses and flats to form five no. two bedroom properties. Due to a change in ground levels there is an enclosed car park at the lower part of the site and a surface level car park accessed by a ramp at the upper level. The lower car park has one access point and benefits from a brick finished façade with a number of decorative arch features. The existing car park is 31m wide, 16m deep and 4.8m high.

It is proposed to split the car park into five dwellings using each of the decorative arches as the front door/window. At first floor it is proposed to add a standing seam structure and roof, raising the building from 4.8m to 8.3m in height. Part of the existing car park roof would be removed to provide courtyards to each of the houses (between 35sqm and 61sqm). A communal bin store for the five houses is also provided. Properties would have an open plan kitchen/dining room/lounge, with two bedrooms.

A 1.5m wide pavement with bollards is proposed directly in front of the proposed houses, with five additional parking spaces proposed to the side of the building and the addition of landscaped areas to the edges.

The application is made by Accord Housing who also owns the wider site. The site includes four storey high flats and three storey high houses that immediately front Vicarage Place and Wednesbury Road, with 30 car parking spaces to the rear. The access road Sister Dora Gardens runs through the middle of the site and drops in ground levels from the access with Glebe Street. To the south of the two storey car park are seven houses whose gardens are 3.5m higher than the base of the car park. These houses have their own dedicated parking. The redundant car park is located within the middle of this housing development.

The front elevation of ground floor of the houses would be the existing brickwork with render to the northern side and a standing seam cladding to the southern elevation. The same standing seam cladding would be used within the first floor and roof of the houses. Doors, windows and rain water goods would be aluminium.

The application site is part of Bradford Street Conservation Area and is within the Town Centre boundary. The proposed houses would be 700m walking distance from the primary shopping area and Bradford Street bus station, with a bus stop directly in front of the existing flats along Wednesbury Road. St Marys The Mount RC Church, a Grade II* Listed Building is to the east boundary. The immediate area is residential. This 0.08 hectare site would have density of 63 dwellings per hectare.

Design and Access Statement

- Garage block has been in-accessible/unused for a number of years due to mis-use and the applicants feel that loss of the block will not have a negative impact on existing residents.
- Car parking survey undertaken in May 2016 confirms existing parking provision is more than sufficient to support the needs of the 86 properties it serves. The car parking currently available was 66% empty at the recorded peak.
- Ground floor designed as open plan to maximise daylight to the centre of the house with large windows to minimise shadowing.
- Proportions mimic that of the terraces on Sister Dora Gardens and surrounding Victorian properties.
- Proposal will appear more as bungalows than houses when viewed from the houses at the rear.
- Proposal seeks to enhance the security and amenity of immediate surroundings.

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Planning Statement

- Existing garage block has been redundant for over 10 years.
- Garage block was closed to remove the risk for anti-social activity within and around the garage block. Issues with drug dealing, prostitution and ASB have been cited by housing offices as the main offences and the reason for closure.
- Currently 46 parking permits for the flats and houses. The permits are for a total of 30 car parking bays and operate on a first come first served basis.
- Parking permits have been restricted to one per property since July 2016, unless justified.

Relevant Planning History

BC36250P/C – 96 flats and houses. GSC 1/3/1993.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***

- ***NPPF 12 – Conserving and enhancing the historic environment***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- HOU2: Housing density, type and accessibility
- TRAN1: Priorities for development of the transport network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Unitary Development Plan

- GP2: Environmental Protection
- 3.6 and 3.7: Environmental Improvement
- ENV10: Pollution
- ENV14: Development of derelict and previously developed sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows.
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites and Conversion of Existing Buildings
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

- NE1
- Development with the potential to affect trees, woodlands and hedgerows
- NE7

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW4 Continuity
- DW6 Legibility
- DW9 High Quality Public Realm
- DW10 Well designed sustainable buildings

Design Principle – Homes: Plot sizes and built density will relate to their local context.

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

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

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

Consultations

Highways – no objection subject to recommended conditions regarding implementation of the revised parking layout and the submission of a construction methodology.

Pollution Control – no objection subject to recommended conditions regarding construction times and construction method statement.

Conservation Officer – no objection subject to use of aluminium windows and rainwater goods rather than UPVC.

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

Environmental Health – no objection.

Waste Management – confirms waste vehicle currently reverses into this part of the site.

Public Participation Responses

Surrounding occupiers notified by letter and site notice displayed.

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

- Existing limited parking, loss of parking spaces
- Existing issues with rubbish and mess, anti-social behaviour from theft, abuse, fighting and drugs, more people would add to this
- Children play here day and night, more children more problems
- Overshadow and reduce light to existing houses
- Should be reverted back to car park or children's play area.

- Loss of privacy

A petition with 23 signatures has been received objecting to the application on the basis of increased traffic, lack of parking, impact on the privacy of existing residents and the application being inappropriate for the location.

Re-consultation in regard to amended plans has taken place and expires after the publication of this report. Any further comments will be reported at the meeting.

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

Determining Issues

- Principle of Development
- Character of the area
- Provision of a satisfactory residential environment
- Amenities of the surrounding residential properties
- Drainage
- Access and parking
- Local Finance Considerations

Observations

Principle of Development

This is a previously developed site within an established residential area. The re-use of the land and structure would be a sustainable form of development and would provide five further houses. It has been explained that the car park has been shut for over ten years due to it generating anti-social behaviour during its use.

Concern has been raised about existing issues with rubbish, mess, anti social behaviour from theft, abuse, fighting and drugs, children play here day and night, more people would add to this. Parts of the car park are screened from view of existing occupiers. The provision of residential use directly overlooking the car park would increase the natural surveillance of this space to act as a deterrent to anti-social behaviour and to reduce the fear of crime.

The proposal provides the opportunity to bring the structure into beneficial use and introduce additional surveillance to the area in the interests of community safety.

Character of the area

The site is situated within the Bradford Street Conservation area which has been categorised as 'at risk' in the latest 2015 Heritage at risk Study by Historic England. Conservation policies guide to preserve or enhance the character and appearance of the area. The character of the area is a long term vacant structure. The current appearance is a structure which has positive design features through the arches and finish brickwork, but has a negative appearance due to a lack of suitable use and for the upper floor secured by heras fencing.

The proposal is considered would enhance the character and appearance of the area by bringing the structure back into use. The existing housing development is a more recent feature of the Conservation Area and the proposed metal cladding would reflect this modern approach. The windows and rainwater goods would be aluminium which would also be appropriate. A condition can be used to secure this.

Overall the proposal would not cause harm to the setting of the adjacent St Marys The Mount RC Church (Grade II* Listed Building).

Provision of a satisfactory residential environment

The five proposed houses are small and have small courtyards of between 35sqm and 61sqm when considered in the context of Designing Walsall SPD of 68sqm. However, these are two bedroom houses within the Town Centre location where amenity areas are typically restricted. The amenity areas are at a lower height than the gardens of the houses to the rear, which in addition have boundary fencing. While access to natural light is restricted, the walls to the amenity areas would be finished in a light colour to maximise natural light reflection and include opportunity for small areas of landscaping to enhance the experience. Church Hill and Sister Dora Gardens areas of public open space are 620m and 790m walking distance away.

The open plan ground floor ensures light provision through the building which is supplemented by a light tube through the building.

On balance the sustainability credentials, location and design features ensures appropriate amenity provision.

Amenities of the surrounding residential properties

There would be a separation distance of 26m between the rear of the houses and flats fronting Vicarage Place/Wednesbury Road and the front of the proposed houses, with the shared car park between. Due to the public areas between and the lawful use of the structure as a car park, it is considered the proposal would not result in any further loss of amenity. The provision of an active frontage would increase natural surveillance to the benefit of community safety and adjacent neighbours.

At the rear there would be a separation of 14.8m between the proposed bedroom windows and the existing bedroom window of 8 and 12 Sister Dora Gardens and 18m between no.s 12 and 20. Due to the changes in ground level, the first floor windows of the proposed houses would be level with the garden of the existing houses with a proposed 2.4m high (top 0.4m trellising) boundary fence between. The retention of this fence would ensure that there would be limited mutual overlooking between the properties and this can be secured by condition. While acknowledging the proposal does not achieve the normal separation distances, it is considered, in this instance, privacy is retained between the properties. Currently the rear gardens of 8-20 are exposed to the car park, the proposal provides an opportunity to increase the security to this boundary.

A shading diagram has been provided which demonstrates that the proposal would not create unacceptable loss of natural light to existing or future occupiers.

Access and parking

There are 30 parking spaces for the existing flats and houses that front Vicarage Place/Wednesbury Road. The applicants explain that a parking permit scheme is in place and parking notices are around the site. Officers observed during the site visit that penalty notices are used to enforce the permit scheme. The application proposes five houses and would increase parking provision by five spaces. While the parking provision (UDP policy T13) seeks 2 spaces per house, this is a sustainable location; therefore 100% parking provision would be acceptable. The proposed 1.5m wide pavement in front of the proposed houses requires a re-design of the existing car park to ensure the existing car park functions. This redesign includes moving some of the existing available spaces but without loss of any spaces, and relocating the existing speed table. The existing layout is restricted and Waste Management have confirmed refuse vehicles reverse into the site with the support of a banksman rather than turning around within the bottom car park. The proposed changes would not restrict this relationship further.

The car park was part of the original parking provision for the site, with the site owners explaining that due to issues of anti-social behaviour, the car park has been closed for ten years. It has not been necessary over this time to re-open the car park which is evidence that the car park is no longer needed. Highways raise no objection to the proposal subject to conditions in regard to implementation of the revised parking, new footway and relocated speed table and the submission for a construction methodology statement. These conditions are considered necessary and are recommended.

On balance the proposal does not give rise to severe cumulative highway safety issues.

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 five new homes.

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

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

Conclusion

The application has considered existing issues of anti-social behaviour and a long standing redundant car park in the Conservation Area against the opportunity to provide five additional houses in a sustainable location and sustainable construction through the conversion of the existing structure. The constrained amenity provision is outweighed by these factors and the opportunity to increase natural surveillance of this part of the site. The application has demonstrated sufficient off-street parking to meet the needs of the development and the planning balance is considered in favour of the application.

Positive and proactive working with the applicant

Officers have worked with the applicants to secure design changes to the proposal to overcome concerns over highway safety and amenity provision to enable support to be given to the scheme.

Recommendation: Grant permission subject to conditions.

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

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

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

- Proposed site and location plan received 15/11/16
- Topographical survey received 8/12/16
- Existing floor plans, elevations and sections received 10/8/16
- Proposed floor plans and elevations received 15/11/16
- Proposed site plan received 8/12/16
-

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

3a. Prior to the commencement of the development, a construction methodology statement shall be submitted to and approved in writing by the Local Planning Authority detailing how the works will be undertaken and giving details of arrangements for the control of noise, dust, flying debris and drag out from engineering and construction activities and where the parking and turning facilities for site operatives, visitors and construction deliveries will be located and including full details of wheel cleaning arrangements to prevent mud from being deposited on the highway during the period of construction.

3b. The development shall be undertaken in accordance with the approved details.

Reason: To prevent indiscriminate parking and in the interests of residential amenity.

4a. Prior to the commencement of built development a schedule of facing materials to be used in the external walls, roofs, windows, doors and rainwater goods shall have been submitted to and approved in writing by the Local Planning Authority.

4b. The approved scheme shall be implemented in accordance with the submitted details.

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

5a. Prior to the commencement of built development drainage plans for the disposal of surface water and foul sewerage shall have been submitted to and approved in writing by the Local Planning Authority.

5b. The approved scheme shall be fully implemented in accordance with the approved details before the development is first brought into use and retained thereafter.

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

6a. Prior to the commencement of built development details to showing how the development complies with Secured by Design specification shall have first been submitted to and approved in writing by the Local Planning Authority.

6b. The approved details shall be incorporated within the design of the building prior to first occupation and shall be retained at all times thereafter.

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

7a. Prior to the development first coming into use, the revised parking arrangements, new footway provision, altered drainage, relocated speed table to incorporate a tactile pedestrian crossing point, public lighting and new parking spaces, shall be fully implemented in accordance with approved details and brought into use.

Note: Whilst this section of Sister Dora Gardens is not a public highway but is privately maintained, nevertheless it is recommended that the infrastructure works above are undertaken to an adoptable highway standard. If this is to be the case, then full engineering details shall be first submitted for written approval of the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

7b. All parking spaces shall be clearly demarcated on the ground and all access ways and vehicle manoeuvring areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation and servicing of the development and in accordance with UDP Policy GP2, T1, T7, T8 and T13.

8a. Prior to the development first coming into use a detailed landscaping scheme for the site shall have first been submitted for written approved of the Local Planning Authority.

8b. The approved landscaping scheme shall be fully implemented within 12 months of the development being brought into use and retained for 5 years. Any trees or plants, which die, are removed, or become seriously damaged or diseased, shall be replaced as soon as practicable with others of similar size and species

Reason: To ensure the satisfactory appearance of the development.

9. The boundary treatment hereby approved shall be installed prior to first occupation of the development and shall be retained.

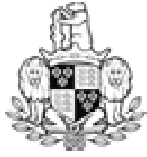
Reason: In the interests of residential amenity.

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

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no side facing windows or doors other than those approved by this permission, and no enlargements, additions or other alterations, as defined by Classes A, B, C, D and E of Part 1 of Schedule 2 of the Order, shall be constructed.

Reason: In the interests of maintaining the amenity of the occupiers of the adjoining dwellings.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 9.

Reason for bringing to committee: Significant community interest and conflicts with 45 degree guidelines

Location: THE MANOR CLUB, HARPER STREET, WILLENHALL, WALSALL, WV13 1SW

Proposal: DEMOLISH EXISTING CLUB AND BUILD 1 OFF DETACHED DWELLING AND PAIR OF SEMI-DETACHED HOUSES. RESUBMISSION OF 15/1335.

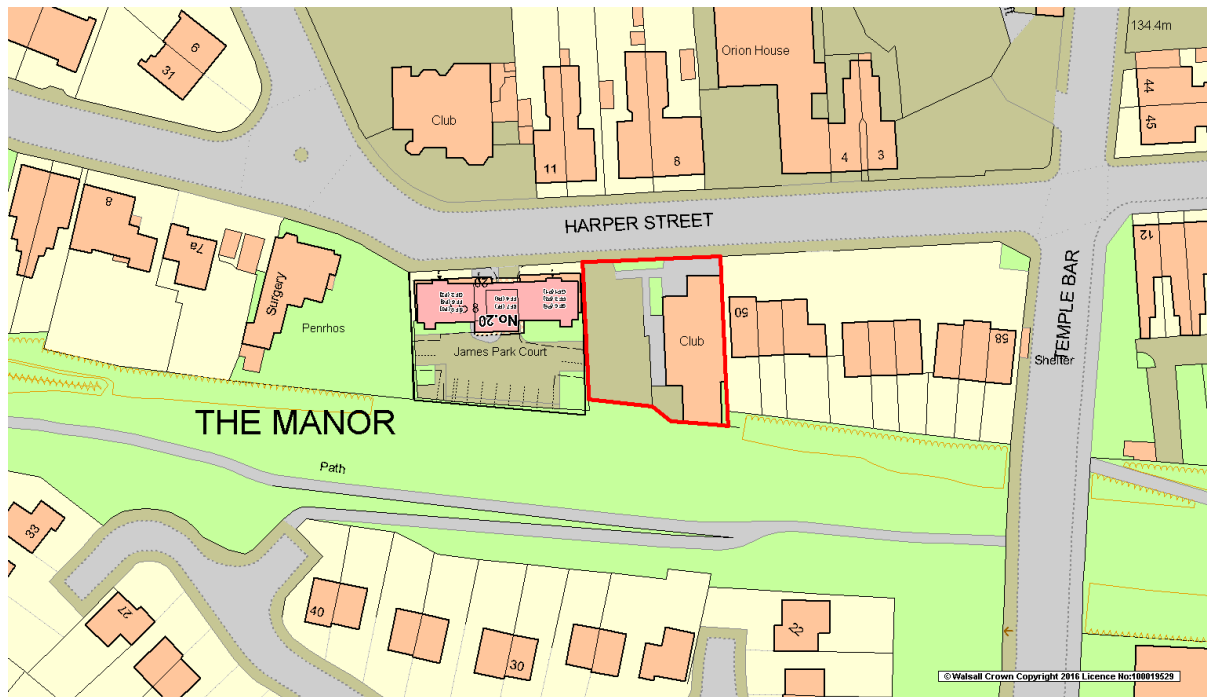
Application Number: 16/0517
Applicant: COMMERCIAL PROPERTIES LTD

Case Officer: Devinder Matharu
Ward: Willenhall South

Agent: SCOTT THOMPSON
Application Type: Full Application

Expired Date: 18-Aug-2016
Time Extension Expiry: 07-Jan-2017

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application proposes the demolition of the existing club and erection of 1 no detached dwelling (plot 1) and pair of semi-detached houses (plots 2 and 3).

The pair of semi detached houses would sit adjacent number 50 Harper Street to the eastern part of the site and would be set back 6.2m from the street and 1m from the boundary with neighbouring property, 50 Harper Street and 1m away from the proposed detached house on plot 1. Plot 3 would have a rear garden length of 12.6m and a total amenity area of 80 square metres. Plot 2 would have an average rear garden length of 11m and a total amenity area of 66 square metres. The three bedroom semi detached houses would measure 9.9m high, 5.1m wide, 8.5m in length. A flat roof canopy would extend across the front of the ground floor and the houses would be finished in brick. The houses would be three storeys high with pitched roof dormers on the front and rear elevations.

The detached house would sit adjacent to three storey flats to western part of the site. The house would project 6m beyond the rear elevation of the flats and will be set off the boundary by a metre. The property would have an average rear garden length of 9.1m and a total amenity area of 91 Square metres. The four bedroom house would measure 7.7m high, 9m wide, 9.5m at ground floor, 8.7m at first floor adjacent plot 2 and 5.8m at first floor adjacent the three storey flats to the west. A tiled canopy would extend across the front of the ground floor and the house would be finished in brick at ground floor and render at first floor. The house would be two storeys high.

The proposed boundaries between the plots would be a 1.8m high close board fence. The boundary proposed between the rear garden of plot 3 and the rear garden of number 50 Harper Street would be a 1.8m high close board fence.

Soft landscaping would be proposed to the front of the site along with off road parking in the form of integral garages and driveway parking.

The existing site comprises a single storey pitched roof building that has been extended with flat roof extensions to the front facing Harper Street, the rear and side elevations face the car park. The entrance to the club is from the side with a parking area in front. The front boundary of the site is a 1.5m high close board fence and the rear boundary a 1.8m high close board fence.

To the east of the site are modern three storey terrace properties finished in render and brick. Number 50 Harper Street is the property nearest the Manor Club and the club building forms part of the boundary between the two. A 1.5m high close board fence forms the boundary between the rear of the Club and the rear garden of number 50 which has a rear conservatory.

To the western side of the site are three storey high orange brick finished modern flats. The nearest flat on the ground floor has a lounge and a small private rear amenity area extending out 4.6m in length. The boundary with these flats is a 1.5m high close board fence.

To the rear of the site is woodland.

The houses along Harper Street vary from traditional three storey and two storey Victorian houses to modern flats and houses. The pattern of development along Harper Street is staggered.

The site is located 807m from the edge of Willenhall District Centre.

There are bus stops along Temple Bar serving route numbers 25 and 43 that are within a couple of minutes walk from the application site. These bus routes offer frequent services.

The following documents have been submitted with the application:
Design and Access statement which concludes the design has been driven to produce a high quality residential development which pays regard to context and vernacular.

Coal Mining Assessment which concludes works need to be undertaken to stabilise coal mining seams.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation
- HOU2: Housing Density, Type and Accessibility

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

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- LC1: Urban Open Spaces
- LC6: Sports Pitches
- T4 - The Highway Network
- T7 - Car Parking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall (2013)

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

- DW3 Character
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

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

It is considered in this case that the relevant provisions of the BCCS, Walsall's saved UDP policies and Designing Walsall SPD is consistent with the NPPF.

Policies are available to view online:

Relevant Planning History

15/1335 Demolition of club and erection of 2 no. 3 storey town houses and 1 no. detached house. Withdrawn 11/6/2015

Consultations

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

Pollution Control – No objection subject conditions to control demolition, engineering and site clearance/preparation activity, hours of work and the burning of waste via a Construction Management Plan.

Environmental Health – No objection

Severn Trent Water – No objection subject to drainage condition.

Police Architectural Officer – No objection subject to Secure by Design

Coal Authority – No objection subject to planning conditions relating to site investigation works.

Fire Officer – No objection

Police – No objection subject to Secure by Design

Representations

Three letters of objection from one resident have been received objecting to proposal on the following grounds:

- Issue with the proposed close board fence
- Demand a permanent brick wall or concrete gravel board and fencing at 1.8m high.

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

Determining Issues

- Principle of the Development
- Land Stability
- Design and Layout
- Impact on the Amenities of Surrounding Occupiers
- Parking and Access
- Local Finance Considerations

Observations

Principle of the Development

Saved Policy H3 of the UDP supports housing on windfall sites providing the other detailed design criteria can be met and Policy HOU2 of the BCCS supports a mixture of housing.

Paragraph 7.51 of the UDP states walking and cycling should be encouraged as an alternative to the car for short journeys. The walking and cycling distances will depend on the local circumstances and the maximum distance will normally be 1000m. It also states that pedestrians should not have to cross roads unless absolutely necessary. In this case, Willenhall District Centre is located 807m from the application site. Furthermore, the application site is located 49m from the junction of Temple Bar where there are frequent bus serves to and from Walsall and West Bromwich so is considered to be a sustainable location.

There are bus stops serving routes 25 and 43 along Temple Bar are within 72m and a couple of minutes walk from the application site. There are frequent bus services for these routes.

In conclusion it is considered that the proposed housing development would be in a residential area within easy walking distance of Willenhall and is considered acceptable in principle. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP.

Land Stability

A Coal Mining Risk Assessment Report has been submitted that shows coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. On this basis, the Coal Authority have recommended planning conditions requiring site investigation works to be undertaken prior to commencement of development. They also recommend a planning condition to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

Design and Layout

The layout of the proposed houses follows the pattern of development along Harper Street. This part of Harper Street has been redeveloped with modern housing development and this proposal would blend in with those modern housing developments.

The design of the proposed houses is reflective of the existing houses along Harper Street. It is considered the design would not be out of character with the surrounding pattern of development sufficient to warrant refusal of the scheme.

Plot 1 would be set back 4.3m from Harper Street. The adjoining three storey flats to the west of the application site are set back 1.6m from the back of the pavement. From the nearest ground floor habitable room window of the proposed house on plot 1 the development would not comply with the Council's 45 degree code, as the existing flatted development would block light. Nevertheless the house is set back to provide a front garden and driveway parking to meet the requirements of policy T13. On balance, it is considered whilst the existing three storey development would block some light to the nearest habitable room windows, it would not be significant to warrant refusal of the scheme.

Plot 2 would have an average rear garden length of 11m and a total amenity area of 66 square metres. Both of these dimensions fall marginally short of the Residential Standards as set out in Annexe D of the Designing Walsall SPD (12m length or 68m² are recommended). On balance, it is considered that the shortfall of the rear garden by a metre and the total amenity area by 2 square metres would not be significantly detrimental to the amenities of these occupiers to warrant refusal of the scheme.

Plots 1 and 3 meet the Residential Standards for rear gardens as set out in Annexe D of the Designing Walsall SPD.

The proposed houses within the plots would not unduly impact upon the amenities of proposed occupiers as the houses sit in line at the rear and the front staggered line complies with the 45 degree code.

The Police Architectural Liaison Officer has stated that the proposal should have regard to Secure by Design and this could be included as a planning condition.

Neighbouring residents have raised concerns regarding the proposed 1.8m high close board fence and state that they demand a brick wall or concrete gravel board fence. It is considered that a close board fence would be sufficient and reasonable to secure the two sites and protect the amenities of neighbouring residential occupiers. The occupiers of the

neighbouring property are entitled to erect a 2m high brick wall on their own land if they wish to do so without requiring planning permission.

The proposal shows some tree planting towards the front of the site, no details of this landscaping or replacement trees have been provided. These can be secured by a planning condition.

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

Impact on the Amenities of Surrounding Occupiers

Plot 1 would project 6m beyond the rear elevation of the three storey flats to the western part of the site, 3.2m of this rear projection would be two storey and 2.8m would be single storey. Whilst the design of plot 3 will result in some loss of light during the morning to the ground floor flat of this neighbouring three storey development, the rear elevation is south facing and due to the orientation of the sun, sunlight would be available for the majority of the day. On balance, the proposal would not unduly impact upon neighbouring residential occupiers in terms of loss of light to warrant refusal of the application.

Plot 3 would sit 2m back from the rear elevation of 50 Harper Street and as such would not unduly impact upon the amenities of the neighbouring occupiers to warrant refusal of the scheme.

Pollution Control has suggested a planning condition to restrict hours of work on site protect the amenities of neighbouring residential occupiers from on site construction works.

Parking and Access

Policy T13 requires two parking spaces for the 3 bed dwellings and 3 spaces for the 4 bed dwelling. The proposal looks to provide this in the form of integral garages and driveway parking. On this basis, the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF policies.

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 the erection of three dwellings.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 792 new homes during 2010-2011 the award of £1,095,219 (which included a premium for affordable housing but also a deduction for an increase in vacancies) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards might be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Positive and proactive statement

The site is in a sustainable location consistent with guidance in the NPPF, BCCS and UDP. The design and layout of the proposal is reflective and follows the pattern of development along Harper Street. The proposal would not unduly impact upon neighbouring residential amenity in terms of loss of light. The proposed boundary treatments are considered acceptable. The proposal complies with parking requirements. Relevant planning conditions have been attached to the decision notice in respect of landscaping, parking, access, drainage, land stability and to protect neighbouring amenity.

Recommendation: That planning permission is granted subject to the following conditions

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

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

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

- Location plan and block plan, drawing number 213/PD/01/REVC submitted on 17 August 2016.
- Drawing number 213/PD/02a entitled detached house details submitted on 8 April 2016.
- Drawing number 213/PD/03a/REVA entitled semi detached house details submitted on 8 April 2016.
- Drawing number 213/PD/04b entitled street scene submitted on 8 April 2016.

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

3a. Prior to the commencement of the development above damp proof level samples of all facing, roofing and driveway surface materials shall be submitted to and approved in writing by the Local Planning Authority.

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

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

4a. Prior to the commencement of this permission drainage details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

4b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

5a. Prior to the commencement of this permission a detailed landscaping scheme illustrating planting within the proposed housing site including:

- New tree species and size
- detailing planting densities
- planting numbers
- size of plants to be planted
- soil depth and specification

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

5b. The approved scheme shall be implemented within 12 months of any part of the development being brought into use.

5c. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within the first 5 years shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: Necessary in the visual amenities of the area and the proposed site.

6a. Prior to the commencement of the development, details of any external lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority.

6b. The development shall be completed with the approved details and retained and maintained at all times.

Reason: Necessary to prevent light pollution and to protect the amenity of surrounding residential occupiers.

7a. Prior to the commencement of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority.

- i. The submission of a scheme of intrusive site investigations for approval;
- ii. The undertaking of that scheme of intrusive site investigations;
- iii. The submission of a report of findings arising from the intrusive site investigations;
- iv. The submission of a scheme of remedial works for approval; and
- v. Implementation of those remedial works.

7b. The development shall be completed in accordance with the approved details.

Reason: To ensure the stability of the land and to protect future occupiers.

8a. Prior to demolition, engineering and site clearance/preparation works commencing a Construction Management Plan setting out how the works will be undertaken and giving details of arrangements for the control of noise, vibration, dust and debris (including site drag-out), and the management of any materials arising from the works shall be submitted to and approved in writing with the Local Planning Authority.

8b. The Construction Management Plan shall be implemented upon commencement of any works and shall be maintained until the site is completed.

Reason: To protect the amenity of adjoining neighbouring residential properties.

9a. Prior to the first occupation of any dwelling on the development, full details showing surface water runoff from the proposed driveways/parking areas does not discharge onto the highway or into any highway drain shall be submitted to and approved in writing with the Local Planning Authority. The details shall show that these areas are to be fully consolidated, hard surfaced and drained.

9b. These areas shall thereafter be retained and used for no other purpose.
Reason: To ensure the safe and satisfactory operation of the development and in accordance with UDP policy GP2, T7 and T13.

9c. The garage spaces shall thereafter be retained and used for no other purpose.

Reason: To ensure compliance with UDP policy GP2, T7 and T13 and to prevent on street parking.

10. The new vehicle access points shall provide 2.4m x 3.4m pedestrian visibility splays within which, at no time, shall structures or planting exceed 600mm in height above footway level.

Reason: To ensure adequate pedestrian/vehicle inter-visibility, in the interests of highway safety.

11. Prior to the first occupation of any dwelling on the development, the new vehicle footway crossings to align with the new driveways together with the reinstatement of the existing dropped kerb footway made redundant as a result of the development, shall be implemented in accordance with Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

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

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

Reason: To protect the amenity of adjoining neighbouring residential properties.

13a. The boundary details as shown on drawing number 213/PD/01/REVC entitled site plan and location plan submitted on 17 August 2016 shall be erected prior to the first occupation of the proposed houses hereby approved.

13b. The boundary treatments shall be retained in perpetuity and maintained at all times.

Reason: To protect the amenities of the proposed residential occupiers.

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

Reason: To protect the amenity of adjoining neighbouring residential properties.

Notes to Applicant:

1. Severn Trent Water advise that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without

consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.

2. When submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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

4. 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.

5. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction and reinstatement of the footway crossings within the public highway.

6. The development shall have regard to Secure by Design as set out below:

- I. All external door and windows sets should comply to PAS 24 2012 standards. (This includes French doors)
- II. All ground floor and accessible windows should contain a pane of laminated glass which complies to BS EN 356:2000 class P1A. This will improve the standard of security to the more vulnerable ground floor windows.
- III. Perimeter and Boundary fencing in general should be at least 2.1m in height, the fencing should be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. Anti-Climb Trellis topping can be incorporated to achieve the required height offering greater protection to the vulnerable rear of the properties e.g. 1.8m fencing plus 300mm anti climb trellis = 2.1m.
- IV. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.
- V. Where the boundary fence adjoins the neighbouring car park fencing along this boundary should be 2.1m in height to reduce the risk of offenders using this area to gain access into the rear gardens of this development
- VI. Side gates should be key lockable from both sides with a mortice type lock.
- VII. Due to the national increase in metal thefts where possible lead substitute products should be used.
- VIII. All the buildings on this development should be suitably fitted with an intruder alarm.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 10.

Reason for bringing to committee: Called in by Councillor Russell as the proposal will impact on the amenity of the neighbour

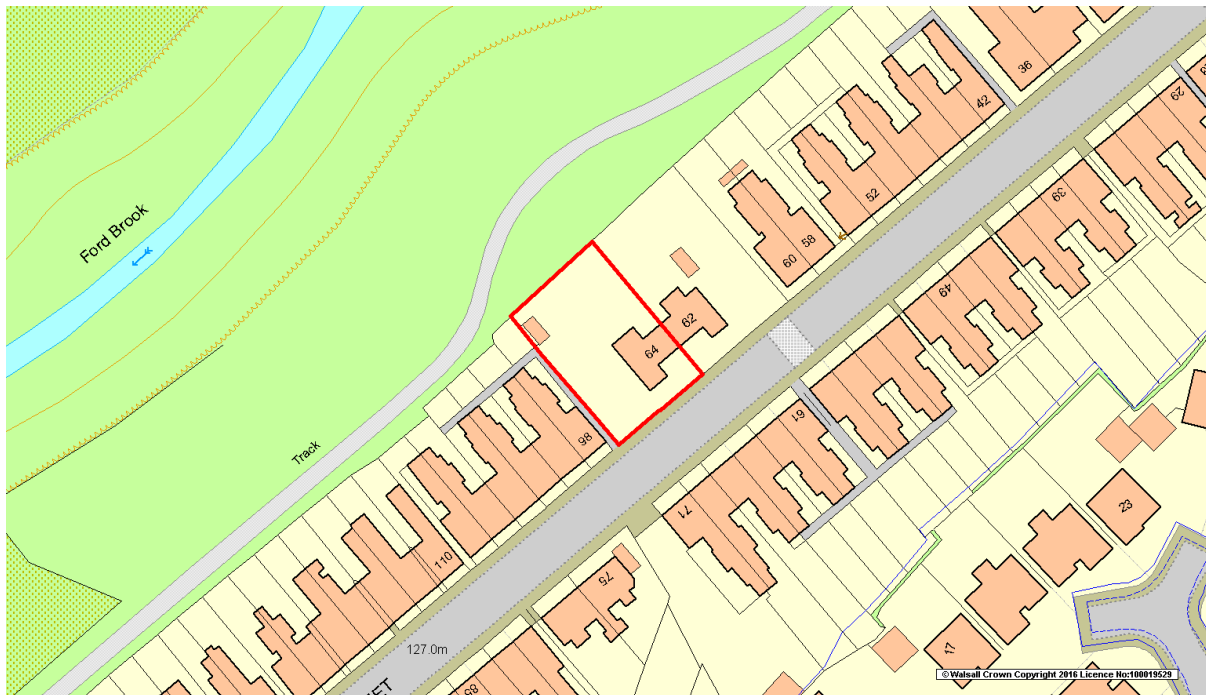
Location: LAND ADJACENT, 64 BORNEO STREET, WALSALL, WS4 2HY

Proposal: ERECTION OF 1 NO. DWELLINGHOUSES AND ASSOCIATED WORKS

Application Number: 16/0957
Applicant: Ms S Thomas
Agent: Mr William Brearley
Application Type: Full Application

Case Officer: Karon Hulse
Ward: St Matthews
Expired Date: 29-Aug-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application site is located to the north west side of Borneo Street and occupies land to the south west of No. 64 Borneo Street. The street mainly comprises Victorian-era terraced housing of traditional construction sited immediately rear of the footway. No. 64 Borneo Street and the adjoining semi each benefit from a large garden are to the side.

The application proposes a single two storey dwelling on land to the side (southwest) of no 64 Borneo Street, Walsall.

The application proposes the erection of a three-bedroom house measuring
8.8m in width,
12.8m (total) in length and
would be 8.62m high (to the eaves 5.3m).

The proposed dwelling will front directly onto Borneo Street, it will be on a similar building line to the traditional residential property at no 98 and will then step back being set in to accommodate a parking spaces in front of a garage which will also be on a similar building line to the front of no 64 Borneo Street.

The house will have a pitched roof with gables either side, a front feature gable to the left with bay window at ground floor and canopy above and integral garage to the right. The rear garden will be 13.2 metres at its shortest point increasing to 15.8 mts.

At the rear of the application site is an area of open space (Ryecroft) to the north and north west.

The application site currently forms part of the domestic curtilage to No. 64 Borneo Street. A dropped kerb is provided immediately in front of the application site which will serve the proposed garage.

Walsall town centre is approximately 1km to the south west of the application site. A bus stop is located approximately 160 metres away on the junction of Borneo Street with Lichfield Road and approximately 160 metres away at the junction of Borneo Street with Mill Lane.

Residential development nearby comprises predominantly terraced houses of two-storey construction fronting directly onto the highway, uniformly set back from the highway edge. The existing street scene consists of terraced housing both of Victorian-era and 20th Century construction.

The design of the new house incorporates existing design elements along the street i.e. bay windows with canopies above, feature gable roof projections above the first floors and window designs.

The proposal would provide 1 off road parking space for the existing house, number 64 and two spaces for the proposed house.

A 1.2m separation distance will be retained between the side of no 98 and the proposed house. The proposed house would be set off the boundary with 98 at the rear to comply with the 45-degree guidance.

A planning statement has been submitted which concludes that

- The principle of residential development on this site is acceptable having regard to UDP Policies H3 and H10.
- Residential development in the immediate vicinity of the site comprises predominantly terraced houses of two-storey construction fronting directly onto the highway, uniformly set back from the highway edge.
- The proposed dwelling fronts onto Borneo Street on a similar building line to the traditional residential properties along the street.
- The proposed siting is respectful of the character and appearance of the surrounding area and pattern of development.
- The design draws architectural cues from surrounding development reinforcing the character of the street scene.
- consistent with the guidelines set out in the 'Designing Walsall' SPD in relation to the distances to boundaries and distances between dwellings.
- sustainable location within easy walking distance of local services and facilities, including convenience stores and schools.
- located within easy walking distance of a public transport routes and the town centre.

Relevant Planning History

None

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed.

Key provisions of the NPPF relevant in this case:

4: Promoting sustainable transport

32. Decisions should take account of whether:

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

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

- Give priority to pedestrian and cycle movements and have access to high quality public transport facilities.

- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.
 - Consider the needs of people with disabilities by all modes of transport.
6. Delivering a wide choice of high quality homes
49. Housing applications should be considered in the context of the presumption in favour of sustainable development.
50. Aim to deliver a wide choice of high quality homes and advises local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community such as older people and people with disabilities amongst others.
- 7: Requiring Good Design
56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.
57. It is important to plan positively for the achievement of high quality and inclusive design for all development.
58. Planning policies and decisions should aim to ensure that developments meet criteria that include:
- Function well and add to the overall quality of the area.
 - Optimise the potential of the site to accommodate development.
 - Create safe and accessible environments.
 - Respond to local character and history and reflect the identity of local surroundings and materials.
 - Are visually attractive as a result of good architecture and landscaping.
60. Decisions should not attempt to impose architectural styles of particular tastes and they should not stifle innovation. It is proper to seek to promote or reinforce local distinctiveness.
61. Decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.
64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
10. Meeting the challenge of climate change, flooding and coastal change
103. LPAs should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment.
11. Conserving and enhancing the natural environment
109. The planning system should prevent new and existing development from contributing to...unacceptable levels of... pollution and remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
111. Encourage the effective use of land by re-using land that has been previously developed.
120. To prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location.
123. Planning decisions should aim to:
- Avoid noise from giving rise to significant adverse impacts
125. Decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

On **planning conditions**, the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

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

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

The relevant key policies are:

CSP4: Place Making

HOU2: Housing Density, Type and Accessibility

TRAN2: Managing Transport Impacts of New Development

TRAN4: Creating Coherent Networks for Cycling and for Walking

ENV2: Development required to preserve and enhance local character.

ENV3: Refers to design quality requirements.

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- T8 - Walking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Documents (SPD)

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

DW1: Sustainability
DW2: Safe & Welcoming Places
DW3: Character
DW4: Continuity .
DW5: Ease of Movement
DW6: Legibility
DW7: Diversity
DW8: Adaptability
DW 10: Well Designed Sustainable Buildings

Appendix D

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

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

Consultations

Transportation - No objection

Pollution Control - No objection

Severn Trent Water – No objection subject to drainage condition

Public Participation Responses

One letter of objection has been received from the occupier of no. 98 Borneo Street on the following grounds:

- construct directly on the boundary line within 1 metre of our gable wall
- properties are over 100 years old and constructed without foundations.
- undermine our 'foundations' and destabilise our property.
- party wall agreement would not be signed (*This is not a material planning consideration*)
- reduce number of parking spaces available to existing residents.

- only one off road car space to a 3 bedroom property with potential of an additional 3 cars being parked on the road.
- Due to orientation and close proximity we will be severely overshadowed.
- Loss of light to the rear windows to lounge, bedrooms, and kitchen.

The objector has also submitted the following documents:

- Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight' – information pack which relates to the 25 degree rule, 45 degree rule, Rights of Light, and Daylight and Sunlight rules.
- Right to Light – Fact Sheet 7 advice for neighbours.

One letter in support of the application on the grounds that whilst they will lose the lovely view the amended plans for a one three bedroomed house with garage is much less likely to add to traffic and parking congestion in the street.

Determining Issues

- Principle of residential development
- Design and character of the area
- Amenities of nearby residents
- Parking and access

Observations

Principle of residential development

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The application site whilst being surplus to requirements is garden land to the side of no.64. This is not defined as brownfield land but in this context the proposal is considered to be an effective use of the land and will continue the streetscene reflecting and enhancing the character of the area. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development. It is considered due to the application sites close proximity to the town centre with all its available facilities to be in a sustainable location.

The town centre is approximately 1km to the south west of the application site. A bus stop is located approximately 160 metres away at the junction of Borneo Street with Lichfield Road and approximately 160 metres away at the junction of Borneo Street with Mill Lane. The arboretum is only 650mts away where there are open space facilities etc. as such the location is considered to be in a sustainable location.

As such the principle of residential is considered to meet with both national and local planning policy.

Design and character of the area

No. 64 Borneo Street and the adjoining property form part of a pair of semi-detached properties these are considered to be an anomaly within the streetscene which is mainly Victorian terraces. The proposed design of the new house comprises of design elements drawn from the Victorian era and as such it is considered that it reflects the predominantly Victorian character of this part of the Butts area.

The proposed house has part of its frontage in line with the existing pair of semi-detached properties to the northeast and part of it in line with the Victorian terraced property of no 98 to the south west. It includes a bay window feature and other proposed design proportions such as the eaves and ridge heights being the same as no.98 and the use of stone sill and headers and brick string course detailing.

The streetscene shares two key characteristics; it fronts the public highway having direct access onto the public footpath and share (in the majority) a common building line facing the public highway. At the rear, properties are orientated with rear gardens facing the open space. The proposal to be located in the side garden of no 64 Borneo Street will simply infill a current gap and continue the existing the streetscene.

It will be compatible with the pattern of surrounding development. Designing Walsall SPD requires a clear definition and separation between the private and public realm with the building frontage being designed to overlook the public realm. This application clearly achieves this.

Designing Walsall requires that housing proposals either provide a rear garden length of 12m or a total amenity area of 68 square metres; In this case, the proposal exceeds both the rear garden length (13.2mts) and total amenity area (118sq mts).

As such it is considered that the proposed siting of this house will be respectful to the character and appearance of the surrounding area and will be well integrated into the existing streetscene.

Impact upon the amenities of adjacent residential occupiers.

The adjacent neighbour has objected that the new building will be constructed along the boundary between the two properties and that they will not be prepared to enter into a party wall agreement. The Party Wall Act provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. The Act is separate from obtaining planning permission or building regulations approval and does not prevent any planning permission being granted and is not a material planning consideration.

Physical construction of any development is a matter for Building Control and does not prevent any planning permission being granted, it is not a material planning consideration.

The sun rises in the east and sets in the west the application site is directly to the northeast of the objector's property (no 98). It is considered in this instance there will be no over shadowing from the new house.

There are no habitable room windows within the side elevations of the proposed dwelling. In this respect, the proposed development will not adversely impact upon the privacy of either nos. 98 or 64 Borneo Street. The house has been sited and designed so as to comply with the Council's Designing Walsall SPD, 45° guidance line taken from the rear facing windows of the main body of no. 98 Borneo Street. The rear portion of the new house is stepped in and away from the boundary in line with the 45 degree line.

Whilst the objector has referred the Council to documents regarding the 25 degree rule, Rights of Light, and Daylight and Sunlight rules. This is guidance only and not a formally adopted Council documentation. The neighbours may pursue this guidance separately with applicant. The Council's Designing Walsall SPD, 45 degree code guides development and planning applications in relation to neighbour's light and outlook. In this instance, it is considered the proposal meets that 45 degree guidance.

There would not be any material harm to the living conditions of adjoining properties by reason of loss of privacy and as such it is considered that the proposed house will comply with policies GP2, ENV32 and H10 of the UDP.

In principle rear extensions or new dwellings that sit beyond the rear of neighbouring properties can be supported provided they do not have an impact upon neighbouring amenity.

In this case, the neighbouring property at 98 is typical of Victorian properties with it having a long rear projecting wing consisting of single and two storeys which provides kitchen/diner at ground floor and bedroom and bathroom at first floor. Windows to these rooms would partially look out at the side of the new house (6 mts away) and beyond it, whilst some of these are habitable room windows and the distance is below the designing Walsall guidance of 13 mts, this layout reflects the setting and layout of Victorian terraces. The limited separation distance is a characteristic of this type of housing and on balance it is considered the proposed new houses will have limited impact on the daylight, sunlight and visual amenity of the occupiers of no. 98.

As such it is considered that there will be limited impact in terms of visual amenity, shadowing and loss of daylight on neighbouring occupiers.

Parking and Access

Objectors have raised concerns that the proposal will result in loss of parking, increase on street parking.

Transportation have no objection as the proposal would provide 2 off road parking spaces for the proposed house and one off street parking space for the existing house at no 64 Borneo Street.

The town centre is approximately 1km to the south west of the application site. A bus stop is located approximately 160 metres away at the junction of Borneo Street with Lichfield Road and approximately 160 metres away at the junction of Borneo Street with Mill Lane. The arboretum is only 650mts away where there are open space facilities etc. as such the location is considered to be in a sustainable location.

There are no parking restrictions along Borneo Street which would prevent future occupiers parking close to their home should they own a car.

There is no evidence to suggest that the proposal would result in on street parking. The proposal would comply with the car parking requirements as set out in policy T13 of the UDP.

On balance the proposed siting of a single dwelling in this sustainable location will reflect the character of the existing streetscene and area, will not be detrimental to the amenities of existing and future occupiers and will provide off street parking for both the existing house at no 64 and the proposed new house.

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 the erection of 1 house.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 792 new homes during 2010-2011 the award of £1,095,219 (which included a premium for affordable housing but also a

deduction for an increase in vacancies) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards might be offset against reductions in the ‘formula grant’ the Council will receive from Government.

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

Positive and Proactive Statement

The agent has revised the original proposal by reducing the number of proposed units from two to one which results in off street parking being provided and the design being in keeping with the Victorian character of this area.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Location plan received 4/7/16
- Site Plans and streetscene (403-01B) received 3/11/16
- Proposed Plans and elevations (403-03A) received 3/11/16
- Planning statement received 4/7/16.

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

3a. Prior to the commencement of construction works on the new dwelling, the replacement frontage parking space for the existing dwelling shall be fully implemented and brought into use. The parking space shall be fully consolidated, hard surfaced and drained so that surface water run-off from this area does not discharge onto the highway or into any highway drain.

3b. Prior to the new parking space first coming into use, a new vehicle footway crossing to align with the parking space shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. The new crossing shall not exceed five 900mm flat kerbs and two 900mm taper kerbs and the existing street lighting column shall be relocated to accommodate the new driveway shall be with the agreement of Amey, the Council's Street Lighting Partner and at the applicant's expense. All works within the public highway shall be in accordance with all statutory requirements.

3c. The parking spaces shall thereafter be retained and used for no other purpose.

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

4a. No development shall be carried out until full details of drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

4b. The approved scheme shall be fully implemented before the development is first brought into use.

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

5a. No development shall commence until full details of all materials plus details of the external (curtilage) boundary treatments of the site shall have been submitted to and approved in writing by the Local Planning Authority.

5b. The development shall be fully implemented with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance of the development.

6a. Prior to the construction of the development above damp proof course full details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development will meet Secure By Design specification.

6b. The approved details shall be fully implemented prior to first occupation of any house and thereafter retained

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

Reason: To ensure the safety of future occupants.

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

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

Reason: To protect local amenity

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no side facing windows or doors other than those approved by this permission, and no enlargements, additions or other alterations, as defined by Classes A to D of Part 1 of Schedule 2 of the Order, shall be constructed.

Reason: To ensure the Local Planning Authority has control over the development in the interests of retaining sufficient levels of amenity and parking provision for occupiers of houses hereby approved and in accordance with UDP Policy GP2, T7 and T13.

Notes to Applicant - Highways

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

2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654663.

3. The area of this proposed development was formerly used as a factory or works which may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

Notes to Applicant - Severn Trent Water advise that there is a public 150mm 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.

Notes for applicant regarding Secure by Design

West Midlands Police has been consulted on the application and has made the following comments:

1. The developer should be aware of Secure By Design specifications which will significantly increase the security of the building (doors and windows). Information can be found at http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf

2. All external door and window sets should comply to PAS 24 standards.

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

4. All external door sets should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock.

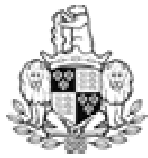
5. Most properties are attacked from the rear, therefore perimeter security needs to be effective in order to protect the most vulnerable area of any property. With this in mind perimeter and boundary fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping i.e. 1.8m fence plus 300mm anti climb trellis topping.

NB/ Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.

6. All gates should be 2.1m in height and be key lockable from both sides. They should be positioned as close to the front building line as possible.

Where garden access is at the rear of the property, the alleyway leading to the rear, between two properties needs to be protected by a 2.1m gate (Key lockable from both sides with a mortise type lock) eg. Between plots 3/4, 5/6, 7/8, 21/22, 23/24, 25/26 etc.

7. All properties should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 11.

Reason for bringing to committee: Significant Community Interest

Location: LAND AND GARAGES ON SLATERS LANE TO REAR OF 90 SHERIDAN ST, SLATERS LANE, WALSALL, WS2 9AQ

Proposal: PROPOSED RESIDENTIAL DEVELOPMENT (OUTLINE) - RESUBMISSION OF APPLICATION NO.16/0921

Application Number: 16/1643
Applicant: Mervyn Westley
Agent: Tweedale Limited
Application Type: Outline Application

Case Officer: Karon Hulse
Ward: Pleck
Expired Date: 15-Dec-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This is a resubmission following a refusal for an outline application for residential on land to the rear of 90 Sheridan Street, off Slater's Lane, Pleck, Walsall. The previous application was refused on the grounds that it failed to demonstrate that a satisfactory residential environment could be provided for existing and future occupiers, the design will enhance and respect the local area and there will be no increase in on-street car parking and that there will be no risks to the development posed by past coal mining activity.

Following the refusal this resubmission is now accompanied by a coal mining risk assessment report and additional information regarding the current use of the site and surroundings.

All matters: layout, access, appearance, landscape and scale are again to be reserved for future determination.

The site is roughly triangular in shape being 188 sq metres.

An indicative layout shows a two storey two bedroom detached house fronting onto Slater's Lane with two parking spaces adjacent to it.

The site is situated within a well-established residential area consisting of residential housing of differing ages, types and styles and set in a variety of plot sizes but mostly characterised by rows of Victorian back to back terraces.

The site was previously occupied by 6 timber garages with a 2 metre high brick wall along the back of the public highway. The site has been cleared and currently not used for any purpose and considered to be vacant land.

Opposite is Slater's Lane Allotments.

Relevant Planning History

16/0921 – Proposed residential development (outline). Refused for the following reasons:

1. *The application has failed to demonstrate that the proposals: -*
 - *can be developed to provide a satisfactory residential environment for its future occupiers,*
 - *will not have an adverse impact on existing occupiers and residents*
 - *the design of future residential development will enhance the local area*
 - *will respect the character of the area and will be of an appropriate scale and well integrated into the existing pattern of settlement and surrounding land uses.*
 - *there will be no increase in on-street car parking as a result of the displacement of users of the existing garages to the detriment of highway safety*

On balance the proposed development is contrary to the aims and objectives of the National Planning Policy Framework, BCCS policies CSP3, CSP4, TRAN2, ENV2 and ENV3, Unitary Development Plan policies ENV14, ENV32, H3, T7 and T13 and Supplementary Planning Document Designing Walsall

2. *The proposed development has not demonstrated that there will be no risks to the development proposal posed by past coal mining activity*

As such the proposed development is contrary to the National Planning Policy Framework, paragraphs 120-121 which requires the applicant to demonstrate to the satisfaction of the LPA that the application site is safe, stable and suitable for development

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

The Black Country Core Strategy (BCCS) (2011)

- CSP3: Environmental Infrastructure
- CSP4: Place Making
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals

- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document Designing Walsall

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

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

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing.

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

Consultations

Transportation – no objections subject to conditions requiring parking and pedestrian visibility splays.

Severn Trent – no objections subject to condition requiring details

Coal Authority – no objections subject to ground condition

Public Participation Responses

Three letters of objection received on the following grounds:

- Loss of privacy
- Loss of light
- Increased risk of antisocial behaviour
- Over densely populated area
- Loss of water pressure additional building put more stress on system
- Not in keeping with streets of terraced housing with rear gardens back to back
- Not a windfall site
- Current use as garages is still in demand and serves to part control on street parking
- Further burden to on-street parking
- Building works will cause noise and air pollution
- Not in the public interest
- Overlooking
- Increased congestion and parking
- Loss of outlook and view
- Impact on residential amenities

Determining Issues

- Reasons for refusal
- Principle
- Access/highways
- Amenity
- Design/security
- Coal Authority
- Development activities
- Local Finance Considerations

Observations

Reasons for refusal

Satisfactory residential environment - Additional information provided in this application demonstrates that the siting of a proposed dwelling in this location can achieve the standards as set out in the Designing Walsall SPD. As such existing occupier's amenity will not be compromised and a suitable level of private secure amenity can be provided for future occupiers.

Design will enhance and respect the local area – This is considered to be a stand-alone site and will be the only residential house with a frontage onto Slaters Lane in the immediate area. The design of any future house is a matter for determination at a later stage however, the site lies between the rear boundaries of these two streets and is therefore already out of character with the larger area. As such the application site could be said to form a character of its own particularly facing the allotments opposite.

No increase in on-street car parking - The former garage site has not been used for garaging purposes for many years as such there will be no displacement of cars onto the nearby highway. Any proposed house will also require parking within the curtilage to be provided to meet the Unitary Development Plan standards.

No risks posed by past coal mining activity - A Coal Mining Risk Assessment Report has been submitted which addresses the previous reason for refusal subject a site investigation being carried out.

Principle - This application seeks consent for the principle of residential development on the site with all matters being reserved, only indicative drawings have been submitted in support of the application.

The site is considered to previously developed land in a predominately residential location.

Policy H3 encourages the provision of additional housing through the re-use of previously developed windfall sites provided that a satisfactory residential environment can be achieved. It is also provided there is no overriding need for the land.

The Pleck local centre is approximately 0.5 km to the east this is considered to be within walking distance, here there can be found shopping, community and medical facilities, there is also a good network of bus routes which can be reached on foot at the end of Slater's Lane and Sheriden Street. As such the site can be considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP in terms of sustainable transport and reuse of previously developed land.

The National Planning Policy Framework suggests that Local Planning Authorities may make an allowance for windfall sites and other national and local policy guidance require the efficient use of land. The provision of residential on this site would therefore be considered an efficient use of this windfall site subject to a satisfactory residential environment being achieved.

Previously the application lacked sufficient information to enable the application to be adequately determined and in particular how a satisfactory residential environment for future occupiers can be secured whilst protecting the amenities of existing nearby occupiers and residents.

This application now includes additional information with regards to the above and on the basis that the application seeks to determine the principle of residential only with all other matters to be determined at the reserved matters stage it is now considered sufficient information has been provided subject to the amenity of existing and future occupiers being acceptable.

Access/highways – Since the previous application the site has been cleared and the applicant states that it has not been used for parking of vehicles for many years as such there will be no displacement of cars onto the nearby highway. Any proposed house will also require parking within the curtilage to be provided to meet the Unitary Development Plan standards.

Amenity – It was previously considered that whilst the application was in outline only for the principle of residential, it was considered that the close relationship to other residential properties was a material consideration. To ensure that existing occupiers amenity is not compromised and that a suitable level of private secure amenity can be provided for future occupier the siting of the proposed dwelling will need to comply with Designing Walsall SPD. The applicants state that the eastern side of any proposed dwelling will be 21 metres from the rear wall of no.90 Sheridan street and in order to achieve the required standards it could be designed with a blank gable wall. Similarly, the distance to houses on Kinglsey Street would be at least 35 metres away from any gable wall of the proposed dwelling.

As such and on balance it is considered that the application has now demonstrated sufficiently that the principle of residential on this site is acceptable and that the amenities of existing occupiers as well as future occupiers in terms of loss of privacy, light, outlook, view and overlooking, can be adequately provided for in accordance with the designing Walsall SPD guidance.

Design/Security – The application site which is previously developed land, will be a stand alone site providing a residential house fronting on to Slaters Lane. Whilst this will not reflect the immediate character of the area which is mostly back to back housing, the site lies between the rear boundaries of these two streets and is therefore already out of character with the larger area. As such the application site could be said to form a character of its own particularly facing the allotments opposite.

The design of the dwelling is subject to the reserved matters application however at this stage it is accepted that in this instance and on balance it may not be necessary to reflect the surrounding design of housing on the basis that it is on its own.

This development is situated in the Pleck Neighbourhood Police Team area. This area has suffered 1699 reported crimes over the last 12 months, of which 133 were burglaries and 275 vehicle related. There have been 10 crimes in Sheridan Street over the last 12 months.

In view of the above it is recommended that the site achieves Secure by Design standards. This can be achieved through the design of the development and secured by way of a condition on any approval

Coal Authority – One of the previous reasons for refusal was an objection from the Coal Authority as a Coal Mining Risk Assessment Report was not submitted, one has been included with this resubmission and following re-consultation with the Coal Authority they have no objections subject to a condition requiring site investigation works to be carried out prior to commencement of any development, this can be secured by way of a planning condition.

Development Activities - Any noise from any approved development is likely however this is to be expected with any new development works and is usually shorter. Conditions of working hours can be imposed on any approval to control this to appropriate and acceptable times.

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 the erection of 1 house.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 792 new homes during 2010-2011 the award of £1,095,219 (which included a premium for affordable housing but also a deduction for an increase in vacancies) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards might be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Conclusion

The resubmission of this proposal, which seeks to determine the use and principle of the site for residential purposes only, has been supported by additional information. As such and on balance it is now considered that the principle is acceptable. This is subject to all reserved matters details being submitted at a later stage and that they can demonstrate the satisfactory development of the site and will protect the amenities, in terms of loss of privacy, light, outlook, view and overlooking, of existing occupiers around the site as well as future occupiers of the development.

On balance the proposed development is considered to comply with the aims and objectives of the National Planning Policy Framework, BCCS and the Unitary Development Plan

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant's agent. In response to the previous refusal additional supporting information and plans have been submitted to enable full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

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

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

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

- Access
- Appearance
- Landscaping
- Layout
- Scale

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

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

- Location plan (03(00)01A received 21/10/16
- Block Plan (For illustrative purposes only – 03(00)02A) received 21/10/16
- Coal Mining Risk Assessment report received 21/10/16

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

5a. Prior to any development commencing, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

i) Each dwelling shall have no more than 3 bedrooms in order to accord with UDP T13 parking policy based upon two parking spaces per unit.

ii) Each vehicular access point shall demonstrate a 2.4m x 3.4m pedestrian visibility splay within which no structure or planting shall exceed 600mm in height above footway levels.

5b. Prior to the house being first occupied the agree details above shall be fully implemented and thereafter retained

5c. The parking spaces shall thereafter be retained and used for no other purpose.

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

6a. Prior to the first occupation of the new dwelling, the parking space shall be fully consolidated, hard surfaced and drained so that surface water run-off from this area does not discharge onto the highway or into any highway drain and brought in to use.

6b. The parking space and integral garage space 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.

7a. Prior to any development commencing full details of drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority.

7b. The approved scheme shall be fully implemented before the development is first brought into use.

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

8a. Prior to any development commencing full details of all materials plus details of the external (curtilage) boundary treatments of the site shall be submitted to and approved in writing by the Local Planning Authority.

8b. The development shall be fully implemented with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance of the development.

9. In order to address the potential impact from land contamination the following matters shall be addressed prior to any development being commenced:

i) A site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

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

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

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

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

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

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

10a. Prior to the construction of the development above damp proof course full details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development will meet Secure By Design specification.

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

NB. Please refer to “Note For Applicant” for further information.

Reason: To ensure the safety of future occupants.

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

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

Reason: To protect local amenity

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no side facing windows or doors other than those approved by the reserved matters permission, and no enlargements, additions or other alterations, as defined by Classes A to D of Part 1 of Schedule 2 of the Order, shall be constructed.

Reason: To ensure the Local Planning Authority has control over the development in the interests of retaining sufficient levels of amenity and parking provision for occupiers of houses hereby approved and in accordance with UDP Policy GP2, T7 and T13.

Notes to Applicant:

Contaminated Land

CL1- Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in National Planning Policy Framework; British Standard BS10175: 2011+A1:2013 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 “Code of practice for site investigations”; British Standard BS8485:2015 Code of Practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings, BS8576:2013 Guidance on investigations for ground gas; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2 - When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land Contamination", The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 "Updated technical background to the CLEA model" and Science Report – SC050021/SR2 "Human health toxicological assessment of contaminants in soil" or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3 - Validation reports will need to contain details of the "as installed" remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported "clean cover" materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654663.

Secure by Design

West Midlands Police has been consulted on the application and has made the following comments:

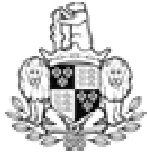
1. The developer should be aware of Secure By Design specifications which will significantly increase the security of the building (doors and windows). Information can be found at http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf
2. All external door and window sets should comply to PAS 24 standards.
3. All ground floor and accessible windows should contain a pane of laminated glass which complies to BS EN 356:2000 class P1A. This will improve the standard of security to the more vulnerable ground floor windows.
4. All external door sets should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock.
5. Most properties are attacked from the rear, therefore perimeter security needs to be effective in order to protect the most vulnerable area of any property. With this in mind perimeter and boundary fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping i.e. 1.8m fence plus 300mm anti climb trellis topping.

NB/ Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.

6. All gates should be 2.1m in height and be key lockable from both sides. They should be positioned as close to the front building line as possible.

Where garden access is at the rear of the property, the alleyway leading to the rear, between two properties needs to be protected by a 2.1m gate (Key lockable from both sides with a mortise type lock) eg. Between plots 3/4, 5/6, 7/8, 21/22, 23/24, 25/26 etc.

7. All properties should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 12.

Reason for bringing to committee: Called in by Councillor Murray for delicate judgement by Committee

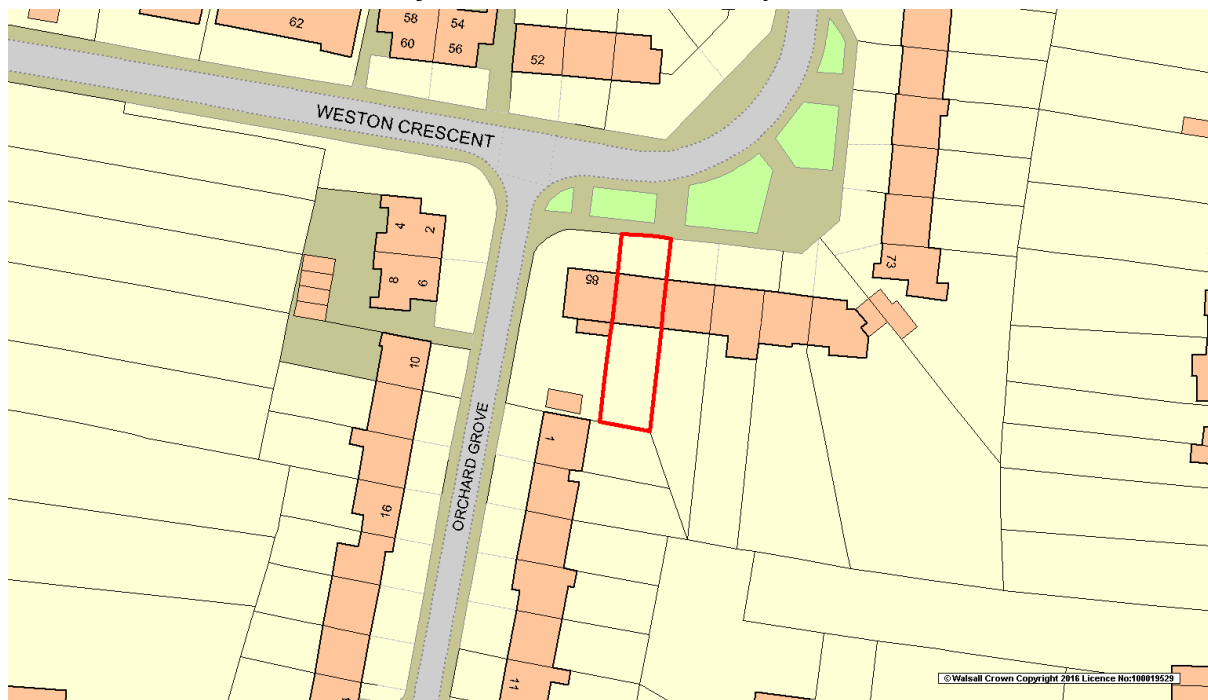
Location: 83 , WESTON CRESCENT, ALDRIDGE, WS9 0HA

Proposal: FIRST FLOOR SIDE, PART TWO, PART SINGLE STOREY REAR EXTENSION.

Application Number: 16/1324
Applicant: Powell
Agent: James Bridgwater
Application Type: Full Application

Case Officer: Jenny Townsend
Ward: Aldridge Central And South
Expired Date: 13-Nov-2016
Time Extension Expiry: 09-Jan-2017

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application is for a first floor extension to the side and a part two storey and part single storey extension to the rear of a semi detached house. The proposal would provide an enlarged kitchen and living room at ground floor and enlarge one of the existing bedrooms and bathroom and add an en-suite shower room and a new rear bedroom at first floor level. One of the existing bedrooms is to be used as a study.

The application site is in a residential area of mainly semi detached houses, some of which have added first floor extensions to the side and have subsequently reduced the gap between the houses. There is only one occurrence in the Weston Crescent (which has approximately 27 pairs of houses) where the gap has been completely closed but the existing extensions, difference in design between the houses and the few detached houses in the Crescent mean that there is no regular pattern to the gaps between the dwellings.

The application house is half of one of 3 pairs of houses numbers 75 to 85 which are set back from the bend in the road beyond a wide grass verge. Numbers 81 and 77 have added first floor side extensions that are flush at the front with the original house, built up to the boundary and have low false pitched gable roofs to the front with a flat roof behind. The original roofs of both of these houses are hipped.

The original plans proposed the side extension to be built to the boundary with number 81 Weston Crescent, the house on the left which has already added a first floor side extension up to the boundary. The rear extension was originally to be single storey only. However following discussions with officers, amended plans have been received which set the side of the first floor extension in 0.9 metres from the boundary and continue the two storey part of the extension for 3 metres beyond the existing rear wall of the house. The two storey part of the rear extension would be 4.2 metres wide with the remaining 3.3 metres up to the boundary with number 85, the other half of the pair, single storey.

The proposed first floor extension would be flush with the existing front two storey part of the house, set in 0.9 metres from the boundary with number 81 and have a hipped roof which would be 0.9 metres lower at the ridge than the original roof.

A lower hipped roof is proposed over the rear two storey part of the extension and a sloping roof with two high level roof lights is proposed over the single storey section adjacent to the boundary with number 85.

The amended plans show a rear facing window to the new bedroom rather than full length double doors with a screen across that were originally proposed.

First floor windows to the bathroom and en-suite are proposed in the side elevation facing the blank flank wall of number 81 but the side elevations of the rest of the extensions are to be blank.

Number 85 is to the west and in line at the front with the application house. At the rear 85 has a 2 metre deep single storey extension adjacent the boundary with a bedroom window at first floor level.

Number 81 is to the east and in line at the front with the application house and at first floor level on the rear. At ground floor number 81 has a 3 metre deep single storey extension across the full width of the plot which has a sloping roof with roof lights inserted.

The rear garden boundary of the site backs onto the side of the garden of number 1 Orchard Grove which has a 2 metre high fence with planting beyond to the boundary. There is a shed belonging to the application house which lies adjacent the rear boundary and across approximately half of the width of the garden.

The whole of the front of the site is paved and the garage has been converted to a habitable room.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

- **NPPF 7 - Requiring good design**

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document Designing Walsall

- Appendix D

It is considered in this case that the relevant provisions of the BCCS, Walsall's saved UDP policies and Designing Walsall SPD are consistent with the NPPF.

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

Relevant Planning History

None.

Consultation Replies

Transportation – No objections.

Representations

One letter from a neighbour objecting to the original plans on the grounds that:

Visual appearance and impact on the character of the neighbourhood;
The extensions do not interact visually nor are they sympathetic to the visual design and styling of the surrounding existing properties;
The extension already added to the adjacent house in the 1980's surely prohibits similar development at number 83;
Concerns about how rear extension will work in conjunction with their rear extension;
Noise/intrusion/loss of privacy arising from proximity of rear extension;
Can already hear them in their garage conversion but this is acceptable as this is not next to a living area at their house.

In relation to the amended plans which include a two storey element to the rear, the same neighbours object on the grounds that:

Due to the height and proximity to the boundary, the extension will overshadow the velux roof lights in their kitchen roof causing a loss of light to their kitchen;
The rear of the extension will be in line with their patio and the first floor double doors on the rear will only be 0.9 metres from the boundary and overlooking their patio area causing a loss of privacy;
Loss of sunlight due to orientation of extension to the west of their house;
Overdevelopment of the site
Remaining garden area will not meet requirements due to existing large structure in the rear garden;
Potential of standing water alongside the rear extension as flooding of the neighbour's patio is regularly experienced near to the boundary with number 83;
Density of the facade and whether the set in to the side of the extension is enough or should there also be a 1.0 metre set back to the front of the extension to avoid terracing;
Security issues as the 0.9 m gap would allow access over the garage into the rear gardens;
Ground conditions and how deep the foundations will need to be to support a two storey extension.

They point out that the description of the development on the plans is incorrect and that their single storey rear extension has not been shown on any of the submitted drawings. Both of these things could be misleading.

Determining Issues

- Design and Character of Area
- Amenity of Nearby Residents

- Parking

Observations

Design and Character of Area

The amended design of the extension with a hipped roof and matching eaves is compatible with the existing house. The lower ridge keeps the extension subservient to the existing house.

The set in to the side of the extension would comply with policy to prevent creation of terracing. The guidelines list retaining a minimum 0.9m gap to the boundary, set back to first floor extensions by a minimum of 1m and the use of hipped roofs where in keeping with existing character. The proposal has achieved two of these requirements. Despite the lack of any first floor set back there are examples of existing first floor extensions added at nearby houses that have no set back. In the circumstances the front of the extension which would be in line with the front of the existing house is considered in keeping with the existing character of the area.

Amenity of Nearby Residents

The extension would not project in front of number 81 and the two windows proposed in the side elevation would both serve bathrooms and would face the blank side wall of number 81.

The rear part of the extension would be in line with the rear of the ground floor part of number 81. Whilst the first floor part of 81 is set back from the proposed extension, the nearest first floor window on the rear of 81 is an obscurely glazed bathroom. As this is not a habitable room it can be discounted from consideration of 45 degree ruling which seeks to protect privacy, outlook and daylight to habitable rooms.

It is acknowledged that the proposed extension would be to the west of number 81 and this orientation would result in some shading to the roof lights in the sloping roof of the ground floor part of number 81 (kitchen), but the main light source in the ground floor rooms of 81 would be the larger windows and doors on the rear elevation that are considered would be relatively unaffected by the proposed extension as they would be in line with the rear of the extension.

The windows proposed on the rear of the extension would both serve habitable rooms. The new ground floor window would be mostly screened by the existing tall boundary fence and similar to the existing habitable room window belonging to number 81 which is close to the boundary between the houses. The new first floor bedroom window would be closer to the boundary than the existing bedroom windows but this is not an unusual situation with semi detached houses where the bedrooms windows are close to the boundaries between the houses. In this instance, the modest set in from the boundary, and the change to a window rather than double doors with a screen across (as originally proposed) is considered on balance would not significantly harm the privacy of the occupiers of number 81 sufficient to warrant refusal of the application for this reason alone as the resulting mutual overlooking is considered usual in these situations.

The proposed extension would project approximately 1.0 metre beyond the rear window in the ground floor part of number 85 which would meet with guidelines for single storey extensions that would otherwise breach the 45 degree code.

The first floor part of the extension would be approximately 3.5 metres from the boundary which would comply with the 45 degree code measured from the mid-point of the rear bedroom window of number 85. This code is used to assess impact on light and outlook of neighbours.

The proposed extensions would not directly face towards the windows of any houses at the rear as the rear garden backs onto the side boundary of the rear garden of number 1 Orchard Grove. The angle between the rear windows of number 1 and the extension would be acute which is considered would prevent overlooking between them.

With regards to the neighbours comments that have not been covered in the above assessment, work on or close to the boundary is covered by separate legislation(The Party Wall Act); insulation of the extension is covered by Building Regulations; more than 50% of the total garden area of the dwelling will remain so the proposal would not be considered an over development of the site; water dispersal and foundation depth would be covered by Building Regulations; the amended plans show the correct description and shows the rear extension at number 81 Weston Crescent.

Parking

The plans show three bedrooms and a study at first floor (although the amended plans do show a room notated as 'bedroom 4') so the number of bedrooms would not be increased as a result of the proposal. The garage has already been converted and lost as a parking space but the whole of the frontage is paved and the block plan shows this would be large enough to provide 3 parking spaces which would accord with UDP policy for a house with 4 or more bedrooms.

Positive and Proactive working with the applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding design and terracing, amended plans setting the first floor part of the extension in from the side boundary with number 81 Weston Crescent and an improved roof design have been submitted which enables full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

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

Location and block plan drawing number 1 of 6 deposited 30 November 2016;
Existing elevations drawing number 2 of 6 deposited 30 November 2016;
Proposed elevations drawing number 3 of 6 deposited 30 November 2016;
Existing floor layout plans drawing number 4 of 6 deposited 30 November 2016;
Proposed floor layout plans drawing number 5 of 6 deposited 30 November 2016;
Section and roof plan drawing number 6 of 6 deposited 30 November 2016.

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

3: The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the [date of this permission](#), and shall be retained as such after completion of the extension.

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

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 13.

Reason for bringing to committee: Significant Community Interest

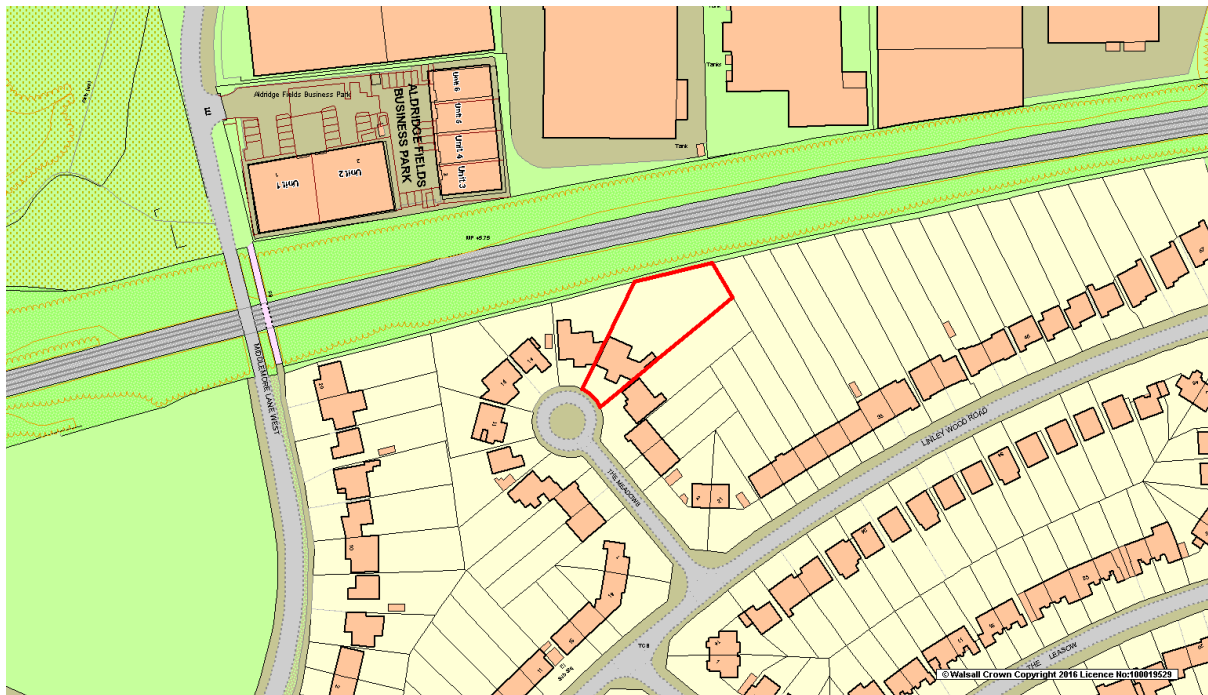
Location: 10 , THE MEADOWS, ALDRIDGE, WS9 0LB

Proposal: SINGLE STOREY ANNEX FOR LIVING ACCOMMODATION AT REAR OF 10 THE MEADOWS.

Application Number: 16/0837
Applicant: Wayne Bottomer
Agent:
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Aldridge Central And South
Expired Date: 16-Oct-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application proposes a single storey building to provide separate living accommodation to be used by a relative in the rear garden of a detached bungalow. The building would be single storey with a hipped roof and have open plan living room/ kitchen, a bathroom and a single bedroom.

The application property is a traditional styled bungalow at the bottom of a cul-de-sac of similar styled properties.

The main habitable room windows would face the application property, rear boundary and boundary to the railway line, the bathroom window and secondary living room access door would face the shared boundary to the nearest property number 8. The key measurements of the proposal are:

9 metres wide

12 metres deep

2.4 metres high to the eaves

4.4 metres high to the roof ridge.

Number 8 is the nearest neighbour to the proposal. Because the properties here follow the curve of the cul-de-sac head the application bungalow sits further back than number 8 and the rears of both properties face away from one another. The proposal would be 2.5 metres from the shared boundary to number 8 which is defined by a 1.8 metre high fence. The proposal would be over 24 metres away from number 8.

Number 12 is the other neighbouring property and also faces away from the boundary to the application site. The proposal would be 15 metres from the shared boundary with number 12 defined by a 1.8 metre high fence and over 25 metres from the rear of this house.

A path is proposed around the building and leading up to the rear of number 10.

Relevant Planning History

14/1863/FL - Erection of 2no detached bungalows including associated works. Refused 16/02/16 and dismissed on appeal 04/08/15.

The appeal was dismissed because the tandem development proposed would be out of character, the amount of new built form and hard surfacing for parking would be out of character, would be visually disruptive from other gardens and the comings and goings to the properties at the side of number 8 would harm the living conditions of neighbouring houses.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.

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

Key provisions of the NPPF relevant in this case:

4: Promoting sustainable transport

32. Decisions should take account of whether:

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

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

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

6. Delivering a wide choice of high quality homes

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

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

7: Requiring Good Design

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

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

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

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

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

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

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

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

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts

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

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

The relevant key policies are:

CSP1: The Growth Network
CSP3: Environmental Infrastructure
CSP4: Place Making
CSP5: Transport Strategy
HOU1: Delivering Sustainable Housing Growth
HOU2: Housing Density, Type and Accessibility
HOU3: Delivering Affordable Housing
TRAN1: Priorities for the Development of the Transport Network
TRAN2: Managing Transport Impacts of New Development
TRAN4: Creating Coherent Networks for Cycling and for Walking
TRAN5: Influencing the Demand for Travel and Travel Choices
ENV3: Design Quality

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

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

GP2: Environmental Protection
3.6 and 3.7: Environmental Improvement
ENV10: Pollution
ENV11: Light Pollution
ENV14: Development of Derelict and Previously-Developed Sites
ENV32: Design and Development Proposals
ENV33: Landscape Design
ENV40: Conservation, Protection and Use of Water Resources
H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
H4: Affordable Housing

T1: Helping People to Get Around
T7: Car Parking
T8: Walking
T9: Cycling
T10: Accessibility Standards - General
T11: Access for Pedestrians, Cyclists and Wheelchair Users
T12: Access by Public Transport
T13: Parking Provision for Cars, Cycles and Taxis

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

The following are the relevant policies;

DW1-Sustainability

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

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

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

Consultations

Legal Services – There has to be sound reasons why the creation of an additional dwelling would be unacceptable and in such circumstances it may be appropriate to impose a planning condition to the effect that the extension permitted shall be used solely as accommodation ancillary to the main dwelling house.

Transportation – No objections subject to conditions ensuring that the development is only ancillary to the house to ensure satisfactory parking provision is maintained.

Trees – No objections

Pollution Control – Conditions recommended for noise and vibration mitigation.

Severn Trent – No comment received

Canal & Rivers Trust – No comments to make

Public Participation Responses

5 objections have been received on the following grounds:
Does not overcome inspectors decision on 14/1863/FL & Appeal 3011302
The proposal is self-contained and not ancillary contrary to permitted development
The bungalow has already been extended
No justification has been provided as to who will use the annexe.
NPPF resists inappropriate development of rear gardens/ backland development.
The applicant does not live at the house.
Insufficient information
Will be visible from other houses
No access to the road making it difficult for emergency services.
No parking
What is the need for the application, why is there not an extension to the house.
Would require larger vehicles to drive on the grassed roundabout.
Workers undertaking the development will block the road cause heavy traffic, make houses, cars, drives and gardens dirty, and cause noise during construction.
Already taken over 2 years.
The applicant has had bonfires on the site.
Will result in sewers being blocked.
Control orders are required for the work, the developer should pay to re-instate the highway/ roundabout.
Could set a precedence for other similar developments.
There has been a rear extension without planning permission.

Determining Issues

- Relevance of previous appeal decision at this site.
- Design and Character of the Area
- Neighbouring and Occupiers Amenity
- Drainage
- Access and parking

Observations

Relevance of previous appeal decision at this site.

The previous application which was subject to an appeal was a full planning application for two houses. This application is a householder planning application so the development can only be used in connection to the existing house. The scheme is considered to be different to the previous applications and is considered on its own merits.

Design and Character of the Area

The physical appearance of the proposal is similar to what could be achieved through permitted development rights for outbuildings. However the height at 4.4 metres is 400mm higher than allowed by permitted development and the inclusion of a kitchen and bathroom means the proposal is self contained which is contrary to permitted development.

Taking account the scale of development which permitted development rights for this house would allow (up to 50% of the garden could be developed) the proposal is not dissimilar to the scale of garden outbuilding which could be achieved here or at any neighbouring houses. On this basis the design is considered acceptable and would not harm the residential character of the area.

Neighbouring and Occupiers Amenity

As a separate property the proposal is unlikely to be acceptable, having no private amenity and a poor relationship to the host dwelling. However the application is to provide additional accommodation for a relative. Development Management have received advice from the Council's Legal Team on restricted conditions for ancillary development which they consider can be controlled and enforced, if breached. A condition to restrict the potential occupiers of the development would ensure that the plot could not be sub-divided without further assessment and submission of a planning application.

Objections have been received that the house could be extended to provide the additional space required by the applicant. It is not understood why this would be a better solution in relation to neighbouring properties as the proposed solution is set away from boundaries with its roof sloping away, which would minimise any potential loss of light or overbearing impact from neighbouring houses. It is considered that an alternative proposal to extend the original house could raise amenity issues as it would be closer to the neighbouring houses and could result in a contrived extension to overcome such concerns. In any case the application must be considered on its own merits and these suggested alternatives do not form part of the proposals.

The proposed windows are considered acceptable, non-habitable windows would face the boundary to number 8 which ensures there would be no overlooking and the main living room windows facing the host property would be acceptable on the basis that occupants would be living as a single unit. The relationship to the other shared boundaries and the proposed windows would be acceptable.

In relation to the rail line at the rear, Pollution Control has raised concerns about noise and vibration to the potential occupier. However officers consider that such issues can be mitigated for and conditions which require survey work to guide mitigation have been recommended and can be attached to planning permission if granted.

Drainage

Objections have been raised about the existing drains being unable to cope with the proposal. Severn Trent has not commented on the application and in these instances it is understood they have no objection. Notwithstanding this, the previous refused application at this site was for two houses and Severn Trent had no objections, it is considered that this proposal would have less impact on the existing infrastructure and the conditions previously recommended by Severn Trent can be attached to planning permission if granted.

Access and parking

The means of access will be via the main house and is unchanged.

Although objections have been received on the basis of insufficient parking and access issues, the scheme would only add an additional bedroom to the plot which is a single unit and would be controlled so that there can be no sub-division. On this basis Highways Officers have no objections subject to a condition to control occupation of the development.

The objections raised about construction traffic issues are either matters for the police or would represent temporary inconveniences in connection to the implementation of the permission if granted and is not itself a reason to refuse a planning application.

Other issues raised through consultation

Whether the applicant currently lives at the house or not is not a determining issue of this planning application.

The submitted information is considered sufficient to determine the application.

It is considered that the proposal is no more difficult to access for emergency services than the existing house or to any permitted development outbuildings in the rear gardens of houses.

The history of the applicant having bonfire at the site is not relevant to determining this planning application.

Any damage to the highway would be controlled by separate legislation and is outside the scope of this application.

Each application is considered on its own merits.

There has been a rear extension without planning permission. The extension is 4 metres deep so did not require planning permission and is considered permitted development.

Positive and Proactive Working with the Applicant:

Officers have contacted the applicant and in response to our concerns regarding the potential sub-division of the site. A condition to control this has been agreed which enables full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

2) The development shall be carried out in accordance with the following plans unless otherwise superseded by condition:

Amended Proposed plan and Location Plan (1902-01B) received 08/08/16

Reason: To define the permission.

3a) Prior to commencement drainage plans shall be submitted for the disposal of surface water and foul sewage and approved by the Local Planning Authority

3b) The approved details shall be fully implemented prior to occupation and retained thereafter.

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

4a) A noise assessment shall be undertaken as agreed in writing with the Local Planning Authority. A report detailing the findings and any recommendations for mitigation measures shall be forwarded to the Local Planning Authority.

4b) Any mitigation measures shall be agreed in writing with the Local Planning Authority prior to commencement of construction.

4c) Properties shall not be occupied until any agreed mitigation measures have been implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory amenity for occupants and to comply with UDP policy GP2 and ENV10.

5a) A vibration survey shall be undertaken to BS 6472-1:2008 – ‘Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting.’ A report detailing the findings and any recommendations for mitigation measures shall be forwarded to the Local Planning Authority.

5b) Any mitigation measures shall be agreed in writing with the Local Planning Authority prior to commencement of construction.

5c) Properties shall not be occupied until any agreed mitigation measures have been implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory amenity for occupants and to comply with UDP policy GP2 and ENV10.

6) The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling identified within the red line of the location plan (1902-01B) received 08/08/16.

Reason: To ensure satisfactory amenities for occupants and neighbours and to ensure there are satisfactory parking provision in accordance with UDP policies GP2, ENV32, T7 and T13, and to accord with Appendix D of Designing Walsall.

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

Reason: To protect the amenity of adjoining residential occupiers.

Notes for applicant:

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654663.

Pollution Control

Paragraph 123 National Planning Policy Framework:

Planning policies and decisions should aim to:

1. avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
2. mitigate and reduce to a minimum other adverse impacts on health and quality of life

- arising from noise from new development, including through the use of conditions;
3. recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
 4. identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Noise surveys may need to adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation point, and may also need to take account of changes in noise levels on account of height above ground floor level to account for noise exposure at sensitive receptor points. Additionally, a noise survey may have to take into consideration changes in noise climate between normal weekdays, and weekends, effects of holiday periods, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys may be required to corroborate a single noise survey.

Submitted noise measurement data should include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of performance verification checks, recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum. Sound level measuring instrumentation shall conform to either: 'Type 1' of either British Standard BS 5969: 1981 'Specification for sound level meters', and/or BS EN 60651: 1994 'Specification for sound level meters', and/or BS 6698: 1986 'Specification for integrating-averaging sound level meters', and/or BS EN 60804: 1994/2001 'Specification for integrating-averaging sound level meters' and/or 'Class 1' of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications' (or any superseding standards as applicable).

Instrumentation shall have been verified either in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' or BS EN 61672: 2003 'Electroacoustics - Sound Level Meters - Part 3: Periodic Tests' within a preceding 2 year period of measurements being conducted, or else verified with a multifunction acoustics calibrator that has been UKAS certified within a preceding 2 year period.

In regard to specifying suitable noise mitigation measures to protect internal and/or external residential areas, reference can be made to guidance and criteria contained in British Standard BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' and World Health Organisation Guidelines for Community Noise 2000. Assessment of certain industrial and commercial noise impacts can be undertaken having reference to British Standard BS 4142 'Method for Rating industrial noise affecting mixed residential and industrial areas'.

Noise Policy Statement England (NPSE)

The NPSE sets out the long term Government noise policy which includes a Noise Policy Vision to 'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development'. Noise Policy Aims are threefold. Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- i) avoid significant adverse impacts on health and quality of life;
- ii) mitigate and minimise adverse impacts on health and quality of life; and
- iii) where possible, contribute to the improvement of health and quality of life.

"Development Control – Planning for Air Quality (2010 update)" by Environmental Protection UK, which provides information on mitigation measures for air quality.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 14.

Reason for bringing to committee: Called in by Councillor Andrew

Location: 6, THREE CROWNS CLOSE, WALSALL, WS5 3AL

Proposal: SINGLE STOREY REAR EXTENSION.

Application Number: 16/1217

Applicant: Mr S Nar

Agent:

Application Type: Full Application

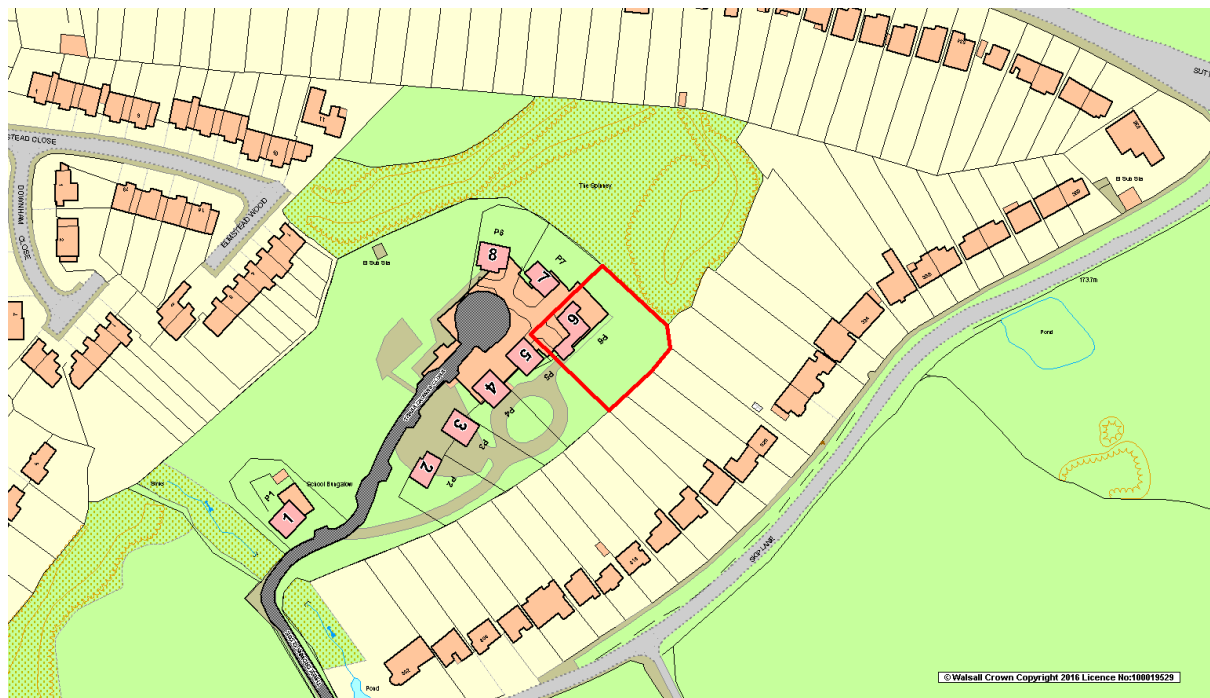
Case Officer: Helen Smith

Ward: Pheasey Park Farm

Expired Date: 24-Oct-2016

Time Extension Expiry: 25-Nov-2016

Recommendation Summary: Refuse



Reason for bringing to Committee

Councillor Andrew has called this application before planning committee because he supports this proposal and considers this planning application deserves public debate.

Application Details

The application house is on a small residential development consisting of 8 similar properties on the former Three Crowns Special School site which received planning consent in 2015 (14/1585/RM).

The houses in this development have been designed to have a part linear form with gaps between to maintain the openness of this green belt location and a curved built form at the head of the cul-de-sac.

This development is located within the Green Belt and is within the Great Barr Conservation Area. The Spinney, a Site of Local Important Nature Conservation (SLINC) is north east of the application site and shares a boundary with no. 6. .

The proposed single storey rear sun lounge extension would include;

- 8 metres deep
- 4 metres wide
- Rear north east facing window
- Easterly side facing folding doors/windows
- Easterly facing windows and doors would have a separation distance of 76 metres to the Skip Lane houses
- 3.5 metres high hipped roof
- There would be 8.5 metres separation from the rear wall of the extension to The Spinney boundary
- 1 metre from the rear garden boundary with 7 Three Crowns Close

The neighbouring properties include;

7 Three Crowns Close

This house sits to the north of the application house with its rear elevation in line with the rear of the application house. No. 7 has an original single storey side extension next to the application house and a ground floor habitable room window in the two storey rear elevation near to no. 6.

5 Three Crowns Close

This neighbouring house sits to the south-west of the application house and the proposed development would be located on the opposite side of the existing house to no. 6

Skip Lane

Rear habitable room windows of Skip Lane houses would face the proposed extension across a separation distance of 76 metres.

The applicant has provided a planning statement in support of this application.

Relevant Policies

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

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

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 7: Requiring good design***
- ***NPPF 9: Protecting Green Belt Land***
- ***NPPF 11: Conserving and enhancing the natural environment***
- ***NPPF 12: Conserving and Enhancing the Historic Environment***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV2: Control of Development in the Green Belt
- ENV23: Nature Conservation and New Development
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- T7 - Car Parking

- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

- Development with the potential to affect species, habitats or earth heritage features
 - NE1
 - NE2
 - NE3

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 Conserving Walsall's Natural Environment and Designing Walsall SPDs are consistent with the NPPF.

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

Relevant Planning History

None for the application house or neighbouring houses.

Permitted development allowances were removed for this development on planning decision reference numbers 13/0978/OL and 14/1585/RM to ensure that the character of the area is maintained and specific guidelines on the size of dwellings would also ensure that the ethos of the Design and Access Statement, Masterplan and the outline planning permission were maintained by this development (13/0978/OL).

Consultation Replies

Conservation Officer – no objections

Representations

None

Determining Issues

- Design of Extension, Green Belt and Character Conservation Area
- Amenity of Nearby Residents
- SLINC

Observations

Design of Extension, Green Belt and Character Conservation Area

The excessive length of the proposed extension at 8 metres is considered would create a disproportionate addition which steps outside of the intended curved rear building line of house numbers 6, 7 and 8 Three Crowns Close. It is considered that the scale and mass of this proposal would harm the character of the area and have a detrimental impact upon the openness of the Green Belt. The applicant has been asked to reduce the length of this proposal but has declined.

The original housing development was considered in 2013 to have met one of the exceptions to permit development in the Green Belt. In this instance the complete redevelopment of previously developed sites whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt, utilising all of the original floor space of the previous buildings.

Permitted Development rights were removed from this residential development when permission was originally granted to ensure that the character of the area is maintained and specific guidelines on the size of dwellings would also ensure that the ethos of the Design and Access Statement, Masterplan and the outline planning permission were maintained by this development (13/0978/OL).

Notwithstanding the Local Planning Authority's concerns regarding the extensions scale and mass that would be unacceptable and disproportionate in this instance. The design of the extension is considered would reflect the house design subject to the extension being smaller. The applicant has declined to make the requested amendment to the scheme to reduce the length of the proposed extension.

The Council's Conservation Officer has no objections to the proposal subject to the use of materials which match the existing dwelling house, which if all other matters are acceptable, this can be conditioned.

The planning statement comments that the applicant's family has grown since acquiring the property, 6 months prior to applying for the extension, and additional ground floor living space is required to facilitate their extended family. It considered likely that the family's needs were known at the time of purchase. Whilst the planning agents comments are noted personal circumstances will seldom outweigh the planning considerations, impact on the green belt, conservation area and potential impacts on the adjacent SLINC, as the extension would remain long after the current personal circumstances cease to be material.

The statement comments that the original reasons for removing permitted development allowances does not relate to Green Belt and that had this condition not been applied then the option for a larger extension of up to 8 metres would exist.

Permitted Development allowances were removed to ensure that the character of the area is maintained which in essence is reflected in the openness of the Green Belt and as such can also be taken into consideration. The applicant's representative's comments are noted and it is considered that the Green Belt location of this site formed part of the reasons for the removal of Permitted Development.

The Council has asked for reasonable amendments to the proposal to take into account the sensitive nature of this location and this request has been declined.

Walsall Council's policies and guidance do not provide specific percentages of development size when assessing proposals as it is considered that each development should be considered upon its individual merits.

The statement includes a copy of a planning appeal decision for a site in Surrey which is considered to not be relevant to this specific site in Walsall as this location has not been viewed by officers and are therefore unable to comment upon the individual merits of this particular case.

Amenity of Nearby Residents

Whilst no. 7 Three Crowns Close sits to the north of the application house. It is considered that as this proposal would be single storey and the nearest ground floor habitable room window in no. 7 would be separated by a distance of 6.5 metres from the proposed extension there would be a limited additional impact on neighbours' existing light and amenity.

The proposal would meet the Council's Designing Walsall SPD 45 degree guidance, at Appendix D, relating to neighbours' light and amenity. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

The development would be located on the opposite side of the application house to no. 5 Three Crowns Close. In this instance the proposal would not be visible from within no. 5 and would have little impact on the occupiers of no. 5's existing light and amenity.

The 76 metres habitable room window to window separation distance between the extension and the Skip Lane houses is considered would not harm residents' privacy and would exceed the recommended minimum separation distance of 24 metres, as referred to in Appendix D.

SLINC

The Spinney which is a SLINC site within the green belt is directly to the rear of the garden of the application house. A reduction in the length of the proposed extension is considered would lessen the impacts of this development on The Spinney moving the extension further away.

Conclusion

Weighing the planning balance of the applicants personal needs against the green belt location, the Great Barr Conservation Area, potential impact on The Spinney SLINC, it is considered that in this instance, the scale and mass of the extension is unacceptable and disproportionate in this sensitive location. The applicant has not demonstrated any special circumstances to outweigh the harm of this proposal to the Green Belt and the Council is unable to support the planning application in its current form as it fails to outweigh the harm of this proposal to the Green Belt

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant and requested changes to the proposal to reduce the length of this development. The applicant has proposed a reduction of the length from 8 metres to 6 metres but this is considered to be insufficient for this green belt location. The applicant has declined any further reduction in the size of the extension and in this instance the Council is unable to support the proposal due to the constraints of the site.

Recommendation: Refuse

1. The applicant has not demonstrated any special circumstances to outweigh the harm this proposal would have to the Green Belt because of its excessive length at 8 metres, creating a disproportionate addition to this house in this sensitive location. It is considered that the scale and mass of this proposal would harm the character of this location and would have an unacceptable and detrimental impact upon the openness of the Green Belt. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no. 89; the Black Country Core Strategy policies ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV2 and ENV32.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 05-Jan-2017

Plans List Item Number: 15.

Reason for bringing to committee: Significant Community Interest

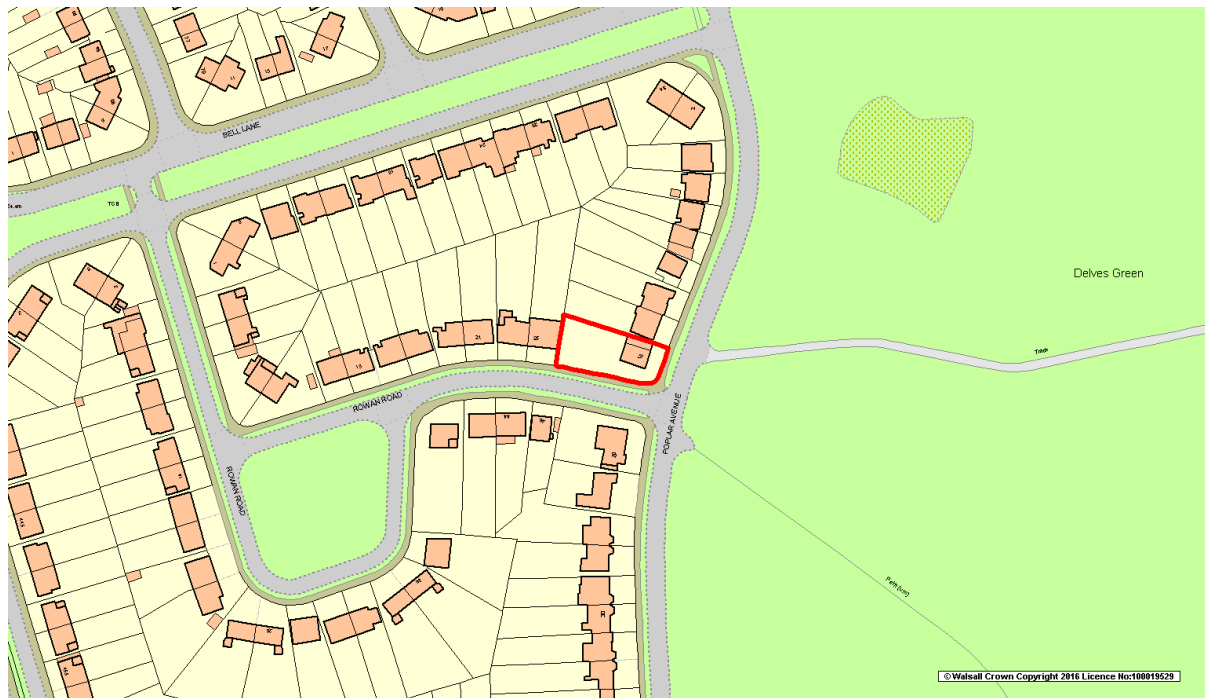
Location: 18, POPLAR AVENUE, WALSALL, WEST MIDLANDS, WS5 4EU

Proposal: PROPOSED DETACHED GARAGE/WORKSHOP WITH VEHICLE ACCESS FROM ROWAN ROAD AND NEW BOUNDARY FENCING FRONTING ROWAN ROAD

Application Number: 16/1532
Applicant: GURNEK SINGH MOORE
Agent:
Application Type: Full Application

Case Officer: Helen Smith
Ward: Palfrey
Expired Date: 25-Dec-2016
Time Extension Expiry: 10-Jan-2017

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application house is a detached property which occupies a corner position at the junction with Rowan Road.

This area has a residential character consisting of a mix of detached and semi-detached properties a number of which have previously been extended.

This proposal is to build a detached garage/store/workshop at the end of the rear garden of no. 18 with a new vehicle access created from Rowan Road. The application house has an existing garage fronting Poplar Avenue and the applicant has confirmed they are in the process of building a single storey rear extension using their permitted development allowances.

The proposed garage/store/workshop would;

- Have a footprint of 38.7 sq. Metres
- 8.6 metres long by 4.5 metres wide
- Gable roof design
- Roof height of 3.4 metres)
- Set back 5.9 metres from the highway
- Set in 0.5 metres from the rear garden boundary with 25 Rowan Road
- Extend 0.7 metres forward of the front elevation of no. 25
- Set 1.8 metres away from the side garden boundary with 16 Poplar Avenue
- Include two side facing pedestrian access doors
- Include a rear window facing the boundary with 16 Poplar Avenue
- Be of red brick construction with grey tiled roof
- Set back 0.3 metres from the front of 25 Rowan Road
- Include permeable paving on the new front access drive
- Set down 0.45 metres lower than the rear garden level of no. 18

The existing garden boundary of the application house fronting Rowan Road consists of a rendered low wall with a tall privet hedge. The proposal includes the replacement of the hedge with timber 1.8 metres high close boarded fencing to sit above the existing 0.4 metres high low wall.

The existing low wall would be rebuilt along the side of the garage to include a pedestrian visibility splay with 1.8 metres high timber fencing above.

The neighbouring houses include;

16 Poplar Avenue

This house sits to the north of the application house and has a single storey rear extension which has rear facing habitable room windows. There is planting along the shared garden boundary between no's 16 and 18 with 1.8 metres high fencing at far end separating these gardens.

20 Poplar Avenue

No. 20 fronts Poplar Avenue and sits on the opposite corner to the application house at the junction with Rowan Road. This house has a low boundary wall and 1.8 metres high timber fencing fronting Rowan Road along with a dropped kerb access from Rowan Road with and double timber gates.

25 Rowan Road

This house is located to the west and has been built along the rear garden boundary of the application house. This house has a single storey rear extension and a side facing non-habitable bathroom window at ground floor facing the rear elevation of the application house. This neighbouring house has a garage next to the boundary with a bedroom above next to the boundary with no. 18.

44 & 46 Rowan Road

These two houses are located on the south side of Rowan Road opposite no. 25 Rowan Road and the side boundary of the application house. Both houses have dropped kerb accesses to frontage parking.

Rowan Road is not a classified road and is a standard 5.5 metres width for a residential street.

Relevant Policies

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf
National Planning Policy Framework (NPPF) www.gov.uk

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

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

Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- 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 SPD are consistent with the NPPF.

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

Relevant Planning History

None

Consultation Replies

Transportation – No objections subject to the inclusion of planning conditions in respect of the drive surfacing and proposed footway crossing.

Representations

Objections have been received from residents at three properties to the initial and the amended proposal on the following grounds;

- Problems parking
- Rowan Road is narrower than normal streets
- Increased parking for no. 18 Poplar Avenue would only cause disruption to Rowan Road
- Parking is safer on Poplar Avenue than Rowan Road
- Will cause safety issues and congestion on Rowan Road
- What if no. 20 Poplar Avenue wants to do the same?
- Property value will decrease (*not a material planning consideration in this instance*)
- Serious doubts about the use of the workshop
- Noise and misuse of the development will cause distress especially as there is a bedroom next to the proposal
- Back door access to no. 25 which has not been marked or divided yet (*the proposal has been drawn to be within the boundaries of the application property*)
- Why increase the parking pressure on Rowan Road?
- No. 18 already has a garage and if they want another they can build it next to their own house (*planning application are assessed on the merits of the application before the Council*)
- Planned exit from the garage is opposite the drive of no. 46 Rowan Road and is possibly dangerous

- Plans do not show a large extension that has been built at the rear of their house (*additions built using permitted development are not required to be shown on the submitted drawings unless they form part of the planning proposal being considered*)
- Mutual agreement between neighbours that no one will park in front of each others' drives (*this is an informal agreement between neighbours and not material to the consideration of the planning application and does not override the highway legislation*)
- Changing the height and fences will not make any difference as the narrow road and parking pressure and highway safety are the main concerns
- Boundary dispute as the garage would be 0.4 metres from the wall of 25 Rowan Road but the gate to their back door access is 1 metre wide
- Would restrict parking for those living on Rowan Road

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Parking
- Conclusion

Observations

Design of Extension and Character of Area

The design of the proposed red brick constructed detached garage/store/workshop with a pitched roof is considered would reflect the design of the application house and neighbouring properties.

This new addition would be set back behind the front building line of the Rowan Road properties. It is considered the garage would integrate into the mixed character street scene and would not harm the character of the area.

Replacing the existing privet hedging with a 2.25 metres high brick plinth and close boarded fencing is considered would reflect the existing boundary treatment on the opposite side of the road serving no. 20 Rowan Road. It is considered that this addition would integrate into the existing street scene. A condition can be included requiring the fence to be painted in green colour wood stain.

Amenity of Nearby Residents

The proposed garage/store/workshop would be located to the east of 25 Rowan Road and would be set back 0.3 metres from the front elevation of the neighbour's existing garage. This proposal would not extend beyond the existing rear single storey extension at no. 25. It is considered that the position of this proposal would have a limited impact on neighbours' existing light and amenity.

The small side facing window in no. 25 serves a bathroom which is considered to be a non-habitable room. Non habitable rooms are not afforded protection by current planning policy and guidance.

The proposal would meet the Council's Designing Walsall SPD, Appendix D 45 degree guidance, in relation to no. 25 Rowan Road front and rear facing habitable room windows. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

Designing Walsall SPD Annex D states; *13m separation between habitable windows and blank walls exceeding 3m in height*. In this instance there would be a separation distance of 13.8 metres between the proposed garage which is 3.4 metres tall to the ridge and rear facing habitable room windows in no. 16 Poplar Avenue. It is considered that this separation distance would not impact on neighbours' existing light and amenity.

The proposed garage would face across Rowan Road towards the rear garden of 20 Poplar Avenue and no's 44 and 46 Rowan Road. Designing Walsall SPD Annex D states; *24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front*. There would be separation distances of 24 and 23 metres between the front of the garage (a non-habitable structure) and the front habitable room windows in no's 44 and 46 Rowan Road respectively. Consequently it is considered this proposal would have a limited additional impact on neighbours' existing light and amenity.

The neighbour's concerns regarding potential misuse of the garage/workshop/store causing nuisance and disturbance to residents is noted. There is no evidence to suggest that this development would be misused or cause noise and disturbance. A planning condition can be included to ensure that the garage use remains ancillary to 18 Poplar Avenue.

The proposed rear facing garage window would serve a non habitable room in a detached outbuilding. It is considered unnecessary, unreasonable and would not meet the Government's guidance for the imposition of planning conditions, to require this to be obscurely glazed particularly as there is planting along the boundary between no's 16 and 18 Poplar Avenue.

The applicant has confirmed that no. 25 Rowan Road does not have any pedestrian access to the side of their house on the applicants land at 18 Poplar Avenue. Boundary disputes are a private civil matter rather than a material planning consideration.

Parking

Highways officers have commented that the new access point would provide adequate pedestrian visibility in an easterly direction which will also improve visibility at the neighbouring driveway at no. 25 Rowan Road, on the western side. Rowan Road is not a classified road and is a standard 5.5 metres width for a residential street and is considered to be no narrower than normal streets.

Rule 201 of the Highway Code states that *"when using a driveway, reverse in and drive out if you can"*. It is considered that the new access should not present any particular road safety issues or cause any congestion. The proposed garage and drive would provide additional off-street parking. There are numerous breaks in the access points along Rowan Road to continue to provide visitor parking on street if necessary.

The Highways Authority considers the development will not have any severe transportation implications and is acceptable in accordance with the NPPF in this respect.

Overall, notwithstanding the neighbours' comments, the proposal is considered accords with the aims and objectives of relevant Council policy and guidance.

Conclusion

Neighbour concerns regarding parking and access have been considered by the Highway Authority and are deemed on balance would not have any severe impacts on highway safety. The proposed garage and drive would provide additional off-street parking and there are numerous breaks in the access points along Rowan Road to continue to provide visitor parking on street if necessary. Neighbours amenity regarding the use of the

garage/store/workshop can be safeguarded by the inclusion of a planning condition and boundary issues are a private civil matter between residents.

Weighing the planning balance of the proposal it is considered that the additional impacts of this proposal on neighbours' existing amenity would be limited.

Positive and Proactive Working with the Applicant

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

Recommendation: Grant permission subject to conditions

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

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

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

- Amended Site, Location Plan, Existing and Proposed Plans Elevations, drawing no. L(2-)03, deposited 23/11/16

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

3: Notwithstanding the information provided the walls and roof of the garage/workshop/store shall comprise facing materials that match in colour, texture and size those which are used in the existing house as it existed at the time of this planning application decision, and shall be retained as such thereafter.

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

4. a) Prior to the garage first coming into use, the parking/vehicle hard standing area shall be fully consolidated, hard surfaced and drained so that surface water run-off from this area does not discharge onto the highway or into any highway drain, full details of which shall be submitted to and approved in writing in advance by the Local Planning Authority.

b) This agreed details of the parking/vehicle hard standing area shall be fully implemented and thereafter be retained and used for no other purpose.

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

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

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

6: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no additional side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

7: The garage/workshop/store hereby permitted shall be used for purposes ancillary to the residential use of the dwelling known as 18 Poplar Avenue only and shall not include any kitchen or cooking facilities at any time and shall not be used as an independent living unit or utilised for business or community purposes at any time.

Reason: To safeguard the amenities of the occupiers of the dwelling known as 18 Poplar Avenue and occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.